2003-2004

HOUSE LOCAL GOVERNMENT II

COMMITTEE MINUTES

NORTH CAROLINA GENERAL ASSEMBLY

HOUSE LOCAL GOVERNMENT II 2003 – 2004 SESSION



REP. ADAMS Chair



REP. L. ALLEN Vice chair



REP. CAPPS Vice chair



REP. DECKER



REP. FARMER-BUTTERFIELD



REP. FRYE



REP. HARRELL



REP. JONES



REP. JUSTICE



REP. MITCHELL



REP. PATE



REP. WALKER



REP. BRUBAKER Ex-officio



REP. CULPEPPER Ex-officio



REP. CUNNINGHAM Ex-officio

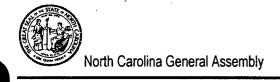


REP. EDDINS Ex-officio

MEMBERSHIP OF

House Committee on LOCAL GOVERNMENT II

	A SOLUTANTE		· · · · · · · · · · · · · · · · · · ·	OE AT
MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Adams, Alma - Chair	Rhonda Towns/Jackie Hamby	3-5902	542 LOB	67
	Committee Assistants	2.5060	1207 I D	00
Allen, Lucy - Vice Chair	Melissa Riddle	3-5860	1307 LB	92
Capps, Russell - Vice Chair	Nancy Fox	3-5903	501 LB	86
Decker, Michael	Linda Hines	5-0850	2301 LB	12
Farmer-Butterfield, Jean		3-5898	614 LOB	105
Frye, Phillip	Mary Hayes	3-5661	1010 LB	62
Harrell, Jim	Ted Braun	5-1883	403 LOB	72
Jones, Earl	Mia Bailey	3-5825	536 LOB	93
Justice, Carolyn H.	Linda McCrodden	5-9664	418b LOB	15
Mitchell, Frank	Susan West	3-5609	1409 LB	100
Pate, Louis	Edna Pearce	3-5755	607 LOB	63
Walker, Tracy	Barbara Powell	3-5935	1111 LB	39
Legislative Staff:			545 7 00	
Judy Collier Research Div.		3-2578	545 LOB	
Kory Goldsmith Research Div		3-2578	545 LOB	
Giles Perry Research Div.		3-2578	545 LOB	
Ex officio				
Brubaker, Bru	Cindy Coley			2
Culpepper, Bill	Dot Crocker			36
Cunningham, Pete	Valerie Rustin			7
Eddins, Rick	Dorie Monroe			26



HOUSE PRINCIPAL CLERK'S OFFICE

(919) 733-7760

FAX (919) 715-2881

COMMITTEE ASSIGNMENTS BY MEMBER 2003 HOUSE OF REPRESENTATIVES

Adams, Alma S.

Aging; Appropriations; Appropriations Subcommittee on General Government; Health; Local Government II, Chair; State Government, Vice Chair.

Alexander, Martha B.

Children, Youth and Families; Election Law and Campaign Finance Reform; Finance, Vice Chair; Judiciary I; Legislative Redistricting, Chair.

Allen, Bernard

Appropriations; Appropriations Subcommittee on General Government; Education; Education Subcommittee on Community Colleges; Health; Pensions and Retirement; State Government, Vice Chair.

Allen, Gordon P.

Education; Education Subcommittee on Community Colleges; Finance, Chair; Health; Public Utilities, Vice Chair; Transportation.

Allen, Lucy T.

Appropriations; Appropriations Subcommittee on Transportation; Environment and Natural Resources; Insurance; Local Government II, Vice Chair; Transportation.

Allred, Cary Dale

Appropriations; Appropriations Subcommittee on Health and Human Services; Financial Institutions; Health; Transportation, Chair.

Baker, Rex L.

Agriculture; Alcoholic Beverage Control; Appropriations, Chair; Occupational Safety and Health; State Government.

Barbee, Bobby H., Sr.

Appropriations; Appropriations Subcommittee on Transportation; Insurance; Local Government I; Pensions and Retirement; Wildlife Resources, Chair.

Barnhart, Jeffrey L.

Appropriations; Appropriations Subcommittee on Health and Human Services, Chair; Children, Youth and Families; Education; Education Subcommittee on Universities; Health; Judiciary III.

Bell, Larry M.

Agriculture; Appropriations; Appropriations Subcommittee on Education; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education, Vice Chair; Ethics; Pensions and Retirement, Chair.

Blackwood, J. Curtis, Jr.

Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources; Finance; Occupational Safety and Health, Vice Chair; Ways and Means.

Blust, John M.

Appropriations; Appropriations Subcommittee on Health and Human Services; Economic Growth and Community Development; Election Law and Campaign Finance Reform; Judiciary III; Wildlife Resources.

Bonner, Donald A.

Agriculture; Appropriations; Appropriations Subcommittee on Education; Education, Chair; Election Law and Campaign Finance Reform; Judiciary II.

Bordsen, Alice L.

Aging; Education; Education Subcommittee on Community Colleges, Vice Chair; Finance; Judiciary II; Public Utilities.

Bowie, Joanne W.

Appropriations; Appropriations Subcommittee on Health and Human Services; Education; Education Subcommittee on Universities, Chair; Health; Judiciary IV; State Government.

Brubaker, Harold J.

Ethics; Legislative Redistricting; Public Utilities, Chair; Rules, Calendar, and Operations of the House.

Capps, J. Russell

Environment and Natural Resources; Finance; Judiciary I; Local Government II, Vice Chair; State Government.

Carney, Becky

Children, Youth and Families; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources; Finance; Local Government I, Vice Chair.

Church, Walter G., Sr.

Agriculture, Vice Chair; Appropriations; Appropriations Subcommittee on Health and Human Services; Financial Institutions, Chair; Legislative Redistricting; Rules, Calendar, and Operations of the House.

Clary, Debbie A.

Appropriations, Chair; Financial Institutions; Health; Judiciary I; Legislative Redistricting.

Coates, Lorene T.

Agriculture; Appropriations; Appropriations Subcommittee on Transportation; Military, Veterans and Indian Affairs; Public Utilities; Transportation, Chair.

Cole, E. Nelson

Appropriations, Vice Chair; Appropriations Subcommittee on Transportation, Chair; Economic Growth and Community Development; Financial Institutions; Occupational Safety and Health; Transportation.

Crawford, James W., Jr.

Appropriations, Chair; Election Law and Campaign Finance Reform; Legislative Redistricting; Rules, Calendar, and Operations of the House; Transportation.

Creech, Billy J.

Aging; Agriculture; Finance; Science and Technology; Wildlife Resources.

Culp, Arlie F.

Aging; Agriculture; Appropriations; Appropriations Subcommittee on Natural and Economic Resources; State Government; Ways and Means.

Culpepper, William T., III

Legislative Redistricting; Public Utilities; Rules, Calendar, and Operations of the House, Chair.

Cunningham, W. Pete

Ethics, Chair; Legislative Redistricting, Vice Chair.

Daughtridge, Bill G., Jr.

Agriculture; Appropriations; Appropriations Subcommittee on Transportation; Education; Education Subcommittee on Universities; Election Law and Campaign Finance Reform; Transportation, Vice Chair.

Daughtry, N. Leo

Agriculture; Appropriations; Appropriations Subcommittee on General Government; Election Law and Campaign Finance Reform; Judiciary I; Occupational Safety and Health.

Decker, Mike

Economic Growth and Community Development; Finance, Vice Chair; Legislative Redistricting; Local Government II; Ways and Means, Chair.

Dickson, Margaret H.

Appropriations; Appropriations Subcommittee on Transportation; Economic Growth and Community Development; Education; Education Subcommittee on Universities; Local Government I; Occupational Safety and Health, Vice Chair.

Dockham, Jerry C.

Appropriations; Appropriations Subcommittee on Education; Children, Youth and Families; Economic Growth and Community Development; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education, Chair; State Government.

Earle, Beverly M.

Aging; Appropriations, Chair; Health; Judiciary IV; Science and Technology.

Eddins, Rick L.

Legislative Redistricting, Chair.

Ellis, J. Sam

Agriculture; Children, Youth and Families; Finance; Judiciary II; Science and Technology.

England, Bobby F.

Appropriations; Appropriations Subcommittee on Health and Human Services; Economic Growth and Community Development; Education; Education Subcommittee on Community Colleges; Health, Vice Chair; State Government.

Farmer-Butterfield, Jean

Aging; Appropriations; Appropriations Subcommittee on Health and Human Services, Vice Chair; Economic Growth and Community Development; Judiciary II; Local Government II.

Fox, Stan

Agriculture; Appropriations, Vice Chair; Appropriations Subcommittee on Natural and Economic Resources, Chair; Education; Education Subcommittee on Universities; Judiciary III; Wildlife Resources, Vice Chair.

Frye, Phillip D.

Appropriations; Appropriations Subcommittee on Justice and Public Safety, Vice Chair; Economic Growth and Community Development; Education; Education Subcommittee on Community Colleges; Local Government I; Transportation.

Gibson, Pryor A., III

Alcoholic Beverage Control; Environment and Natural Resources, Chair; Finance, Vice Chair; Legislative Redistricting; Public Utilities.

Gillespie, Mitch

Aging; Appropriations; Appropriations Subcommittee on Transportation, Chair; Environment and Natural Resources; Local Government I; Ways and Means.

Glazier, Rick

Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Finance; Financial Institutions; Health; Judiciary IV, Vice Chair.

Goforth, D. Bruce

Appropriations; Appropriations Subcommittee on Education; Economic Growth and Community Development; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education, Vice Chair; Judiciary IV; State Government.

Goodwin, G. Wayne

Appropriations; Appropriations Subcommittee on Justice and Public Safety; Education; Education Subcommittee on Community Colleges; Judiciary II, Vice Chair; Occupational Safety and Health Chair; Ways and Means.

Gorman, Michael A.

Appropriations; Appropriations Subcommittee on Education; Education, Vice Chair; Education Subcommittee on Pre-School, Elementary and Secondary Education; Financial Institutions; Military, Veterans and Indian Affairs; Rules, Calendar, and Operations of the House, Vice Chair.

Grady, W. Robert

Appropriations, Chair; Education; Education Subcommittee on Universities; Insurance; Legislative Redistricting; Military, Veterans and Indian Affairs.

Gulley, Jim

Aging; Appropriations; Appropriations Subcommittee on Transportation; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education, Vice Chair; Environment and Natural Resources; Judiciary II.

Hackney, Joe

Appropriations; Environment and Natural Resources, Vice Chair; Finance; Judiciary I, Chair; Rules, Calendar, and Operations of the House, Vice Chair.

Haire, R. Phillip

Appropriations, Vice Chair; Appropriations Subcommittee on Justice and Public Safety, Chair; Education; Education Subcommittee on Universities; Environment and Natural Resources; Judiciary IV; Transportation.

Hall, John D.

Aging; Alcoholic Beverage Control, Chair; Appropriations; Appropriations Subcommittee on Justice and Public Safety; Insurance, Vice Chair; Occupational Safety and Health.

Harrell, James A., III

Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Economic Growth and Community Development, Vice Chair; Judiciary I; Local Government II; Ways and Means.

Hill, Dewey L.

Agriculture, Chair; Finance, Vice Chair; Public Utilities; Rules, Calendar, and Operations of the House; Transportation.

Hilton, Mark K.

Appropriations; Appropriations Subcommittee on Education; Education, Chair; Health; Science and Technology; Transportation.

Holliman, L. Hugh

Election Law and Campaign Finance Reform, Vice Chair; Finance; Financial Institutions; Insurance, Chair; Public Utilities.

Holmes, George M.

Agriculture; Appropriations; Appropriations Subcommittee on Transportation; Education; Education Subcommittee on Universities, Vice Chair; Judiciary III; Transportation.

Howard, Julia C.

Ethics, Chair; Finance, Chair; Legislative Redistricting; Public Utilities; Rules, Calendar, and Operations of the House.

Hunter, Howard J., Jr.

Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Children, Youth and Families, Chair; Economic Growth and Community Development; Insurance; Occupational Safety and Health.

Insko, Verla C.

Appropriations; Appropriations Subcommittee on Health and Human Services; Education; Education Subcommittee on Universities; Environment and Natural Resources; Health, Chair; Judiciary I.

Jeffus, Maggie

Appropriations, Vice Chair; Appropriations Subcommittee on General Government, Chair; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Ethics; Judiciary IV; Ways and Means.

Johnson, Charles E.

Agriculture, Vice Chair; Appropriations; Appropriations Subcommittee on Education; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Insurance; Military, Veterans and Indian Affairs.

Johnson, Linda P.

Appropriations; Appropriations Subcommittee on Education, Chair; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Insurance; Legislative Redistricting; Public Utilities.

Jones, Earl

Finance; Financial Institutions, Vice Chair; Local Government II; Science and Technology; Ways and Means.

Justice, Carolyn H.

Appropriations; Appropriations Subcommittee on Education, Vice Chair; Education, Vice Chair; Education Subcommittee on Community Colleges; Ethics; Legislative Redistricting; Local Government II.

Justus, Carolyn K.

Appropriations; Appropriations Subcommittee on Justice and Public Safety; Health, Chair; Judiciary IV; Legislative Redistricting; Rules, Calendar, and Operations of the House.

Kiser, Joe L.

Agriculture; Appropriations; Appropriations Subcommittee on Justice and Public Safety, Chair; Election Law and Campaign Finance Reform; Judiciary IV; Pensions and Retirement.

LaRoque, Stephen A.

Appropriations; Appropriations Subcommittee on Natural and Economic Resources, Vice Chair; Environment and Natural Resources, Vice Chair; Public Utilities; Rules, Calendar, and Operations of the House; Transportation.

Lewis, David R.

Agriculture, Vice Chair; Education; Education Subcommittee on Community Colleges; Finance; Insurance; Transportation.

Lucas, Marvin W.

Alcoholic Beverage Control; Appropriations; Appropriations Subcommittee on General Government, Vice Chair; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Military, Veterans and Indian Affairs, Chair; Wildlife Resources.

Luebke, Paul

Environment and Natural Resources; Finance, Chair; Legislative Redistricting; Rules, Calendar, and Operations of the House; Ways and Means.

McAllister, Mary E.

Appropriations; Appropriations Subcommittee on Transportation, Vice Chair; Children, Youth and Families; Education, Vice Chair; Education Subcommittee on Universities, Chair; Health; Local Government I.

McComas, Daniel F.

Appropriations; Environment and Natural Resources; Ethics; Finance, Chair; Legislative Redistricting; Public Utilities; Rules, Calendar, and Operations of the House.

McCombs, W. Eugene

Environment and Natural Resources; Finance; Local Government I; Military, Veterans and Indian Affairs; Pensions and Retirement, Vice Chair.

McGee, William C.

Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Finance; Financial Institution, Vice Chair; Local Government I; Pensions and Retirement.

McHenry, Patrick T.

Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Environment and Natural Resources; Financial Institutions; Judiciary III, Vice Chair; Occupational Safety and Health.

McLawhorn, Marian N.

Appropriations; Appropriations Subcommittee on Education, Vice Chair; Education, Vice Chair; Education Subcommittee on Community Colleges, Chair; Judiciary III; Legislative Redistricting; Pensions and Retirement.

McMahan, W. Edwin

Aging; Appropriations; Appropriations Subcommittee on General Government; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Science and Technology.

Michaux, Henry M., Jr.

Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Education; Education Subcommittee on Universities; Election Law and Campaign Finance Reform, Chair; Judiciary III, Vice Chair; Science and Technology.

Miller, Paul

Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Financial Institutions; Judiciary I; Rules, Calendar, and Operations of the House; Science and Technology, Chair.

Miner, David M.

Education; Education Subcommittee on Universities; Finance, Chair; Insurance; Public Utilities; Rules, Calendar, and Operations of the House.

Mitchell, W. Franklin

Agriculture; Appropriations; Appropriations Subcommittee on Justice and Public Safety; Local Government II; Ways and Means.

Moore, Timothy K.

Alcoholic Beverage Control; Appropriations; Appropriations Subcommittee on Education; Education; Education Subcommittee on Universities; Judiciary II, Vice Chair; Transportation.

Munford, Don

Finance; Financial Institutions; Health; Judiciary IV, Chair; Pensions and Retirement.

Nesbitt, Martin L., Jr.

Appropriations; Appropriations Subcommittee on Justice and Public Safety; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Election Law and Campaign Finance Reform; Judiciary II, Chair; Ways and Means.

Nye, Edd

Agriculture; Appropriations, Vice Chair; Appropriations Subcommittee on Health and Human Services, Chair; Education; Education Subcommittee on Community Colleges; Legislative Redistricting; Transportation.

Owens, William C., Jr.

Agriculture; Appropriations, Chair; Education; Education Subcommittee on Community Colleges; Local Government I; Rules, Calendar, and Operations of the House.

Parmon, Earline W.

Appropriations; Appropriations Subcommittee on Education, Vice Chair; Children, Youth and Families; Economic Growth and Community Development; Election Law and Campaign Finance Reform; Ways and Means.

Pate, Louis M., Jr.

Agriculture; Appropriations; Appropriations Subcommittee on Education; Education; Education Subcommittee on Community Colleges; Local Government II; Ways and Means, Chair.

Preston, Jean R.

Appropriations; Appropriations Subcommittee on Education, Chair; Children, Youth and Families; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources; Ways and Means.

Rapp, Ray

Appropriations; Appropriations Subcommittee on Education; Education; Education Subcommittee on Universities, Vice Chair; Environment and Natural Resources; Pensions and Retirement; Transportation.

Ray, Karen B.

Alcoholic Beverage Control, Vice Chair; Appropriations; Appropriations Subcommittee on Education; Education; Education Subcommittee on Community Colleges; Insurance; Transportation.

Rayfield, John M.

Children, Youth and Families; Economic Growth and Community Development; Education; Education Subcommittee on Community Colleges, Vice Chair; Election Law and Campaign Finance Reform; Finance.

Rhodes, John W.

Aging, Vice Chair; Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Economic Growth and Community Development; Environment and Natural Resources; Ways and Means.

Ross, Deborah K.

Education; Education Subcommittee on Universities; Election Law and Campaign Finance Reform; Finance; Judiciary I, Vice Chair; Local Government I.

Sauls, John I.

Appropriations; Appropriations Subcommittee on Education; Economic Growth and Community Development, Vice Chair; Education; Education Subcommittee on Community Colleges; Legislative Redistricting; Public Utilities.

Saunders, Drew P.

Appropriations; Appropriations Subcommittee on Transportation; Financial Institutions, Vice Chair; Insurance; Legislative Redistricting; Public Utilities, Chair.

Setzer, Mitchell S.

Finance; Health; Insurance, Chair; Rules, Calendar, and Operations of the House; State Government.

Sexton, P. Wayne, Sr.

Appropriations; Appropriations Subcommittee on Justice and Public Safety; Education; Education Subcommittee on Community Colleges, **Chair**; Judiciary I; Military, Veterans and Indian Affairs; Wildlife Resources.

Sherrill, Wilma M.

Appropriations, Chair; Health; Legislative Redistricting; Public Utilities; Rules, Calendar, and Operations of the House.

Stam, Paul

Appropriations; Appropriations Subcommittee on Health and Human Services; Children, Youth and Families; Economic Growth and Community Development; Election Law and Campaign Finance Reform, Chair; Judiciary II.

Starnes, Edgar V.

Election Law and Campaign Finance Reform; Finance; Financial Institutions, Chair; Legislative Redistricting; Transportation.

Stiller, Bonner L.

Appropriations; Appropriations Subcommittee on Transportation; Education; Education Subcommittee on Universities; Environment and Natural Resources; Financial Institutions; Judiciary IV, Vice Chair.

Sutton, Ronnie N.

Appropriations; Appropriations Subcommittee on Justice and Public Safety; Judiciary III, Chair; Legislative Redistricting, Vice Chair; Military, Veterans and Indian Affairs, Vice Chair; Transportation.

Tolson, Joe Pat

Agriculture; Appropriations, Vice Chair; Appropriations Subcommittee on Education, Chair; Education; Education Subcommittee on Community Colleges; Pensions and Retirement; Science and Technology, Vice Chair.

Wainwright, William L.

Finance, Chair; Financial Institutions; Health; Insurance; Legislative Redistricting.

Walend, Trudi

Appropriations; Appropriations Subcommittee on General Government, Chair; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Financial Institutions; Judiciary II; Science and Technology.

Walker, R. Tracy

Agriculture; Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Local Government I, Chair; Local Government II.

Warner, Alex

Appropriations; Appropriations Subcommittee on Education; Education, Chair; Environment and Natural Resources; Military, Veterans and Indian Affairs; State Government.

Warren, Edith D.

Agriculture; Appropriations; Appropriations Subcommittee on Natural and Economic Resources, Vice Chair; Education, Vice Chair; Education Subcommittee on Pre-School, Elementary and Secondary Education, Chair; Local Government I; Wildlife Resources.

Weiss, Jennifer

Aging, Chair; Children, Youth and Families, Vice Chair; Environment and Natural Resources; Finance; Judiciary III, Vice Chair.

West, Thomas R.

Appropriations; Appropriations Subcommittee on Natural and Economic Resources, Chair; Economic Growth and Community Development; Education; Education Subcommittee on Community Colleges; Judiciary I; Occupational Safety and Health.

Williams, Arthur J.

Agriculture; Appropriations; Appropriations Subcommittee on Transportation; Financial Institutions; Transportation, Vice Chair; Wildlife Resources.

Williams, Keith P.

Appropriations; Appropriations Subcommittee on Transportation, Vice Chair; Legislative Redistricting; Military, Veterans and Indian Affairs; Public Utilities; Transportation, Vice Chair.

Wilson, Constance K.

Economic Growth and Community Development, Chair; Finance; Health; Insurance; Judiciary III.

Wilson, W. Eugene

Aging; Agriculture; Appropriations; Appropriations Subcommittee on General Government; Local Government II; Pensions and Retirement, Chair.

Womble, Larry W.

Aging, Vice Chair; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources; Finance; State Government, Chair.

Wood, Stephen W.

Education, Chair; Election Law and Campaign Finance Reform; Finance; Judiciary I; Ways and Means.

Wright, Thomas E.

Appropriations, Chair; Health; Insurance; Public Utilities; Transportation.

Yongue, Douglas Y.

Agriculture; Appropriations, Vice Chair; Appropriations Subcommittee on Education, Chair; Ethics; Pensions and Retirement, Vice Chair; Rules, Calendar, and Operations of the House

*****Pursuant to Rule 26(h), Representatives Brubaker, Culpepper, Cunningham, and Eddins are ex-officio members of all committees except the standing committee on Legislative Redistricting.

HOUSE PRINCIPAL CLERK'S OFFICE

(919) 733-7760

FAX (919) 715-2881

2003 HOUSE OF REPRESENTATIVES COMMITTEE ASSIGNMENTS BY COMMITTEE

<u>AGING:</u> Representative Weiss, Chair; Representatives Rhodes and Womble, Vice Chairs; Representatives Adams, Bordsen, Creech, Culp, Earle, Farmer-Butterfield, Gillespie, Gulley, Hall, McMahan, and G. Wilson.

AGRICULTURE: Representative Hill, Chair; Representatives Church, C. Johnson, and Lewis, Vice Chairs; Representatives Baker, Bell, Bonner, Coates, Creech, Culp, Daughtridge, Daughtry, Ellis, Fox, Holmes, Kiser, Mitchell, Nye, Owens, Pate, Tolson, Walker, Warren, A. Williams, G. Wilson, and Yongue.

<u>ALCOHOLIC BEVERAGE CONTROL:</u> Representative Hall, Chair; Representative Ray, Vice Chair; Representatives Baker, Gibson, Lucas, and Moore.

<u>APPROPRIATIONS</u>: Representatives Baker, Clary, Crawford, Earle, Grady, Owens, Sherrill, and Wright, Chairs; Representatives Cole, Fox, Haire, Jeffus, Nye, Tolson, and Yongue, Vice Chairs; Members of Committee, Representatives Hackney and McComas.

<u>APPROPRIATIONS SUBCOMMITTEE ON EDUCATION:</u> Representatives L. Johnson, Preston, Tolson, and Yongue, Chairs; Representatives Justice, McLawhorn, and Parmon, Vice Chairs; Representatives Bell, Bonner, Dockham, Goforth, Gorman, Hilton, C. Johnson, Moore, Pate, Rapp, Ray, Sauls, and Warner.

<u>APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT:</u> Representatives Jeffus and Walend, Chairs; Representative Lucas, Vice Chair; Representatives Adams, B. Allen, Daughtry, McMahan, and G. Wilson.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES: Representatives Barnhart and Nye, Chairs; Representative Farmer-Butterfield, Vice Chair; Representatives Allred, Blust, Bowie, Church, England, Insko, and Stam.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY: Representatives Haire and Kiser, Chairs; Representative Frye, Vice Chair; Representatives Goodwin, Hall, Justus, Mitchell, Nesbitt, Sexton, and Sutton.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL AND ECONOMIC RESOURCES: Representatives Fox and West, Chairs; Representatives LaRoque and Warren, Vice Chairs; Representatives Culp, Harrell, Hunter, McHenry, Michaux, Miller, Rhodes, and Walker.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION: Representatives Cole and Gillespie, Chairs; Representatives McAllister and K. Williams, Vice Chairs; Representatives L. Allen, Barbee, Coates, Daughtridge, Dickson, Gulley, Holmes, Saunders, Stiller, and A. Williams.

<u>CHILDREN, YOUTH AND FAMILIES:</u> Representative Hunter, Chair; Representative Weiss, Vice Chair; Representatives Alexander, Barnhart, Carney, Dockham, Ellis, McAllister, Parmon, Preston, Rayfield, and Stam.

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ECONOMIC GROWTH AND COMMUNITY DEVELOPMENT: Representative C. Wilson, Chair; Representatives Harrell and Sauls, Vice Chairs; Representatives Blust, Cole, Decker, Dickson, Dockham, England, Farmer-Butterfield, Frye, Goforth, Hunter, Parmon, Rayfield, Rhodes, Stam, and West.

<u>EDUCATION</u>: Representatives Bonner, Hilton, Warner, and Wood, Chairs; Representatives Gorman, Justice, McAllister, McLawhorn, and Warren, Vice Chairs;

EDUCATION SUBCOMMITTEE ON COMMUNITY COLLEGES: Representatives McLawhorn and Sexton, Chairs; Representatives Bordsen and Rayfield, Vice Chairs; Representatives B. Allen, G. Allen, England, Frye, Goodwin, Justice, Lewis, Nye, Owens, Pate, Ray, Sauls, Tolson, and West.

EDUCATION SUBCOMMITTEE ON PRE-SCHOOL, ELEMENTARY AND SECONDARY EDUCATION: Representatives Dockham and Warren, Chairs; Representatives Bell, Goforth, and Gulley, Vice Chairs; Representatives Blackwood, Carney, Glazier, Gorman, Jeffus, C. Johnson, L. Johnson, Lucas, McGee, McMahan, Nesbitt, Preston, Walend, Walker, and Womble.

EDUCATION SUBCOMMITTEE ON UNIVERSITIES: Representatives Bowie and McAllister, Chairs; Representatives Holmes and Rapp, Vice Chairs; Representatives Barnhart, Daughtridge, Dickson, Fox, Grady, Haire, Insko, Michaux, Miner, Moore, Ross, and Stiller.

<u>ELECTION LAW AND CAMPAIGN FINANCE REFORM:</u> Representatives Michaux and Stam, Chairs; Representative Holliman, Vice Chair; Representatives Alexander, Blust, Bonner, Crawford, Daughtridge, Daughtry, Kiser, Nesbitt, Parmon, Rayfield, Ross, Starnes, and Wood.

ENVIRONMENT AND NATURAL RESOURCES: Representative Gibson, Chair; Representatives Hackney and LaRoque, Vice Chairs; Representatives L. Allen, Blackwood, Capps, Carney, Gillespie, Gulley, Haire, Insko, Luebke, McCombs, McCombs, McHenry, Preston, Rapp, Rhodes, Stiller, Warner, Weiss, and Womble.

ETHICS: Representatives Cunningham and Howard, Chairs; Representatives Bell, Brubaker, Jeffus, Justice, McComas, and Yongue.

<u>FINANCE</u>: Representatives G. Allen, Howard, Luebke, McComas, Miner, and Wainwright, Chairs; Representatives Alexander, Decker, Gibson, and Hill, Vice Chairs; Representatives Blackwood, Bordsen, Capps, Carney, Creech, Ellis, Glazier, Hackney, Holliman, Jones, Lewis, McCombs, McGee, Munford, Rayfield, Ross, Setzer, Starnes, Weiss, C. Wilson, Womble, and Wood.

<u>FINANCIAL INSTITUTIONS</u>: Representatives Church and Starnes, Chairs; Representatives Jones, McGee, and Saunders, Vice Chairs; Representatives Allred, Clary, Cole, Glazier, Gorman, Holliman, McHenry, Miller, Munford, Stiller, Wainwright, Walend, and A. Williams.

<u>HEALTH:</u> Representatives Insko and Justus, Chairs; Representative England, Vice Chair; Representatives Adams, B. Allen, G. Allen, Allred, Barnhart, Bowie, Clary, Earle, Glazier, Hilton, McAllister, Munford, Setzer, Sherrill, Wainwright, C. Wilson, and Wright.

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JUDICIARY I: Representative Hackney, Chair; Representative Ross, Vice Chair; Representatives Alexander, Capps, Clary, Daughtry, Harrell, Insko, Miller, Sexton, West, and Wood.

JUDICIARY II: Representative Nesbitt, Chair; Representatives Goodwin and Moore, Vice Chairs; Representatives Bonner, Bordsen, Ellis, Farmer-Butterfield, Gulley, Stam, and Walend.

<u>JUDICIARY III:</u> Representative Sutton, Chair; Representatives McHenry, Michaux, and Weiss, Vice Chairs; Representatives Barnhart, Blust, Fox, Holmes, McLawhorn, and C. Wilson.

<u>JUDICIARY IV:</u> Representative Munford, Chair; Representatives Glazier and Stiller, Vice Chairs; Representatives Bowie, Earle, Goforth, Haire, Jeffus, Justus, and Kiser.

<u>LEGISLATIVE REDISTRICTING:</u> Representatives Alexander and Eddins, Chairs; Representatives Cunningham and Sutton, Vice Chairs; Representatives Brubaker, Church, Clary, Crawford, Culpepper, Decker, Gibson, Grady, Howard, L. Johnson, Justice, Justus, Luebke, McComas, McLawhorn, Nye, Sauls, Saunders, Sherrill, Starnes, Wainwright, and K. Williams.

LOCAL GOVERNMENT I: Representative Walker, Chair; Representative Carney, Vice Chair; Representatives Barbee, Dickson, Gillespie, McAllister, McCombs, McGee, Owens, Ross, Warren, and G. Wilson.

LOCAL GOVERNMENT II: Representative Adams, Chair; Representatives L. Allen and Capps, Vice Chairs; Representatives Decker, Farmer-Butterfield, Frye, Harrell, Jones, Justice, Mitchell, Pate, and Walker.

MILITARY, VETERANS AND INDIAN AFFAIRS: Representative Lucas, Chair; Representative Sutton, Vice Chair; Representatives Coates, Gorman, Grady, C. Johnson, McCombs, Sexton, Warner, and K. Williams.

OCCUPATIONAL SAFETY AND HEALTH: Representative Goodwin, Chair; Representatives Blackwood and Dickson, Vice Chairs; Representatives Baker, Cole, Daughtry, Hall, Hunter, McHenry, and West.

<u>PENSIONS AND RETIREMENT:</u> Representatives Bell and G. Wilson, Chairs; Representatives McCombs and Yongue, Vice Chairs; Representatives B. Allen, Barbee, Kiser, McGee, McLawhorn, Munford, Rapp, and Tolson.

<u>PUBLIC UTILITIES:</u> Representatives Brubaker and Saunders, Chairs; Representative G. Allen, Vice Chair; Representatives Bordsen, Coates, Culpepper, Gibson, Hill, Holliman, Howard, L. Johnson, LaRoque, McComas, Miner, Sauls, Sherrill, K. Williams, and Wright.

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE: Representative Culpepper, Chair; Representatives Gorman and Hackney, Vice Chairs; Representatives Brubaker, Church, Crawford, Hill, Howard, Justus, LaRoque, Luebke, McComas, Miller, Miner, Owens, Setzer, Sherrill, and Yongue.

SCIENCE AND TECHNOLOGY: Representative Miller, Chair; Representative Tolson, Vice Chair; Representatives Creech, Earle, Ellis, Hilton, Jones, McMahan, Michaux, and Walend.

<u>STATE GOVERNMENT:</u> Representative Womble, Chair; Representatives Adams and B. Allen, Vice Chairs; Representatives Baker, Bowie, Capps, Culp, Dockham, England, Goforth, Setzer, and Warner.

<u>TRANSPORTATION</u>: Representatives Allred and Coates, Chairs; Representatives Daughtridge, A. Williams, and K. Williams, Vice Chairs; Representatives G. Allen, L. Allen, Cole, Crawford, Frye, Haire, Hill, Hilton, Holmes, LaRoque, Lewis, Moore, Nye, Rapp, Ray, Starnes, Sutton, and Wright.

<u>WAYS AND MEANS:</u> Representatives Decker and Pate, Chairs; Representatives Blackwood, Culp, Gillespie, Goodwin, Harrell, Jeffus, Jones, Luebke, Mitchell, Nesbitt, Parmon, Preston, Rhodes, and Wood.

<u>WILDLIFE RESOURCES:</u> Representative Barbee, Chair; Representative Fox, Vice Chair; Representatives Blust, Creech, Lucas, Sexton, Warren, and A. Williams.

*****Pursuant to Rule 26(h), Representatives Brubaker, Culpepper, Cunningham, and Eddins are ex-officio members of all committees except the standing committee on Redistricting.

3/05/03 jem

ATTENDANCE

HOUSE/LOCAL GOVERNMENT II

Page 1

2003 - 04 SESSION

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DATES	3/12	3/ 1 ₁₉	3/26	4/2	4/9	4/16	4/23	4/ /30	5/,	5/7	5/14	5/	5/ /28		
Representative Adams, Chair	V	/	V	V	/		\	\	, /	1	-	V.	/		
Representative L. Allen, Vice-Chair	V	V	V	V	/	/	_	/	~	V	/	V			
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Ex-officio Members:															
Representative Brubaker															
Representative Culpepper															
Representative Cunningham															
Representative Eddins															
Legislative Staff:															
Kory Goldsmith - Research Giles Perry - Research Judy Rollin - RA	V	V	~	v	/	V		V	*******	/	V				
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Judy Colin - RA	-	-	-	-	_	/	-	/	_	/	1				
Committee Assistant:	/	~	/	/	/	/	✓	/	/	/	1	✓			
-Beverlee-Baker												✓	•		

3/12/03 Local Government II Committee Meeting

Meeting was called to order by Chair -- Rep. Adams

Opening Remarks/Welcome: Rep. Adams

• 11 bills were in the committee box as of yesterday.

Introductions:

- Pages Joanna from Wake County; sponsored by Rep. Weiss;
 Crystal Lane from Harnett County; sponsored by Rep. Sauls.
- Sgt @ Arms -- Ann Lassiter and Martha Gadison
- Research Staff Giles Perry, Kory Goldsmith, Judy Collier (Will assist with committee meetings)
- Committee Assistant –Beverlee Baker
- Jackie Hamby assisting
- Vice Chairs: Russell Capps District 50 (Wake Co); Lucy Allen District 49 (Franklin, Warren, Halifax Co)
- Committee Members: Representatives Frye, Decker, Harrell, Pate, Mitchell, C. Justice, Jones, Walker

Floor open to anyone else who would like to speak

Recognized guests: Representative Hall, visitors

Rep. Adams introduced herself

Chair stated there are 2 bills before committee today

- House Bill 134 Roanoke Rapids Private Sales
- House Bill 182 Halifax-Northampton Airport Authority
- First bill heard HB 134 Roanoke Rapids Private Sales.

Bill sponsors Rep. Lucy Allen and Rep. John Hall.

Kory Goldsmith of research staff assisted with this bill.

Chair stated that Ms. Goldsmith might have to leave due to another meeting.

Rep. Lucy Allen introduced bill to committee.

House Bill 134 would allow City of Roanoke Rapids to sell several tracts of land and the Fire Department Sleeping Quarters and Offices by private negotiation and sale, with or without monetary consideration.

Rep. Allen gave detailed explanation as to why city of Roanoke Rapids is requesting this law be implemented. The city is asking for permission to go to private sale if their sealed bid does not bring in an offer which would meet their needs. If the sealed bid process brings in an appropriate offer then there would be no need for the private sale but the city wants to be sure they have the deed restrictions, the market rate and compatibility with the vacant lots. (Complete comments from Rep. Allen are on tape dated 3/12/03).

Rep. Allen closed by stating that Rep. Hall may want to make comments.

Chair recognized Rep. Hall; he stated Rep. Allen did an excellent job introducing the bill and he had no additional comments.

Chair asks for comments from staff – no comments.

Questions from floor - Rep. Capp asked about compatibility. Rep. Allen explained further.

Rep. Decker moved for a favorable report.

Rep. Pate had additional questions. Rep. Allen explained further.

Questions from Rep. Justice. Rep. Allen referred answer to Giles Perry for clarification.

Rep. Mitchell questioned if all town council members were on-board with this process.

Rep. Allen said she has heard no objections from anyone. Rep. Hall stated the request came from the mayor and the city council and that he had not heard of any council member disagreeing with request. He stated that he had received no calls or comments which he normally would have had their been a problem or disagreement.

Chair asked for other comments.

Rep. Walker asked how unusual was this type of sale. Giles said it is not unusual; it happens frequently every year; they are limited to specific parcels as this bill is.

Rep. Adams stated we need to remember that this is a specific request for those specific items.

Rep. Adams asks if there are any more comments from committee. She states that Rep. Decker made a motion that House Bill 134 be given a favorable vote.

She took vote; votes carry. House Bill 134 received a favorable report.

• Next bill heard - HB182 Halifax-Northampton Airport Authority

Chair recognized Rep. Lucy Allen to introduce bill.

She states that she and Rep. Howard Hunter of Northampton are sponsoring bill. Bill is a name change requested by the Northampton Regional Airport Authority.

The authority was created by the General Assembly in 1997 and named the Halifax Regional Airport Authority. Halifax County and the City of Roanoke Rapids were the initial partners in the authority and Northampton County subsequently joined the partnership, however the name was not amended at that time. They use the name but would like legislation to amend the name of the authority as the Halifax Northampton Regional Airport Authority.

Rep. Allen stated that she and Rep. Hunter are simply requesting that the committee approve the name change.

Chair asked for additional comments or questions. No questions or comments.

Rep. Mitchell moves for a favorable report.

Chair states there is a motion for a favorable report for House Bill 182 and takes vote by raising of hands. Vote carries.

House Bill 182 receives a favorable report.

Rep. Allen apologizes for omitting Rep. Hall who also supports bill.

Chair thanks Rep. Allen and Hall for presenting their bills.

Thanks committee and states there are now 9 bills in committee box, not counting what might have been added. Advises members that they will meet next Wednesday and to be prepared to hear 4 bills: House Bills 63, 68, 153, 263.

Rep. Justice asks if they will receive bills in advance in order for them to study ahead of time.

Rep. Adams advises her that bills will not be sent out ahead of time but list of bills to be heard will be sent out on committee notice and suggested that she have her assistant pull bills for her.

Chair recognizes Rep. Jones who asks is it required to have a second to a motion. Chair answers no.

Rep. Frye asks to repeat bill #'s that will be heard next week.

Rep. Adams repeats bill #'s and thanks committee.

Meeting adjourns at 10:50 a.m.

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

March 12, 2003 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS

HB 134 ROANOKE RAPIDS PRIVATE SALE Representatives L. Allen and Hall (Primary Sponsors)

HB 182 HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY
Representatives L. Allen and Hunter
(Primary Sponsors)

Lep. adams

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for H.B. 134 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO CONVEY CERTAIN PROPERTY AT A 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.
☐ 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) 1/29/03

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A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

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LOCAL GOVT I 3-12-03 -10:00 am Rop Gedama . Chair, preceding Introduction of Pager, Sqt (a Carona Staff (G Perry K. Gottsmith)
Benerly, Japan and members of lumide - Kergneydel wisilor Lalen-Bill Spanon HB 134 Questione : Commente. -> Rep Darker mound for Janvable not. Rup Pate- Commenta Les Gustiae Rep. Hace HB 134 - Janarable rept HB 182 Rep. L. Gelen - Sperson - explained request approved of some Charge hep. mitchell mared you forwards not. Yourrable text possibly forsider: HB 68 HB153 HB 763 HB 263



HOUSE BILL 134:Roanoke Rapids Private Sale

DILL ANALISIS

Committee: House Local Government II

March 11, 2003

Version:

Date:

1st Edition

Introduced by: Reps. L. Allen and Hall

Summary by: Kory J. Goldsmith

Committee Counsel

SUMMARY: House Bill 134 would allow the City of Roanoke Rapids to use private negotiation to sell certain real property.

CURRENT LAW: Article 12 of Chapter 160 of the General Statutes governs the sale of real and personal property owned by units of local government. Generally, a city must use advertisement for sealed bids, negotiated offers, public auctions or exchanges in order to convey real property. The private negotiation and sale of real property is generally prohibited unless the recipient of the property is either a volunteer fire department or a private entity to which the City Council is authorized to appropriate funds.

BILL ANALYSIS: House Bill 134 would allow the City of Roanoke Rapids to sell several tracts of land and the Fire Department Sleeping Quarters and Offices by private negotiation and sale, with or without monetary consideration.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 134*

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Short Title: Roanoke Rapids Private Sale. (Local)

Representatives L. Allen and Hall (Primary Sponsors). **Sponsors:**

Referred to: Local Government II.

February 27, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Roanoke Rapids may convey by private negotiation and sale, with or without monetary consideration, any or all of its right, title, and interest in the following described property under the terms and conditions that the City Council deems appropriate:

Old Police Station: Lots Nos. 630, 632, 634, 636, 638 and the northern ten (10) feet of Lot No. 640, each of said lots having a frontage of twenty-five (25) feet on the east side of Roanoke Avenue and extending back between parallel lines 140 feet to an alley; all of which are shown on map of the property of the Roanoke Rapids Power Company, Roanoke Rapids, North Carolina, made by C. F. Gore and Company, Engineers, of Weldon, North Carolina, December 18, 1915, and of record in the Office of the Register of Deeds for Halifax County, North Carolina, in Plat Book 1, at pages Nos. 11, 12, 13 and 14, a reference to which is hereby expressly made for a more accurate description.

Vacant Lot on Becker Drive: All that certain tract or parcel of land lying and being situate in the City of Roanoke Rapids, Halifax County, North Carolina, more particularly described as follows: Beginning at an iron pipe in the eastern right of way of Becker Drive, said iron pipe being the southwest corner of lands owned by the Roanoke Rapids Housing Authority; thence along the southern line of said Housing Authority property, N. 67° 55' E. 250 feet to an iron pipe; thence S. 1° 03' E. 154.5 feet to an iron pipe in the northern margin of a cul-de-sac to be named Wicker Court; thence along said cul-de-sac a curve to the left, a distance of 86.2 feet to an iron pipe; thence S. 80° 10' W. 146.5 feet to an iron pipe in the Eastern margin of Becker Drive, thence along the Eastern margin of Becker Drive, N. 16° 10' W. 150 feet to the point of beginning, containing 36,528 sq. feet or .839 acre, more or less, and being the identical real property as shown and designated on that "Plat Showing Property Conveyed to The

City of Roanoke Rapids, by Becker Farms, Inc., Roanoke Rapids T.P., Halifax Co., N. C.," dated July 12, 1981, prepared by Cyril C. Waters, Registered Surveyor; reference to said map and deed being hereby made for greater certainty of description.

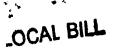
Fire Department Sleeping Quarters & Offices: Those three (3) certain lots, together with all improvements thereon, in the City of Roanoke Rapids, Halifax County, North Carolina, each fronting 25 feet on the Eastern side of Roanoke Avenue and running back between parallel lines 140 feet to an alley, and being shown and designated as Lots Nos. six hundred twenty-four (624), six hundred twenty-six (626), and six hundred twenty-eight (628) on that certain map of record in the office of the Register of Deeds for said Halifax County, in Plat Book 1 at pages 11, 12, 13 and 14; the same being the identical real property conveyed unto the said M. S. Benton, as Trustee for The Planters National Bank & Trust Company, by deed of M. R. Bradley, et ux, dated September 27, 1963, recorded in Book 680 at page 570, Halifax Public Registry; reference to said map and deed being hereby made for greater certainty of description.

SECTION 2. This act is effective when it becomes law.

Yele: rossetter Local Don't # 3-12-03

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative ADAMS (Chair) for the Committee on LOCAL GOVERNMENT II
Committee Substitute for H.B. 182 A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX- NORTHAMPTON REGIONAL AIRPORT 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.
☐ 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.
☐ With an indefinite postponement report.
With an indefinite postponement report, with a Minority Report attached.
☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 1/29/03





A BILL TO BE ENTITLED

				 	
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HOUSE BILL 182: Halifax-Northampton Airport Authority

DILL ANALISIS

Committee: House Local Government II

Introduced by: Rep. L.Allen and Hunter

Date:

March 11, 2003

Summary by: Giles S. Perry,

Version:

1st Edition

Committee Counsel

SUMMARY: House Bill 182 renames the Halifax Regional Airport Authority.

CURRENT LAW: In 1997, the General Assembly created the Halifax-Roanoke Rapids Regional Airport Authority to maintain and operate airport facilities in Halifax County. The authority was renamed the Halifax Regional Airport Authority in 1998.

BILL ANALYSIS: House Bill 182 renames the authority the "Halifax-Northampton Regional Airport Authority."

House Bill becomes effective when it becomes law.

H182-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

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HOUSE BILL 182

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Short Title: Halifax-Northampton Airport Authority. (Local) **Sponsors:** Representatives L. Allen and Hunter (Primary Sponsors). Referred to: Local Government II.

March 4, 2003

1 A BILL TO BE ENTITLED 2

AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 1997-275, as rewritten by Section 1 of S.L. 1998-130, reads as rewritten:

"Section 1. There is hereby created the 'Halifax Halifax-Northampton Regional 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. For purposes of this act the word 'City' when used alone shall mean the City of Roanoke Rapids and the word 'County' when used alone shall mean either Halifax County or Northampton County."

SECTION 2. Section 15 of S.L. 1997-275, as rewritten by Section 8 of S.L. 1998-130, reads as rewritten:

"Section 15. The powers granted to the Airport Authority shall not be effective until the members of the Airport Authority have been appointed by the Halifax County Board of Commissioners, the Northampton County Board of Commissioners, and the Roanoke Rapids City Council, and nothing in this act shall require the Board of Commissioners or City Council to make the initial appointments. It is the intent of this act to enable but not to require the formation of the Halifax-Halifax-Northampton Regional Airport Authority."

SECTION 3. This act is effective when it becomes law.

House Pages

1.	Name: Joanna Tegrierdo
	County: UNIC
	Sponsor: Jenniler Weizs Rep.
2.	Name: hrystal Lanc
	County: Harnett
	Sponsor: JOHN Sauls Rop
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Sgt-	At-Arms
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VISITOR REGISTRATION SHEET

House/LOCAL	GOVERNN	MENT II
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03/12/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
And Romen IT	NC State Watch
Amy Dosm	NC State Watch
	,

Jackie Hamby (House Legislative Assistants Office)

From:

Beverlee Baker (Rep. Adams)

Sent:

Monday, March 10, 2003 8:36 AM

Subject: House LOCAL GOVERNMENT II Committee Meeting (03-12-03)

NORTH CAROLINA HOUSE OF REPRESENTATIVES **COMMITTEE MEETING NOTICE** AND **BILL SPONSOR NOTIFICATION** 2003-2004 SESSION

DAY & DATE:

Wednesday, March 12, 2003

TIME:

10:00 a.m.

LOCATION:

Room 425 LOB

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 134 Roanoke Rapids Private Sale Representative(s) L. Allen and Hall HB 182 Halifax-Northampton Airport Authority Representative(s) L. Allen & Hunter

This meeting will also serve as our organizational meeting.

Respectfully, Representative Alma Adams Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:00 on Monday, March 10, 2003.

> Principal Clerk Reading Clerk - House Chamber

Beverlee Baker (Committee Assistant)

2003 FLOATER/MEMBER WORK SCHEDULE Update - January 29, 2003

FLOATER:			

MEMBER/LA	OFFICE#	PARKING SPACE#	DATES WORKED	HOURS
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MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

March 19, 2003

The House Committee on LOCAL GOVERNMENT II met on Wednesday, March 19, 2003, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Adams, Chair, presided. The following members were present: Representative(s) L. Allen, Capps, Decker, Frye, Harrell, Jones, Mitchell, Pate, and Walker.

A Visitor Registration list is attached and made a part of the Minutes, along with handouts and summaries relating to the bills considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

HB 63

Representative Goodwin, bill sponsor, was recognized to explain HB 63, A BILL ENTITLED AN ACT TO REPEAL A LOCAL ACT SO THAT VACANCIES IN THE OFFICE OF SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5. <u>Upon motion by Representative Decker, and carried, HB 63 was given a favorable report</u>.

HB 153

Representative Womble, bill sponsor, was recognized to explain HB 153, AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S GARBAGE AND TRASH ORDINANCE, AUTHORIZING THE CITY TO TAKE REMEDIAL ACTION REGARDING THE GARBAGE AND TRASH ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, AND CLARIFYING THE LANGUAGE AS TO WHAT CONSTITUTES A CHRONIC VIOLATOR UNDER THE CITY'S CURRENT ORDINANCE REGARDING OVERGROWN VEGETATION. Upon motion by Representative Mitchell, HB 153 was given a favorable report.

HB 68

Representative Lucas, bill sponsor, was recognized to explain HB 68, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS. Representative Lucas offered a proposed committee substitute to add the City of Newton and Representative Jones made a motion for adoption thereof for the purpose of discussion. The motion carried.

Representative Jones made a motion for a favorable report as to the committee substitute, unfavorable as to the original bill. The motion carried.

HB 263

Representative Bonner, bill sponsor, explained SB 263, AN ACT TO ALLOW THE CITY OF LUMBERTON TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS. Representative Decker made a motion for a favorable report of HB 263, and the motion carried.

There being no further business before the Committee, the meeting adjourned at 10:50 A.M.

a. Thanky

Representative Alma Adams

Chair

Jacquelyn A. Hamby Committee Assistant

ATTACHMENTS:

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

March 19, 2003 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS

HB 63 RICHMOND SHERIFF VACANIES

Representative Goodwin

HB 153 WINSTON-SALEM ORDINANCES/ CHRONIC VIOLATORS

Representative(s) Womble, Holmes McGee, Parmon, & Sexton

HB 68 SPRING LAKE RED LIGHT CAMERAS Representative Lucas

HB 263 LUMBERTON UNSAFE BUILDINGS

Representative(s) Bonner, Sutton, & Yongue

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT

March 19, 2003 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS

4.

Representative Goodwin < Lep. Decker mound for a fausiable ret.

HB 153 WINSTON-SALEM ORDINANCES/ Representative(s) Womble, Holmes

McGee, Parmon, & Sexton

Rep. mitchell moud for Jourable net

How the SPRING LAKE RED LIGHT CAMERAS Representative Lucas offered PCS for HB 68

Lep Janes made a matter for adaption of PCS

for descenses. Rep Janes moved for a favorable Apt

Cam Sud, infavorable to original, Carried

HB 263 LUMBERTON UNSAFE BUILDINGS Representative(s) Bonner, Sutton,

Les Decker made mation for formable not

Jele. Mulier 3-19-03

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

	following report(s) from standing committee is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
H.B.	Committee Substitute for . 63 A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT SO THAT VACANCIES IN THE OFFICE OF SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5.
X	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 .
1	With a favorable report as to the committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
□ ·	With an unfavorable report.
□ [,]	With recommendation that the House concur.
□ ^¹	With recommendation that the House do not concur.
□ ¹	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) 3/06/03

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 63

1

Short Title:	Richmond Sheriff Vacancies.	(Local)
Sponsors:	Representative Goodwin.	
Referred to:	Local Government II.	•

February 24, 2003

1	A BILL TO BE ENTITLED
2	AN ACT TO REPEAL A LOCAL ACT SO THAT VACANCIES IN THE OFFICE OF
3	SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE
4	WITH G.S. 162-5.
5	The General Assembly of North Carolina enacts:
6	SECTION 1. Chapter 649 of the 1983 Session Laws is repealed.
7	SECTION 2. This act is effective when it becomes law.



HOUSE BILL 63: Richmond Sheriff Vacancies

Committee: House Local Government II

Date:

March 18, 2003

Version: 1st Edition Introduced by: Rep. Goodwin

Kory J. Goldsmith Summary by:

Committee Counsel

SUMMARY: HB 63 would repeal a local act so that the County Commissioners of Richmond County would fill any vacancies in the office of the Sheriff instead of the clerk of court.

Chapter 649 of the 1983 Session Laws provides the if there is a vacancy in the **CURRENT LAW:** office of the sheriff of Richmond County, then the clerk of court shall elect a sheriff to fill the vacancy for the remainder of the term. If the sheriff had been a nominee of a political party, the clerk shall fill the vacancy with a member of the same party.

BILL ANALYSIS: HB 63 would repeal the local act. As a result, the county commissioners would elect a sheriff to fill the vacancy at the next commissioner meeting following the creation of the vacancy. The county coroner would execute all process between the time the vacancy was created and the time the commissioners elect a replacement. The replacement sheriff must possess the same qualifications, enter into the same bond, and be subject to removal the same as the elected sheriff.

The act is effective when it becomes law.

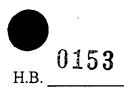
H63-SMRC-001

Jele Meruter 3-19-03

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative(s) Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 153 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S GARBAGE AND TRASH ORDINANCE, AUTHORIZING THE CITY TO TAKE REMEDIAL ACTION REGARDING THE GARBAGE AND TRASH ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, AND CLARIFYING THE LANGUAGE AS TO WHAT CONSTITUTES A CHRONIC VIOLATOR UNDER THE CITY'S CURRENT ORDINANCE REGARDING OVERGROWN VEGETATION.
\boxtimes	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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	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)

CAL BILL



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A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S GARBAGE AND TRASH ORDINANCE, AUTHORIZING THE CITY TO TAKE REMEDIAL ACTION REGARDING THE GARBAGE AND TRASH ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, AND CLARIFYING THE LANGUAGE AS TO WHAT CONSTITUTES A CHRONIC VIOLATOR UNDER THE CITY'S CURRENT ORDINANCE REGARDING OVERGROWN VEGETATION.

Introduced by Representative(s): Word - Change - Holmes	nble. Ne Sufform	
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HOUSE BILL 153: Winston-Salem Ordinances/Chronic Violators

BILL ANALYSIS

Committee: House Local Government II

Date:

March 18, 2003

Version:

1st Edition

Introduced by: Rep. Womble

Summary by:

Kory J. Goldsmith

Committee Counsel

SUMMARY: House Bill 153 allows the City of Winston-Salem to remove garbage and trash from a landowner's property where the city has notified the landowner at least three times in the prior year that the owner is in violation of the garbage and trash ordinance. The cost of the action becomes a lien against the property and is collected as unpaid ad valorem taxes. The bill also clarifies definition of "chronic violator" as it applies to the enforcement of the city's overgrown vegetation ordinance.

CURRENT LAW: G.S. 160A-193 grants to cities the authority to remove or otherwise remedy situations that are dangerous or prejudicial to the public health or public safety. The expense of removal is paid by the property owner or becomes a lien against the property that is collected as unpaid ad valorem taxes. Many municipalities, including Winston-Salem, have local acts specifically addressing the enforcement of overgrown vegetation ordinances against chronic violators.

BILL ANALYSIS:

Section 1 of the bill allows Winston-Salem to enforce its garbage and trash ordinance against chronic violators. A "chronic violator" is defined as a person who owns property and who has received at least 3 notifications of violation of the garbage and trash ordinance in the last calendar year. In the following calendar year, if the person is still in violation, the city may send a notice of violation via registered or certified mail and then remove the violation and charge the expense to the owner. If the expense is not paid, it becomes a lien against the property and is collected as unpaid ad valorem taxes.

Section 2 of House Bill 153 amends the Winston-Salem local law regarding the enforcement of its overgrown vegetation ordinance. It clarifies the definition of a "chronic violator" so it is consistent with the definition in Section 1 of the bill.

The act is effective when it becomes law.

S153-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 153

Short Title: Winston-Salem Ordinances/Chronic Violators. (Local)

Sponsors: Representatives Womble; Holmes, McGee, Parmon, and Sexton.

Referred to: Local Government II.

March 3, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S GARBAGE AND TRASH ORDINANCE, AUTHORIZING THE CITY TO TAKE REMEDIAL ACTION REGARDING THE GARBAGE AND TRASH ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, AND CLARIFYING THE LANGUAGE AS TO WHAT CONSTITUTES A CHRONIC VIOLATOR UNDER THE CITY'S CURRENT ORDINANCE REGARDING OVERGROWN VEGETATION.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may notify a chronic violator of the municipality's garbage and trash ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property in accordance with G.S. 160A-193. The initial annual notice shall be served by registered or certified mail. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality gave a notice of violation at least three times under any provision of the garbage and trash ordinance.

SECTION 2. Section 1 of S.L. 1999-58 reads as rewritten:

"Section 1. A municipality may notify a chronic violator of the municipality's overgrown vegetation ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action gave a notice of violation at least three times under any provision of the overgrown vegetation ordinance."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

- SECTION 3. This act applies to the City of Winston-Salem only.
- 2 **SECTION 4.** This act is effective when it becomes law.

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative ADAMS (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for H.B. 68 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.
☐ 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 the committee substitute bill, which changes the title, unfavorable as to the original bill.
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
☐ 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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A BILL TO BE ENTITLED

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 68 PROPOSED COMMITTEE SUBSTITUTE H68-CSRW-2 [v.1]

3/17/2003 3:06:32 PM

Short Title: Spring Lake and Newton Red Light Cameras.	(Local)
Sponsors:	
Referred to:	
February 24, 2003	
A BILL TO BE ENTITLED	·
AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE AND T	THE CITY OF
NEWTON TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYST	EMS.
The General Assembly of North Carolina enacts:	
SECTION 1. G.S. 160A-300.1(d) reads as rewritten:	
"(d) This section applies only to the Cities of Albemarle, Char	lotte, Durham,
Fayetteville, Greensboro, Greenville, High Point, Lumberton, Newton,	Rocky Mount,
and Wilmington, to the Towns of Chapel Hill, Cornelius, Huntersville, M	latthews, Nags
Head, and Pineville, and Spring Lake, and to the municipalities in Union	County."
SECTION 2. This act is effective when it becomes law.	-

3-19-03 LOCAL GOVT. II C.S. REPORT

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 68 PROPOSED COMMITTEE SUBSTITUTE H68-PCS70160-RW-2

Short Title: Spring Lake and Newton Red Light Cameras.	(Local)
Sponsors:	
Referred to:	
February 24, 2003	
A BILL TO BE ENTITLED	
AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE AND	THE CITY OF
NEWTON TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYS	STEMS.
The General Assembly of North Carolina enacts:	
SECTION 1. G.S. 160A-300.1(d) reads as rewritten:	
"(d) This section applies only to the Cities of Albemarle, Ch	
Fayetteville, Greensboro, Greenville, High Point, Lumberton, Newton	n, Rocky Mount,
and Wilmington, to the Towns of Chapel Hill, Cornelius, Huntersville,	, Matthews, Nags
Head, and Pineville, and Spring Lake, and to the municipalities in Unio	n County."

SECTION 2. This act is effective when it becomes law.



HOUSE BILL 68: Spring Lake and Newton Red Light Cameras

BILL ANALYSIS

Committee: House Local Government II

Introduced by: Rep. Lucas

Date:

March 19, 2003

Summary by: Giles S. Perry

Version:

Proposed Committee Substitute

Committee Counsel

adds the municipalities of Spring Lake and Newton to list of municipalities authorized SUMMARY: to use traffic control photographic systems (red light cameras) in the enforcement of traffic control laws.

CURRENT LAW: Under current law, the municipalities listed in the chart below are authorized to use traffic control photographic systems (red light cameras) in the enforcement of traffic control laws.

BILL ANALYSIS: House Bill 68 adds the municipalities of Spring Lake and Newton to list of municipalities authorized to use traffic control photographic systems (red light cameras) in the enforcement of traffic control laws under G.S. 160A-300.1. House Bill 68 would become effective when it becomes law.

BACKGROUND: The following chart summaries the current red light camera laws.

	GS 160A-300T	G:S:160A-3002	G/S:160A-300.3
Municipalities*	Albemarle, Charlotte,	The municipalities located	The City of
to which the	Durham, Fayetteville,	primarily in Wake County.	Concord.
Statute	Greensboro, High Point,		
Atiplies	Rocky Mount, Wilmington,		
	Greenville, Lumberton,	•	'
	Chapel Hill, Cornelius,		•
A Marie Control	Huntersville, Matthews, Nags		•
	Head, Pineville, and the		
	municipalities in Union		·
	County.		
Compliance	Red light cameras and traffic	Same as G.S. 160A-300.1.	Same as G.S.
MILL BY CO. CO.	signals must comply with DOT		160A-300.1.
skequirements.	requirements.	·	
Action	Warning signs posted no more	Same as G.S. 160A-300.1.	Same as G.S.
Mannisation	than 300 feet from the system		160A-300.1.
	must identify red light		
	cameras.		
Penalty for the	A violation of a traffic control	Same as G.S. 160A-300.1 if a	Same as G.S.
AVIOLATION :	law at an intersection where a	violation is detected by a red	160A-300.1.
	red light camera is located is a	light camera only. If a law	
	noncriminal violation for	enforcement officer and a red	
	which a \$50 civil penalty may	light camera detect a violation,	
	be assessed, but for which no	the officer may charge the	
	driver's license or insurance	offender with an infraction,	
	points may be assessed.	but if the officer does so, a	
		civil penalty issued by the municipality is void and	
		unenforceable.	·
ALCO ACCOMPANIES NOT THE SECOND TO SECOND THE SECOND T	TOL		
Form of the	The citation must state the	Same as G.S. 160A-300.1,	Same as G.S.
Citation William	manner in which the violation	except that the citation must	160A-300.1.

HOUSE BILL 68

Page 2

	G.S.160A-300.1	GS+160A-3002	⊌G.S. 160A-300.3
	may be challenged.	also be attached to photographic evidence of the violation that identifies the vehicle involved.	
Responsibility	The owner of the vehicle is responsible unless, within 21 days after receiving notice of the violation, the owner furnishes officials or agents of the municipality with (1) the name and address of the person or company who leased, rented, or otherwise had control of the vehicle or (2) an affidavit stating that the vehicle was stolen or in the custody of a person who did not have permission to use it.	Same as G.S. 160A-300.1, except that the owner of the vehicle must furnish information to the office of the mayor and may also avoid responsibility by furnishing a statement that the person who received the citation is not the owner or driver of the vehicle or was not driving a vehicle at the time and location designated by the citation.	Same as G.S. 160A-300.1.
Appeal	The municipality must institute a nonjudicial administrative hearing to review objections to citations and penalties.	The municipality must establish a nonjudicial administrative hearing process to review objections to citations and penalties. The municipality may establish an appeals panel of municipal employees to review objections, but if it does not, the mayor must review and make a final decision on objections.	Same as G.S. 160A-300.1.
-Commention Real Main Comments	No Similar Provision.	A municipality may enter into only one contract for the lease, lease-purchase, or purchase of a red light camera system and the contract may be for no more than 60 months. After the period of the contract expires, the municipality must either own the system or return it.	No Similar Provision.
Proceeds from * Charlons	Municipalities retain proceeds from citations and use for a variety of purposes.	The clear proceeds from citations are paid to the county school fund. Clear proceeds are funds remaining after paying for the system, its operation, and administrative costs.	Same as G.S. 160A-300.2.

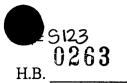
Chart originally prepared by Jeffrey Hudson, Research Division H68-SMRW-001

Yele Meruter 3-19-03

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative ADAMS (Chair_) for the Committee on LOCAL GOVERNMENT II.
н.н	Committee Substitute for 3. 263 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF LUMBERTON TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.
\boxtimes	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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	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) 3/06/03

LOCAL BILL



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Howards.	
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SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF LUMBERTON TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.

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HOUSE BILL 263: Lumberton Unsafe Buildings

BILL ANALYSIS

Committee: House Local Government II

Date:

March 19, 2003

Version:

1st Edition

Introduced by: Reps. Bonner, Sutton, and

Youngue

Summary by:

Giles S. Perry and Barbara

Riley

Committee Counsel

SUMMARY:

House Bill 263 adds the City of Lumberton to those municipalities allowed to declare residential buildings in community development target areas unsafe and to demolish the buildings under the same process authorized to demolish unsafe nonresidential buildings.

CURRENT LAW:

Under G.S. 160A-426 (a), a residential building that appears to the local building inspector to be "especially dangerous to life" may be declared unsafe and a notice of its dangerous character affixed to the building. If the property owner does not promptly correct the problems, the inspector may issue written notice of a hearing and, after hearing, an order may issue requiring the owner to correct the defective conditions. G.S. 160A-428 & 429. If the property owner fails to comply with the order, he is guilty of a Class 1 misdemeanor. G.S. 160A-431. Further, the city may initiate proceedings to correct the violation or to prevent occupancy of the residence involved. G.S. 160A-432(a).

The General Assembly in 2000 enacted legislation amending G.S. 160A-426 that allowed cities to condemn, demolish, and place a lien on vacant, dilapidated non residential property located in a community development target area. To be subject to this process, the non residential property must (1) appear to be vacant or abandoned, and (2) appear to be so dilapidated as to contribute to blight, disease, vagrancy, to be a fire or safety hazard, a danger to children or to attract criminal activity. G.S. 160A-426(b). If 'declared unsafe", the building inspector is required to affix a notice to the building. G.S. 160A-426(c).

As with residential property, should the property owner fail to take prompt corrective action, written notice is to be served on the owner that a hearing will be held on the matter at which the Inspector may order the building to be repaired, closed or demolished. G.S. 160A-428. If the property owner fails to comply with the order, the city has the additional option to have the building removed or demolished. G.S. 160A-432(b) The costs of removal/demolition become a lien on the real property. Id.

In 2002, the General Assembly passed a local act, S.L. 2002-118 (SB 1312), which authorized the Cities of Durham and Fayetteville, and the Town of Hope Mills to use this process to condemn and demolish vacant, dilapidated residential buildings in community development target areas.

BILL ANALYSIS:

House Bill 263 adds the City of Lumberton to those municipalities authorized to condemn and demolish vacant, dilapidated residential buildings in community development target areas using the statutory process for condemning and demolishing nonresidential buildings in those target areas.

The bill is effective when it becomes law.

H263-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 263*

(Local)

1

Sponsors:

Representatives Bonner, Sutton, and Yongue (Primary Sponsors).

Referred to: Local Government II.

Short Title: Lumberton Unsafe Buildings.

March 6, 2003

1	A BILL TO BE ENTITLED
2	AN ACT TO ALLOW THE CITY OF LUMBERTON TO DECLARE RESIDENTIAL
3	BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE
4	AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS
5	AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL
6	BUILDINGS.
7	The General Assembly of North Carolina enacts:
8	SECTION 1. Section 4 of S.L. 2002-118 reads as rewritten:
٥	"SECTION 4 Sections 1 and 2 of this act apply to the Cities of Durham and

"SECTION 4. Sections 1 and 2 of this act apply to the Cities of Durham and Fayetteville Durham, Fayetteville, and Lumberton and the Towns of Hope Mills and Spring Lake only."

SECTION 2. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

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03/19/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bob Dusgblow	NC Styte watch

Jackie Hamby (House Legislative Assistants Office)

From: Beverlee Baker (Rep. Adams)

Sent: Monday, March 17, 2003 9:20 AM

Subject: House LOCAL GOVERNMENT II Committee Meeting (03-19-03) (CORRECTED DATE ON

SUBJECT LINE)

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE:

Wednesday, March 19, 2003

TIME:

10:00 a.m.

LOCATION:

Room 425 LOB

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 63 RICHMOND SHERIFF VACANIES

Representative Goodwin

HB 68 SPRING LAKE RED LIGHT CAMERAS

Representative Lucas

HB 153 WINSTON-SALEM ORDINANCES/

Representative(s) Womble, Holmes,

CHRONIC VIOLATORS

McGee, Parmon & Sexton

HB 263 LUMBERTON UNSAFE BUILDINGS Representative(s) Bonner, Sutton, & Yongue

Respectfully, Representative Alma Adams Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:00 on Monday, March 17, 2003.

___Principal Clerk
Reading Clerk - House Chamber

Beverlee Baker (Committee Assistant)

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

March 26, 2003

The House Committee on LOCAL GOVERNMENT II met on Wednesday, March 26, 2003, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Adams, Chair, presided. Other members present were: Representative(s) L. Allen, Capps, Decker, Frye, Harrell, Jones, Mitchell, Pate, and Walker.

A Visitor Registration list is attached and made a part of the Minutes, along with handouts and summaries relating to the bills that were considered at this meeting. A complete dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

HB 337

Representative L. Allen, bill sponsor, was recognized to explain HB 337, A BILL ENTITLED AN ACT TO ALLOW FRANKLIN COUNTY TO ACQUIRE PROPERTY FOR AIRPORT PURPOSES BY USING THE "QUICK TAKE" PROCEDURE. Upon motion by Representative Decker, **HB 337 was given a favorable report.**

HB 351

Representative Coates, bill sponsor, was recognized to explain HB 351, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ADOPT AND ENFORCE ORDINANCE RELATING TO PARKING. Upon motion by Representative Walker, <u>HB 351 was given a favorable report.</u>

HB 401

Representative Fox, bill sponsor, was recognized to explain HB 401, A BILL ENTITLED AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE. Representative Decker sent forth an amendment and Representative Pate moved for the adoption of the amendment for the purpose of discussion. The motion carried.

Following discussion and explanation of the amendment, Representative Decker made a motion to "roll the amendment" into a proposed committee substitute with a <u>favorable</u> <u>report as to the committee substitute bill, unfavorable to the original bill.</u> The amendment is attached as a part of the record of the Minutes.

HB 501

Representative Hall, sponsor of the bill, was recognized to explain HB 501, A BILL ENTITLED REDRAWING THE ELECTION DISTRICT BOUNDARIES FOR THE TOWN OF ENFIELD IN HALIFAX COUNTY. Upon motion by Representative Decker, HB 501 was given a favorable report.

There being no further business before the Committee, the meeting adjourned at 10:25 A.M.

Representative Alma Adams

Chair

Jacquelyn A. Hamby Committee Assistant

ATTACHMENTS:

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

March 26, 2003 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS

HB 337 Franklin County Airport Quick Take

Representative L. Allen

• HB 351 Salisbury Parking Enforcement

Representative Coates

Representative(s) Fox,

• HB 401 Henderson Overgrown Vegetation Ordinance

Crawford

• HB 501 Enfield Election District Lines

Representative Hall

COMMENTS

ADJOURNMENT

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
H.E	Committee Substitute for 3. 337 A BILL TO BE ENTITLED AN ACT TO ALLOW FRANKLIN COUNTY TO ACQUIRE PROPERTY FOR AIRPORT PURPOSES BY USING THE "QUICK TAKE" PROCEDURE.
X	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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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.
	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) 03/19/03

CAL BILL
ROLL CALL

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Vavor	able	•
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	SESSION LAW	

A BILL TO BE ENTITLED

AN ACT TO ALLOW FRANKLIN COUNTY TO ACQUIRE PROPERTY FOR AIRPORT PURPOSES BY USING THE "QUICK TAKE" PROCEDURE.

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HOUSE BILL 337: Franklin County Airport Quick Take

Committee: House Local Government II

Date:

March 26, 2003

Version:

1st Edition

Introduced by: Rep. L. Allen

Summary by:

Giles S. Perry

Committee Counsel

SUMMARY: House Bill 337 authorizes Franklin County to acquire property for airport purposes using the "quick take" condemnation procedure.

Under current law, counties can acquire property using the "quick take" procedure **CURRENT LAW:** (meaning title to the property and the right to immediate possession transfers upon the filing of a condemnation action) for the following purposes:

- --Street and sidewalks
- --Storm, drainage, and sewer systems
- --Stream drainage facilities

Under G.S. 40A-3(b) (1), (4), and (7)

- --Water supply and distribution
- --Wastewater collections
- --Solid waste collection facilities

Under G.S. 153A-274(1), (2), and (3)

House Bill 337 adds acquisition of property for airports to the types of property **BILL ANALYSIS:** Franklin County can acquire by "quick-take".

House Bill 337 would become effective when it becomes law.

BACKGROUND: Prior similar local laws: S.L. 2001-73 authorized the Halifax Regional Airport Authority to acquire property using the "quick take" method.

H337-SMRW-001

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 337

Short Title:	Franklin County Airport Quick Take.	(Local)
Sponsors:	Representative L. Allen.	
Referred to:	Local Government II.	·

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW FRANKLIN COUNTY TO ACQUIRE PROPERTY FOR AIRPORT PURPOSES BY USING THE "QUICK TAKE" PROCEDURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 40A-42(a)(1) reads as rewritten:

When a local public condemnor is acquiring property by condemnation "(1)for a purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), (2), (3), or (4), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10), (12), or (13), title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41."

SECTION 2. This act applies to Franklin County only.

22 **SECTION 3.** This act is effective when it becomes law.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 351 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.
	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 the committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	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) 03/19/03

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SESSION LAW_____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

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MAR DEPENDENT TO COMMITTEE

ON. LOCKEL CLUTHER WANTED



HOUSE BILL 351: Salisbury Parking Enforcement.

BILL ANALYSIS

Committee: House Local Government II

Date: Version: March 25, 2003

1st Edition

Introduced by: Rep. Coates

Summary by:

Kory J. Goldsmith Committee Counsel

SUMMARY: HB 351 amends the Charter for the City of Salisbury to authorize it to adopt and enforce ordinances related to parking.

The Salisbury Charter allows the City Council to control traffic through the use of **CURRENT LAW:** traffic-control devices that include parking meters. It does not otherwise address parking ordinances. However, G.S. 160A-301 provides that a city may, by ordinance, regulate parking of vehicles on the public streets. Violation of local ordinances is an infraction and subject to a penalty of not more than fifty dollars (\$50).

BILL ANALYSIS: HB 351 allows the Salisbury City Council to adopt an ordinance that provides for the following:

- Each hour a vehicle remains illegally parked is a separate offense and may be ticketed separately.
- Vehicles towed for parking violations may be held until the towing fee and penalties are paid in full.
- Authorizes the use of wheel locks on illegally parked vehicles for which there are three or more outstanding and unpaid parking tickets for a period of 90 days.
- Authorizes ordinances prohibiting parking in certain designated spaces.
- Allows for enforcement by law enforcement officers and other persons authorized by the ordinance.

The act is effective when it becomes law.

The bill should be re-referred to Finance.

H351-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 351

Short Title: Salisbury Parking Enforcement. (Local)

Sponsors: Representative Coates.

Referred to: Local Government II.

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter VII of the Charter of the City of Salisbury, as revised and consolidated by S.L. 1987-205, is amended by adding the following new section:

"Sec. 7.4. Parking Regulations and Violations.

- (a) The City Council may provide by ordinance that each hour a vehicle remains illegally parked in an on-street parking space is a separate offense, and the violator may be given a ticket for each offense.
- (b) The City Council may provide by ordinance that any vehicle that has been towed for a parking violation is to be held until the towing fee and penalties related to all outstanding parking tickets and parking penalties owed to the City are paid in full, or a bond is posted in the amount of the towing fee and all outstanding parking tickets and parking penalties. Payment of the towing fee and all outstanding parking tickets and parking penalties shall not constitute a waiver of a person's right to contest the towing or the outstanding parking tickets and parking penalties.
- (c) The City Council may provide by ordinance for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets for a period of 90 days. The ordinance shall provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars (\$50.00), and charges for towing and storage. The City shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle.
- (d) Notwithstanding the provisions of Chapter 20 of the General Statutes or any other public or private local laws to the contrary, the City Council may adopt ordinances:

1		(1)	Prohibiting parking or standing of a vehicle in a space designated with
2			a sign for handicapped persons when the vehicle does not display the
3			distinguishing registration plate, windshield placard, or disabled
4			veteran registration plate and that prohibit parking or standing of a
5			vehicle so as to obstruct a curb ramp or curb cut, as provided in G.S.
6			20-37.6(e).
7		(2)	Prohibiting parking or standing of a vehicle in front of or within a
8			specified distance in either direction of a fire hydrant or the driveway
9			entrance to any fire station, or in any area designated as a fire lane.
0		(3)	Prohibiting parking or standing of a vehicle in front of or within a
1			specified distance from a public or private driveway.
2		(4)	Prohibiting parking or standing of a vehicle within a specified distance
3			from an intersection or crosswalk.
4	(e)	Any.	ordinance adopted pursuant to this section may be enforced by law
5	enforcem	ent of	ficers and any person or persons authorized by ordinance, by the city
6	manager,	or by	the chief of police, whether or not the vehicle is parked on public or
17	private pr	-	• · · · · · · · · · · · · · · · · · · ·
8	•	SEC	FION 2. This act is effective when it becomes law.

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.				
Committee Substitute for H.B. 401 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.				
☐ 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 the committee substitute bill (#				
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.				
☐ 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)				





SESSION	LAW	

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

ntroduced by Representative	e(s): Fox and Crawford (Primary Sponsors).	
Principal Clerk's Use Only	·		
SSED 1st READING			
MAR 11 2003 AND REFERENCE TO COMMUNICATION ON LOCAL CITY AND	ment		•
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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

House Bill 401*

(H401-ARC-5 [v.2]	AMENDMENT NO (to be filled in by Principal Clerk)		
`		- '	Page 1 o	f 1
	Date	e	,20	<u>03</u>
	Comm. Sub. [NO] Amends Title [NO] First Edition	•		
	Representative			
1 2 3	moves to amend the bill on page 1, line 14, by inserts the period, the following:	ing between the word	" <u>mail</u> " a	nd
4 5	"or as otherwise as provided by law".			
	SIGNEDAmendment Sponsor			
	SIGNED			
	Committee Chair if Senate Committee Amendment	· ·		

ADOPTED _____

FAILED _____ TABLED ____

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3.26.03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 401* PROPOSED COMMITTEE SUBSTITUTE H401-PCS80161-RC-3

Short Title: Henderson Overgrown Vegetation Ordinance.	(Local)
Sponsors:	
Referred to:	
March 11, 2003	
A BILL TO BE ENTITLED	
AN ACT AUTHORIZING THE CITY OF HENDERSO	ON TO GIVE ANNUAL
NOTICE TO VIOLATORS OF THE CITY'S WEEDED I	LOT ORDINANCE.
The General Assembly of North Carolina enacts:	
SECTION 1. The Charter of the City of Hender	son, being Chapter 780 of
the 1967 Session Laws, as amended, is amended by adding the	e following new section:
"Sec. 40.1. Weeded Lot Ordinance. The City may noti	fy a violator of the City's
weeded lot ordinance that if the violator's property is foun	
ordinance again in the calendar year in which notice is giv	en, the City shall, without
further notice, take action to remedy the violation, and the e	expense of that action shall
be charged to the violator. The notice may also provide that f	
the City shall charge the violator the expense of the action an	
percent (50%) over the expense to remedy the preceding vio	
shall be served by registered or certified mail or as otherwise	provided by law."

SECTION 2. This act is effective when it becomes law.



HOUSE BILL 401: Henderson Overgrown Vegetation Ordinance

Committee: House Local Government II

Introduced by: Reps. Fox and Crowford

Summary by: Kory J. Goldsmith 16

Version:

Date:

March 24, 2003 1st Edition

Committee Counsel

SUMMARY: HB 401 would amend the Charter of the City of Henderson to allow annual notification to violators of the weeded lot ordinance, removal of the violation, and surcharges for additional violations in the same year.

CURRENT LAW: G.S. 160A-174 grants to cities the authority to adopt ordinances related to the health, safety, or welfare of its citizens. G.S. 160-175 authorizes cities to enforce their ordinances and G.S. 160- 193 allows cities to abate situations that are dangerous or prejudicial to the public health and welfare. Although the cost of abatement may be charged to the violator, there is no provision for assessing a surcharge for repeated abatements.

BILL ANALYSIS: The bill amends the City Charter for Henderson by adding a new section 40.1. The section allows the city to notify a landowner that their property is found in violation again during the calendar year, the city will remedy the violation without further notice. The city may charge the cost of the remedial action to the property owner. Notice of the violation shall be by registered or certified If there is a subsequent violation during the same calendar year, the city may abate the violation again and charge the owner up to a fifty percent (50%) surcharge over the expense of removal.

Under the State Constitution, the surcharge probably goes to the local board of education.

The act is effective when it becomes law.

The bill should be re-referred to House Finance.



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

House Bill 401*

H401-ARC-5 [v.2]	(to b	NDMENT NO be filled in by ncipal Clerk)
		Page 1 of 1
	Date	,2003
Comm. Sub. [NO] Amends Title [NO] First Edition		
Representative		,
moves to amend the bill on page 1, lir the period, the following:	ne 14, by inserting bety	ween the word "mail" and
"or as otherwise as provided by law".		
SIGNED M. Deskinsternament Sponsor		-
SIGNED Committee Chair if Senate Committee	Amendment	-
ADOPTED FAILE	D	TABLED

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(Local)

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

H

HOUSE BILL 401*

SECTION 2. This act is effective when it becomes law.

Minutes 3/26/07

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.			
H.B	Committee Substitute for 5. 501 A BILL TO BE ENTITLED AN ACT REDRAWING THE ELECTION DISTRICT BOUNDARIES FOR THE TOWN OF ENFIELD IN HALIFAX COUNTY.			
X	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 the committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.			
	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) 03/19/03			

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	A BILL	TO BE ENTITI	-ED	
AN ACT REDRAWING T HALIFAX COUNTY.	HE ELECTION DISTRIC	CT BOUNDARIES I	FOR THE TOWN	OF ENFIELD IN
Introduced by Representativ	e(s): Hall.			
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HOUSE BILL 501: Enfield Election District Lines

Committee: House Local Government II

Date: March 26, 2003

Version: 1st Edition

Introduced by: Rep. Hall

Summary by: Giles S. Perry

Committee Counsel

SUMMARY: House Bill 501 redraws the election districts for the Town Board of Enfield.

CURRENT LAW: Under current law, the Town of Enfield has a five-member Board, with one person elected at-large, and the remaining four elected from two districts.

BILL ANALYSIS: House Bill 501 redraws the boundary line between the two town board election districts, effective beginning with the next scheduled election.

BACKGROUND: If enacted, House Bill 501 must be precleared by the U.S. Justice Department under Section 5 of the federal Voting Rights Act of 1965.

H501-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 501

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Short Title: Enfield Election District Lines. (Local)

Sponsors: Representative Hall.

Referred to: Local Government II.

March 17, 2003

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BILL TO BE ENTITLED

AN ACT REDRAWING THE ELECTION DISTRICT BOUNDARIES FOR THE TOWN OF ENFIELD IN HALIFAX COUNTY.

Whereas, the Enfield Town Board of Commissioners consists of five members, four of whom are elected from two districts; and

Whereas, those districts, designated as Districts A and B, are subject to the requirements of one-person, one-vote and were redrawn following the 2000 census; and

Whereas, before the districts were redrawn, the boundary was the CSX railroad track which runs through the middle of town and is an obvious and well-known dividing line; and

Whereas, as a result of the 2001 redistricting, the current boundary between Districts A and B is irregular and confusing; and

Whereas, an annexation which occurred after the 2001 redistricting has added sufficient population to the Town that Districts A and B would be within the correct population ranges for one-person, one-vote if the old boundary, the railroad track, were used; and

Whereas, a return to the railroad track as the boundary between Districts A and B would make the line more understandable to voters, candidates, and election officials; and

Whereas, the Enfield Town Board of Commissioners unanimously has requested such a change; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The boundary between Districts A and B used for the election of the Enfield Town Board of Commissioners shall be the CSX railroad track which runs on a north-south line through the middle of the Town. This restores the language of Section 2.1(b) of the Charter of the Town of Enfield as enacted by Chapter 479 of the 1993 Session Laws.

SECTION 2. The boundary established by this act shall apply to any town election for which filing opens at least five days after the boundary has taken effect.

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GENERAL ASSEMBLY OF NORTH CAROLINA

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SESSION 2003

SECTION 3. The boundary established by this act shall take effect upon preclearance pursuant to section 5 of the Voting Rights Act of 1965.

SECTION 4. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

House/LOCAL (${\sf GOV}$	'ERNN	//ENT	II
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03/26/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sku Woodsa	NK Farm Burrau
RONNIO DOSWICK	Franklin County EDC
Lo Reve Coates	
Julie Allen	NC Statewatch
Barbare Cansler	MFSS
Fotherine Daves	Electricaties
Andy Romerit	NCLM

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 2, 2003

The House Committee on LOCAL GOVERNMENT II met on Wednesday, April 2, 2003 at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Adams, Chair, presided. The following members were present: Representative(s) L. Allen, Capps, Decker, Farmer-Butterfield, Frye, Harrell, Jones, Mitchell, Pate, and Walker,

A Visitor Registration list is attached and made a part of the Minutes along with handouts and summaries relating to the bills considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

HB 440

Rep. Sexton, bill sponsor, was recognized to explain, HB 440. AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING. Upon motion by Representative Pate and carried, HB 440 was given a favorable report.

Rep. Adams, relinquished Chair to Vice Chair Rep. Lucy Allen.

HB 626

Rep. Adams, bill sponsor, was recognized to explain HB 626 AN ACT TO ALLOW THE CITY OF GREENSBORO AND THE PIEDMONT TRIAD INTERNATIONAL AIRPORT ADMINISTRATION TO AMEND THE BOUNDARIES OF CERTAIN TERRITORY THAT CANNOT BE ANNEXED BY THE CITY UNDER GENERAL LAW. An amendment was offered by Senator Weinstein. Upon motion by Representative Famer-Butterfield and carried, HB 626 was given a favorable report and rerefer to finance.

HB 627

Representative Adams was recognized to explain proposed committee substitute offered. AN ACT TO AUTHORIZE THE CITY OF GREENSBORO AND THE TOWN OF KERNERSVILLE TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS. Upon motion by Representative Walker and carried, report of proprosed committee substitute for HB 627 was given a favorable report, unfavorable to original report and referred to Transportation.

Rep. Adams resumed as chair.

There being no further business before the Committee, the meeting adjourned.

Representative Alma Adams

Chair

Jacquelyn A. Hamby Committee Assistant

ATTACHMENTS

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 2, 2003 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS

• HB 440 Wentworth Agricultural Zoning

Representative Sexton

• HB 626 Greensboro/Airport Annexation Agreements

Representative(s) Adams, Bowie, Jeffus, Jones

• HB 627 Greensboro Construct Roads

Representative(s) Adams, Bowie, Jeffus, Jones

• HB 516 Rockingham Trees

Representative Goodwin & phow

COMMENTS

ADJOURNMENT

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 440 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING.
X	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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	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)



 $0\,\mathbf{4}\,\mathbf{4}\,\mathbf{0}$ H.B.

SESSION	LAW	

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING.

ntroduced by Representat	ve(s): S	sexton.	•		
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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 440

1

Short Title: Wentworth Agricultural Zoning. (Local)

Sponsors: Representative Sexton.

Referred to: Local Government II.

March 13, 2003

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A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Wentworth, being Chapter 76 of the Private Laws of 1798, as amended by S.L. 1997-322, is amended by adding a new section to read:

"Sec. 5.2. Zoning Exemption. Notwithstanding any other provision of law, the Town may not regulate or restrict agricultural land uses under its zoning ordinance. For the purposes of this section, an 'agricultural land use' includes 'agricultural land' as defined in G.S. 105-277.2 and property used for 'bona fide farm purposes' as defined in G.S. 153A-340(b)(2). This exemption does not limit regulation under this section with respect to the use of farm property for nonfarm purposes."

SECTION 2. This act is effective when it becomes law.



HOUSE BILL 440: Wentworth Agricultural Zoning

Committee: House Local Government II

Date:

March 26, 2003

Version:

1st Edition

Introduced by: Rep. Sexton

Summary by:

Giles S. Perry

Committee Counsel

SUMMARY: House Bill 440 would prohibit the Town of Wentworth from regulating or restricting agricultural land uses under its zoning ordinance.

Under current general law, a municipality may regulate agricultural uses of land as **CURRENT LAW:** a part of its zoning ordinance.

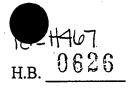
House Bill 440 would amend the Charter of the Town of Wentworth to prohibit **BILL ANALYSIS:** the town from regulating or restricting agricultural land uses under its zoning ordinance.

House Bill 440 would become effective when it becomes law.

H440-SMRW-001

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 626 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENSBORO AND THE PIEDMONT TRIAD INTERNATIONAL AIRPORT ADMINISTRATION TO AMEND THE BOUNDARIES OF CERTAIN TERRITORY THAT CANNOT BE ANNEXED BY THE CITY UNDER GENERAL LAW.
	With a favorable report.
X	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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	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)



SESSION LAW	

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF GREENSBORO AND THE PIEDMONT TRIAD INTERNATIONAL AIRPORT ADMINISTRATION TO AMEND THE BOUNDARIES OF CERTAIN TERRITORY THAT CANNOT BE ANNEXED BY THE CITY UNDER GENERAL LAW.

Introduced by Representati	ve(s): A	Adam	s, Bov	vie, Je	effus,	and Jo	nes (Pr	imary S _l	ponsor	s).	٠		٠.
													
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MAR 24 2003

AND REFERRED TO COMMITTEE

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 626

1

Short Title: Greensboro/Airport Annexation Agreements.

(Local)

Sponsors:

Representatives Adams, Bowie, Jeffus, and Jones (Primary Sponsors).

Referred to: Local Government II.

March 24, 2003

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A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENSBORO AND THE PIEDMONT

TRIAD INTERNATIONAL AIRPORT ADMINISTRATION TO AMEND THE BOUNDARIES OF CERTAIN TERRITORY THAT CANNOT BE ANNEXED BY THE CITY UNDER GENERAL LAW.

4 5 6

The General Assembly of North Carolina enacts:

7 8 9 SECTION 1. The City of Greensboro and the Piedmont Triad International Airport Administration may enter into agreements to amend the boundaries of the territory described in Section 4 of Chapter 818 of the 1985 Session Laws to meet the changing needs of the City and the Airport Administration.

10 11

SECTION 2. This act is effective when it becomes law.



HOUSE BILL 626: Greensboro/Airport Annexation Agreements

Committee: House Local Government II

Date: Version: April 2, 2003

1st Edition

Introduced by: Rep. Adams, Bowie, Jeffus,

and Jones

Giles S. Perry Summary by:

Committee Counsel

SUMMARY: House Bill 626 authorizes the City of Greensboro and the Piedmont Triad International Airport Administration to jointly amend the description of the area that cannot be annexed by Greensboro or any other municipality.

CURRENT LAW: Under current local law, an area described in Section 4 of Chapter 818 of the 1985 Session Laws cannot be annexed by Greensboro or any other municipality.

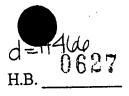
BILL ANALYSIS: House Bill 626 authorizes the City of Greensboro and the Piedmont Triad International Airport Authority Administration to enter in agreements to amend the description of the area that cannot be annexed into any municipality.

House Bill 626 would become effective when it becomes law.

H626-SMRW-001

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOV	VERNMENT II.
Committee Substitute for H.B. 627 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE C LIMITS.	ECITY OF
With a favorable report.	
☐ With a favorable report and recommendation that the bill be re-referred Appropriations ☐ Finance ☐ ☐.	to the Committee on
With a favorable report, as amended.	
☐ With a favorable report, as amended, and recommendation that the bill be Committee on Appropriations ☐ Finance ☐ ☐.	e re-referred to the
With a favorable report as to the committee substitute bill (#), title, unfavorable as to (the original bill) (Committee Substitute Bill #) be re-referred on TRANSPORTATION.), (and
With a favorable report as to House committee substitute bill (#), the title, unfavorable as to Senate committee substitute bill.	which changes
☐ 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	l. ·
☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONL	.Y) 03/19/03



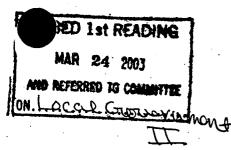
SESSION LAW	·
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A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.

Introduced by Representative(s): Adams, Bowie, Jeffus, and Jones (Primary Sponsors).					
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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 627 PROPOSED COMMITTEE SUBSTITUTE H627-CSRW-10 [v.1]

4/1/2003 3:47:25 PM

Short Title: Greensboro Construct Roads Outside City.	(Local)
Sponsors:	
Referred to:	
March 24, 2003	
A BILL TO BE ENTITLED	
AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND ON ROADS OUTSIDE THE CORPORATE LIMITS.	FUNDS
The General Assembly of North Carolina enacts: SECTION 1. Chapter 160A of the General Statutes is amended by	adding a
new section to read: "§ 160A-296.1. Expenditure of funds for roads outside the corporate limits.	•
A city may appropriate funds not otherwise limited as to use by law to c	onstruct
roadways in areas outside its corporate limits and outside its extraterritorial	olanning
and zoning jurisdiction only if those roadways are owned by the State and ma	intained
by the Department of Transportation."	
SECTION 2. This act applies to the City of Greensboro only.	
SECTION 3. This act is effective when it becomes law.	



HOUSE BILL 627: Greensboro Construct Roads Outside City

BILL ANALYSIS

House Local Government II Committee:

Date:

April 2, 2003

Version:

Proposed Committee Substitute

Introduced by: Rep. Adams; Bowie, Jeffus,

and Jones

Summary by:

Giles S. Perry

Committee Counsel

SUMMARY: House Bill 627 authorizes the City of Greensboro to expend funds on roads outside the corporate limits of the city.

CURRENT LAW: Under current general law, municipalities have general authority and control over streets within their corporate limits. (G.S. 160A-296).

BILL ANALYSIS: House Bill 627 authorizes the City of Greensboro to expend funds not otherwise limited as to use on roads its corporate limits and outside its extraterritorial planning and zoning jurisdiction, if those roads are owned by the State, and maintained by the Department of Transportation.

House Bill 627 would become effective when it becomes law.

BACKGROUND: Similar authority was previously granted to the towns of Cary and Weddington, and the cities of Charlotte, Concord, and Monroe. (S.L. 2001-245).

H627-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 627

Short Title: Local Government II. (Local) Representatives Adams, Bowie, Jeffus, and Jones (Primary Sponsors). Sponsors: Referred to: Local Government II. March 24, 2003 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS. The General Assembly of North Carolina enacts: SECTION 1. Chapter 160A of the General Statutes is amended by adding a new section to read: "§ 160A-296.1. Expenditure of funds for roads outside the corporate limits. A city may appropriate funds not otherwise limited as to use by law to construct roadways in areas outside its corporate limits and outside its extraterritorial planning and zoning jurisdiction only if those roadways are owned by the State and maintained by the Department of Transportation." **SECTION 2.** This act applies to the City of Greensboro only.

SECTION 3. This act is effective when it becomes law.

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VISITOR REGISTRATION SHEET

House/LOCAL	GOVERNI	MENT	II
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04/02/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steve Woodson	Ne Farm Bureau
R. Coul Wilms	NCHBA
Zob Soeum	NO FERESTRY ASSOC
Cam Coner	BPMHZ
Bair Cerr	City & Gneensbaro
PGP	NCAS.
Julie Allen	NC Statementch
Bu Can Suffer	aprendes Trust Space
Extherine Davis	Electicities
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Jackie Hamby (House Legislative Assistants Office)

From: Beverlee Baker (Rep. Adams)

Sent: Friday, March 28, 2003 4:03 PM

Subject: House LOCAL GOVERNMENT II Committee Meeting 04/02/03

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the Committee on **LOCAL GOVERNMENT II** will meet as follows:

DAY & DATE:

Wednesday, April 2, 2003

TIME:

10:00 A.M.

LOCATION:

Room 425 LOB

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 440 Wentworth Agricultural Zoning

Representative Sexton

HB 626 Greensboro/Airport Annexation Agreements Bowie, Jeffus, Jones

Representative(s) Adams,

HB 627 Greensboro Construct Roads Outside City

Representative(s) Adams, Bowie,

Jeffus

HB 516 Rockingham Trees

Representative Goodwin

NO ACTION

Respectfully,

Representative Alma Adams

Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:00 on March 31, 2003.

x Principal Clerk

x Reading Clerk - House Chamber

Beverlee Baker (Committee Assistant)

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 9, 2003

The House Committee on LOCAL GOVERNMENT II met on Wednesday, April 9, 2003, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Adams, Chair, presided. Other members present were: Representative(s) Capps, Decker, Farmer-Butterfield, Frye, Harrell, Jones, Justice, Mitchell, Pate, and Walker.

A Visitor Registration list is attached and made a part of the Minutes, along with handouts and summaries relating to the bill(s) that were considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

HB 734

Representative Michaux, bill sponsor, was recognized to explain HB 734, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSING APPEALS BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES. A proposed committee substitute was offered and motion made by Representative Jones for adoption of the PCS for the purpose of discussion. The motion carried. Representative Jones made a motion for a favorable report of the committee substitute, unfavorable as to the original bill and the motion carried. HB 734 was given a favorable report.

HB 516

Representative Goodwin, bill sponsor, was recognized to explain HB 516, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ROCKINGHAM TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND TO ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS IN THAT CITY. A technical amendment was offered by Representatives Capps and a motion made for its adoption. The motion carried.

A second amendment (attached) was offered by Representative Mitchell to amend the first amendment to add the City of Statesville. Representative Mitchell moved to adopt the amendment. The motion carried.

Representative Frye made a motion to incorporate the two amendments into a proposed committee substitute for HB 516 with a favorable report as to the committee substitute, unfavorable to the original bill. The motion carried.

HB 703

Representative Jeffus was recognized to explain HB 703, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO, AS REVISED AND REORGANIZED BY CHAPTER 1137 OF THE SESSION LAWS OF 1959, TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS. Representative Farmer-Butterfield offered a proposed committee substitute and made a motion for its adoption for the purpose of discussion. The motion carried. Representative Decker moved for a favorable report of the committee substitute bill,

Representative Decker moved for a favorable report of the committee substitute bill, unfavorable to the original bill. The motion carried.

HB 776

Representative Adams, bill sponsor, turned the gavel over to the Vice Chair, Representative Allen, in order to explain HB 776, A BILL ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS.

Representative Farmer-Butterfield moved for a favorable report of HB 776 and the motion carried.

HB 668

Representative Wright, bill sponsor, was recognized to explain HB 668, A BILL ENTITLED TO MODIFY THE CITY OF WILMINGTON AND NEW HANOVER COUNTY BEACH TOWNS OCCUPANCY TAX CUTS. An amendment was offered. Representative Justice moved to adopt the amendment for discussion. Representative Jones made a motion to incorporate the amendment into a proposed committee substitute with a favorable report as to the committee substitute bill, unfavorable to the original bill. The motion carried.

HB 688

Representative Harrell, bill sponsor, was recognized to explain HB 688, A BILL ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY Representative Walker moved that the bill be given a favorable report and be re-referred to the Committee on Finance. The motion carried.

There being no further business the meeting adjourned at 10:50 A.M.

Representative Alma Adams, Chair

acquelyn A. Hamby, Committee Assistant

ATTACHMENTS:

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 9, 2003 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS:

2. - HB 516 Rockingham Trees -

Representative Goodwin

hold HB 582 Clay Co. Development Authority -

Representative West

cled HB 610 Rowland ETJ Extension

Representative(s) Bonner, Yongue

- HB 668 New Hanover Co. Occupancy Tax
- Representative Wright
- 5 HB 688 Revise and Consolidate Mt. Airy Charter Representative Harrell
- HB 703 Greensboro ABC Board Membership
 Representative(s) Jeffus, Adams, Bowie, Jones & Blust
- /. HB 734 Durham Housing Appeals Board
 Representative(s) Michaux, Miller & Luebke
- 4. HB 776 Greensboro Charter Amendment

Representative(s) Adams, & Jeffus

COMMENTS

ADJOURNMENT



HOUSE BILL 610: Rowland ETJ Extension

House Local Government II Committee:

Date:

April 8, 2003

Version:

1st Edition

Introduced by: Reps. Bonner; and Yongue

Summary by:

Giles S. Perry

Committee Counsel

SUMMARY: House Bill 610 authorizes the Town of Rowland to extends its extraterritorial planning and zoning jurisdiction up to two miles beyond its corporate limits.

CURRENT LAW: Under current law, the Town of Rowland has authority to extend its extraterritorial planning and zoning jurisdiction (ETJ) up to one mile beyond its corporate limits.

House Bill 610 authorizes the Town of Rowland (population 1150) to extends its **BILL ANALYSIS:** extraterritorial planning and zoning jurisdiction up to two miles beyond its corporate limits.

House Bill 610 becomes effective when it becomes law.

BACKGROUND: Current law authorizes municipalities to automatically extend their planning and zoning jurisdiction (ETJ) one mile beyond their city limits, unless the county is regulating subdivisions, has adopted a zoning ordinance, and is enforcing the State Building Code. If the county has undertaken all three of these activities, then the city must get approval of the county commissioners prior to extension of planning and zoning jurisdiction. Cities may also extend their ETJ two or three miles, if they have a population of 10,000 or 25,000, respectively, and they gain county commissioner approval.



	SESSION LAW
A BILL TO BE ENT	TITLED
F ROWLAND TO EXTEND EXTENDING TWO MILES	ITS EXTRATERRITORIAL BEYOND ITS PRIMARY CORPORATE
r.	
	F ROWLAND TO EXTEND EXTENDING TWO MILES

Principal Clerk's Use Only

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AND REFERRED TO COMMITTEE

ON. LOCAL CRUSH COMMITTEE

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HOUSE BILL 610

1

Short Title:	Rowland ETJ Extension.	(Local)
Sponsors:	Representatives Bonner; and Yongue.	
Referred to:	Local Government II.	

March 24, 2003

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A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF ROWLAND TO EXTEND ITS

EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES BEYOND ITS PRIMARY CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

6 7 **SECTION 1.** Notwithstanding G.S. 160A-360, the Town of Rowland may exercise the extraterritorial jurisdiction powers granted by Article 19 of Chapter 160A of the General Statutes within a defined area extending not more than two miles beyond its primary corporate limits.

10 11 SECTION 2. This act applies to the Town of Rowland only.

SECTION 3. This act is effective when it becomes law.

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GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

H

HOUSE BILL 582*

1

Short Title: Clay County Development Authority.		(Local)
Sponsors:	Representative West.	
Referred to:	Local Government II.	

March 20, 2003 A BILL TO BE ENTITLED 1 CLAY COUNTY TO **ENGAGE JOINT** AN ACT AUTHORIZING 2 DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN 3 ADJOINING STATE. 4 The General Assembly of North Carolina enacts: 5 SECTION 1. Notwithstanding any other provision of law, Clay County may, 6 by proper resolution of its governing body, create a joint development authority with a 7 contiguous county in an adjoining state. 8 **SECTION 2.** This act applies to Clay County only. 9 10

SECTION 3. This act is effective when it becomes law.

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 9, 2003 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS:

- HB 516 Rockingham Trees -

Representative Goodwin

hold Til laler HB-582 Clay Co. Development Authority -

Representative West

HB 610 Rowland ETJ Extension

Representative(s) Bonner, Yongue

- HB 668 New Hanover Co. Occupancy Tax

Representative Wright

- HB 688 Revise and Consolidate Mt. Airy Charter Representative Harrell
- HB 703 Greensboro ABC Board Membership
 Representative(s) Jeffus, Adams, Bowie, Jones & Blust
- HB 734 Durham Housing Appeals Board Representative(s) Michaux, Miller & Luebke
- HB 776 Greensboro Charter Amendment

Representative(s) Adams, & Jeffus

COMMENTS

ADJOURNMENT

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 734 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSING APPEALS BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES.
	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 .
X	With a favorable report as to the committee substitute bill (# —), which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	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)

H.B. $\frac{0734}{}$ A BILL TO BE AN ACT AMENDING THE CHARTER OF THE CITY OF I	SESSION LAW
	C ELITITI EN
AN ACT AMENDING THE CHARTER OF THE CITY OF I	
AUTHORIZE THE CITY'S HOUSING APPEALS BOAR CASES.	DURHAM TO ALLOW THE CITY COUNCIL RD TO HEAR PUBLIC HEALTH NUISANCES
Introduced by Representative(s): Michaux, Miller, and Luebl	ke (Primary Sponsors).
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AND REFERRED TO COMMITTEE	
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HOUSE BILL 734 PROPOSED COMMITTEE SUBSTITUTE H734-PCS60278-RC-11

Short Title: Durham Housing Appeals Board.	(Local)
Sponsors:	
Referred to:	
March 27, 2003	
A BILL TO BE ENTITLED	•
AN ACT AMENDING THE CHARTER OF THE CITY OF DURH	AM TO ALLOW
THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOU	SING APPEALS
BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES.	
The General Assembly of North Carolina enacts:	
SECTION 1. Section 102(b) of the Charter of the City of	- · · · ·
Chapter 671 of the 1975 Session Laws, as amended by Section 1 of C	Chapter 756 of the
1987 Session Laws, reads as rewritten:	
"(b) The city council may, by ordinance, also authorize the hous	•
Housing Appeals Board to hear and decide, without the necessity of	_
the council, any other cases under Parts 5 or 6 of Article 19 of Cha	_
General Statutes and Article II Statutes, Article 11 of Chapter V	
Charter, and G.S. 160A-193 which, in the absence of such ordinance	
reach the council for action or decision. If a case is heard by the	
Board, the same procedures for the hearing of appeals under subsection	
apply, and the decision of the board shall be reviewable in the same ma	anner as decisions
under subsection (a) herein."	

SECTION 2. This act is effective when it becomes law.

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HOUSE BILL 734 PROPOSED COMMITTEE SUBSTITUTE H734-CSRC-11 [v.2]

4/9/2003 9:22:49 AM

Short litle: Durnam Housing Appeals Board.	(Local)
Sponsors:	
Referred to:	
March 27, 2003	
A BILL TO BE ENTITLED	
AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAN	M TO ALLOW
THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSE	NG APPEALS
BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES.	•
The General Assembly of North Carolina enacts:	
SECTION 1. Section 102(b) of the Charter of the City of	
Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 671 of the 1975 Session Laws, as a section 1 of Chapter 671 of the 1975 Session Laws, as a section 1 of Chapter 671 of the 1975 Session 1 of the 1975 Session	apter 756 of the
1987 Session Laws, reads as rewritten:	
"(b) The city council may, by ordinance, also authorize the housing	
Housing Appeals Board to hear and decide, without the necessity of fi	
the council, any other cases under Parts 5 or 6 of Article 19 of Chapt	
General Statutes and Article II Statues, Article 11 of Chapter VI of this	
and G.S. 160A-193 which, in the absence of such ordinance, would or	
council for action or decision. In hearing any such cases, If a case	-
Housing Appeals Board, the same procedures for the hearing of	
subsection (a) herein shall apply, and the decision of the board shall b	e reviewabie in
the same manner as decisions under subsection (a) herein."	

SECTION 2. This act is effective when it becomes law.



HOUSE BILL 734: Durham Housing Appeals Board

BILL ANALYSIS

Committee: House Local Government II

Date:

April 7, 2003

Version:

Proposed Commtitee Substitute

H734-CSRC-11

Introduced by: Reps. Michaux, Miller, and

Luebke

Summary by:

Kory J. Goldsmith

Committee Counsel

SUMMARY: HB 734 would amend Durham's City Charter to allow the City Council to adopt an ordinance to authorize the Housing Appeals Board to hear and decide cases related to the abatement of public nuisances. The ordinance would have to describe the particular property or properties that could be the subject of appeal before the Housing Appeals Board.

Section 102(b) of the Durham City Charter already allows the City Council to **CURRENT LAW:** adopt ordinances authorizing the House Appeals Board (Board) to hear cases related to building inspections and minimum housing standards. Section 102(a) allows the Board to hear appeals regarding the removal or demolition of structures found to be unfit for human habitation where the owner has refused to comply with an order to remove or demolish the dwelling. In order to use the authority granted under either Section 102(a) or (b), the City Council must adopt an ordinance that describes the particular property or properties whose appeal could be heard by the Board.

The PCS merely capitalizes the term "Housing Appeals Board" to make it consistent with other Sections of the Durham City Charter.

The act is effective when it becomes law.

HOUSE BILL 734

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Short Title:	Durham Housing Appeals Board.	(Local)

Sponsors: Representatives Michaux, Miller, and Luebke (Primary Sponsors).

Referred to: Local Government II.

March 27, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSING APPEALS BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 102(b) of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, reads as rewritten:

"(b) The city council may, by ordinance, also authorize the housing appeals board to hear and decide, without the necessity of further action by the council, any other cases under Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes and Statutes. Article II of this Charter Charter, and G.S. 160A-193 which, in the absence of such ordinance, would or may reach the council for action or decision.—In hearing any such cases, If a case is heard by the housing appeals board, the same procedures for the hearing of appeals under subsection (a) herein shall apply, and the decision of the board shall be reviewable in the same manner as decisions under subsection (a) herein."

SECTION 2. This act is effective when it becomes law.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 516 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ROCKINGHAM TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND TO ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS IN THAT CITY.
	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 [].
X	With a favorable report as to the committee substitute bill (#
	With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
	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.
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A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF ROCKINGHAM TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND TO ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS IN THAT CITY.

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HOUSE BILL 516 PROPOSED COMMITTEE SUBSTITUTE H516-PCS45054-RC-7

Short Title: Certain Municipalities Clear-	Cutting. (Local)
Sponsors:	
Referred to:	
March	17, 2003
A BILL TO	BE ENTITLED
AN ACT AUTHORIZING THE CITIES	OF ROCKINGHAM AND STATESVILLE
AND THE TOWN OF SMITHFIELI	TO LIMIT THE CLEAR-CUTTING OF
TREES IN BUFFER ZONES PRIOR T	O DEVELOPMENT.
The General Assembly of North Carolina e	
SECTION 1.(a) A municipa	lity may adopt ordinances to regulate the
	s and shrubs prior to development within a
	ng public roadways and property boundaries
	25 feet along property boundaries adjacent to
undeveloped properties.	antad managara 45 this a st al all.
SECTION 1.(b) Ordinances add (1) Provide that the required	
• /	buffer area shall not exceed twenty percent ract, net of public road rights-of-way and any
required conservation ease	
• • • • • • • • • • • • • • • • • • •	nes that adjoin public roadways shall be
	f the public road right-of-way.
	two acres or less, net of public road
	coned for single-family residential use are
exempt from the requirem	ents of the ordinances.
\	nances are limited to situations where
	planned or zoned in accordance with adopted
municipal plans and zonir	
	dividual trees is not required.
	sions for access onto and within the subject
property.	. policikion om managar (4 o 3 o 3 o 3
	activities on property taxed under the ard or conducted pursuant to a forestry
	red or approved by a forester registered

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pursuant to Chapter 89B of the General Statutes. However, for such properties, a municipality may deny a building permit or refuse to approve a site or subdivision plan for a period of three years following completion of the harvest if all or substantially all of the perimeter buffer trees that should have been protected were removed from the tract of land for which the permit or plan approval is sought. A municipality may deny a permit or refuse to approve a site or subdivision plan for a period of two years if the owner replants the buffer area within 120 days of harvest with plant material that is consistent with buffer areas required under the municipality's ordinances.

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13 14 **SECTION 2.** Before adopting an ordinance authorized by Section 1 of this act, the governing board of the municipality shall hold a public hearing on the proposed ordinance. Notice of the public hearing shall be given in accordance with G.S. 160A-364.

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SECTION 3. Nothing in this act shall be construed to limit or be limited by any other existing laws or ordinances.

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SECTION 4. This act shall apply only to the Cities of Rockingham and Statesville and the Town of Smithfield and to property located within the City's and Town's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

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SECTION 5. This act becomes effective January 1, 2004.

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HOUSE BILL 516

(Local)

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Sponsors:

Representative Goodwin.

Referred to: Local Government II.

Short Title: Rockingham Trees.

March 17, 2003

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A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF ROCKINGHAM TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND TO ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS IN THAT CITY.

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The General Assembly of North Carolina enacts:

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SECTION 1. Section 4 of S.L. 2001-191 reads as rewritten:

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"SECTION 4. This act shall apply only to the City Cities of Durham and Rockingham, and the Towns of Cary, Garner, Morrisville, Knightdale, Fuquay-Varina, and Spencer and to property located within the municipality's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes."

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SECTION 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

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HOUSE BILL 516 PROPOSED COMMITTEE SUBSTITUTE H516-CSRC-7 [v.2]

4/4/2003 3:41:42 PM

	Short Title: R	Rockingham/Smithfield Trees. (Local)
	Sponsors:	
	Referred to:	
		March 17, 2003
1		A BILL TO BE ENTITLED
2	AN ACT AU	THORIZING THE CITY OF ROCKINGHAM AND THE TOWN OF
3	SMITHFIE	LD TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER
4	ZONES PR	IOR TO DEVELOPMENT.
5	The General As	ssembly of North Carolina enacts:
6	SEC	TION 1.(a) A municipality may adopt ordinances to regulate the
7	removal and pr	reservation of existing trees and shrubs prior to development within a
8	perimeter buffe	er zone of up to 50 feet along public roadways and property boundaries
9	adjacent to deve	eloped properties and up to 25 feet along property boundaries adjacent to
10	undeveloped pr	operties.
11	SEC	TION 1.(b) Ordinances adopted pursuant to this act shall:
12	(1)	Provide that the required buffer area shall not exceed twenty percent
13		(20%) of the area of the tract, net of public road rights-of-way and any
14		required conservation easements.
15	(2)	Provide that buffer zones that adjoin public roadways shall be
16		measured from the edge of the public road right-of-way.
17	(3)	Provide that tracts of two acres or less, net of public road
18		rights-of-way, that are zoned for single-family residential use are
19		exempt from the requirements of the ordinances.
20	(4)	Provide that the ordinances are limited to situations where
21		undeveloped property is planned or zoned in accordance with adopted
22	4-5	municipal plans and zoning regulations.
23	. (5)	Provide that a survey of individual trees is not required.
24	(6)	Include reasonable provisions for access onto and within the subject
25	(=)	property.
26	(7)	Exclude normal forestry activities on property taxed under the
27		present-use value standard or conducted pursuant to a forestry
28		management plan prepared or approved by a forester registered

pursuant to Chapter 89B of the General Statutes. However, for such properties, a municipality may deny a building permit or refuse to approve a site or subdivision plan for a period of three years following completion of the harvest if all or substantially all of the perimeter buffer trees that should have been protected were removed from the tract of land for which the permit or plan approval is sought. A municipality may deny a permit or refuse to approve a site or subdivision plan for a period of two years if the owner replants the buffer area within 120 days of harvest with plant material that is consistent with buffer areas required under the municipality's ordinances.

 SECTION 2. Before adopting an ordinance authorized by Section 1 of this act, the governing board of the municipality shall hold a public hearing on the proposed ordinance. Notice of the public hearing shall be given in accordance with G.S. 160A-364.

SECTION 3. Nothing in this act shall be construed to limit or be limited by any other existing laws or ordinances.

SECTION 4. This act shall apply only to the City of Rockingham Town of Smithfield and to property located within the City's and Town's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

SECTION 5. This act becomes effective January 1, 2004.



HOUSE BILL 516: Rockingham/Smithfield Trees

BILL ANALYSIS

Committee: House Local Government II

Date:

April 4, 2003

Proposed Committee Substitute Version:

H516-CSRC-7[v.2]

Introduced by: Representative Goodwin

Summary by: Kory J. Goldsmith

Committee Counsel

SUMMARY: The PCS to House Bill 516 authorizes the City of Rockingham and the Town of Smithfield to regulate by ordinance the removal and preservation of existing trees and shrubs.

Rockingham and Smithfield would be granted the authority to adopt ordinances **BILL ANALYSIS:** regulating the cutting of trees and shrubs prior to development within a perimeter buffer zone. The buffer zone may be up to 50' along public roadways and property boundaries adjacent to developed property and up to 25' along property boundaries adjacent to undeveloped property.

The ordinance must also provide that:

- 1. The buffer area will not exceed 20% off the area of the tract net of public right of way and required conservation easements.
- 2. The buffer zones adjoining public roadways shall be measured from the edge of the road right of
- 3. Tracts 2 acres or less are exempt from the buffer requirements.
- 4. Buffer ordinances are limited to situations where undeveloped property is planned or zoned in accordance with adopted municipal plans and zoning regulations.
- 5. Surveys of individual trees is not required.
- 6. There will be reasonable provisions for access to and within the property.
- 7. Normal forestry activities on property that is taxed at use value or is managed under a forestry management plan will be excluded. The town may deny a building permit or refuse a subdivision plan for 3 years after the completion of the harvest of the perimeter trees that would have otherwise been protected. This period may be reduced to 2 years if the owner replants the buffer area within 120 days with appropriate plant material.

COMPARISON OF PCS TO ORIGINAL BILL:

- The required buffers are smaller in the PCS (50' along public road instead of 65', and 25' next to undeveloped property instead of 32').
- There is a limit (20%) on the total amount of the are of the tract that could be required as a buffer.
- The penalty period during which the municipality could prohibit development where a land owner cut buffer trees is shorter (3 years instead of 5 years). Further shortens that period to 2 years if the owner replants the buffer within 120 days.
- Exempts tracts of 2 acres or less.
- Adds the Town of Smithfield.

BACKGROUND: Other municipalities with similar authority to regulate clear cutting of trees are: Durham, Cary, Garner, Knightdale, Fuquay Varina, Morrisville and Spencer. S.L. 2001-191.

EFFECTIVE DATE: The bill would become effective January 1, 2004.

H516-SMRC-001

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HOUSE BILL 516

Short Title: Rockingham Trees.

(Local)

Sponsors:

Representative Goodwin.

Statutes."

Referred to: Local Government II.

March 17, 2003

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A BILL TO BE ENTITLED

CT TO AUTHORIZE THE CITY OF ROCKINGHAM TO LIMIT THE AR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND TO ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS IN THAT CITY.

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The General Assembly of North Carolina enacts:

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SECTION 1. Section 4 of S.L. 2001-191 reads as rewritten: "SECTION 4. This act shall apply only to the City Cities of Durham and

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Rockingham, and the Towns of Cary, Garner, Morrisville, Knightdale, Fuquay-Varina, and Spencer and to property located within the municipality's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General

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SECTION 2. This act is effective when it becomes law.

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 703 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO, AS REVISED AND REORGANIZED BY CHAPTER 1137 OF THE SESSION LAWS OF 1959, TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.
	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 .
X	With a favorable report as to the committee substitute bill (#
	With a favorable report as to House committee substitute bill (#), \square which changes the title, unfavorable as to Senate committee substitute bill.
	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) 03/19/03

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H.B.	

SESSION LAW	

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO, AS REVISED AND REORGANIZED BY CHAPTER 1137 OF THE SESSION LAWS OF 1959, TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

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HOUSE BILL 703 PROPOSED COMMITTEE SUBSTITUTE H703-PCS60279-RC-10

Short Title:	Greensboro ABC Board Membership.	•	(Local)
Sponsors:			
Referred to:			
	March 27, 2002		

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO AND THE GENERAL STATUTES TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5.1 of the Charter of the City of Greensboro, as revised and reorganized by Chapter 1137 of the Session Laws of 1959, reads as rewritten:

"Sec. 5.21. Board of Alcoholic Control: Selection, Composition and Terms.

The City of Greensboro Board of Alcoholic Control is hereby continued under this charter, and shall consist of three five members who shall be known for their character, ability, and business acumen. The city council shall appoint the members of said board for three-year overlapping terms; shall fix their compensation; and shall designate one of the members as chairman. Vacancies occurring otherwise than by expiration of term shall be filled by the council for the unexpired term."

SECTION 2. G.S. 18B-700(a) reads as rewritten:

Membership. - A local ABC board shall consist of three five members appointed for three year terms, unless a different membership or term is provided by a local act enacted before the effective date of this Chapter, or terms unless the board is a board for a merged ABC system under G.S. 18B-703 and a different size membership has been provided for as part of the negotiated merger. One member of the initial board of a newly created ABC system shall be appointed for a three year term, one member for a two year term, and one member for a one-year term. The City of Greensboro's Alcoholic Beverage Control Board shall consist of five members appointed for three-year terms. The three members appointed prior to the effective date of this act shall complete their terms as appointed. The two new members appointed after the effective date of this act shall be appointed as provided in Section 3 of this act. As the

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terms of initial board members expire, their successors shall each be appointed for three-year terms. The appointing authority shall designate one member of the local board as chairman."

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SECTION 3. The city council shall appoint additional members authorized by this act to serve one-year or two-year initial terms and then for three-year terms thereafter. The initial terms shall be decided upon to maintain the staggered appointment periods required by the city charter.

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SECTION 4. Section 2 of this act applies to the City of Greensboro only.

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SECTION 5. This act is effective when it becomes law.

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HOUSE BILL 703 PROPOSED COMMITTEE SUBSTITUTE H703-CSRC-10 [v.2]

4/6/2003 1:01:48 PM

Short Title:	Greensboro ABC Board Membership.	(Local)
Sponsors:		
Referred to:		
	14 - 1 27 2002	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO AND THE GENERAL STATUTES TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5.1 of the Charter of the City of Greensboro, as revised and reorganized by Chapter 1137 of the Session Laws of 1959, reads as rewritten:

"Sec. 5.21. Board of Alcoholic Control: Selection, Composition and Terms.

The City of Greensboro Board of Alcoholic Control is hereby continued under this charter, and shall consist of three-five members who shall be known for their character, ability, and business acumen. The city council shall appoint the members of said board for three-year overlapping terms; shall fix their compensation; and shall designate one of the members as chairman. Vacancies occurring otherwise than by expiration of term shall be filled by the council for the unexpired term."

SECTION 2. G.S. 18B-700(a) reads as rewritten:

"§ 18B-700. Appointment and organization of local ABC boards.

(a) Membership. — A local ABC board shall consist of three five members appointed for three year terms, unless a different membership or term is provided by a local act enacted before the effective date of this Chapter, or terms unless the board is a board for a merged ABC system under G.S. 18B-703 and a different size membership has been provided for as part of the negotiated merger. One member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. The City of Greensboro's Alcoholic Beverage Control Board shall consist of five members appointed for three-year terms. The three members appointed prior to the effective date of this act shall complete their terms as appointed. The two new members appointed after the effective

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	date of this act shall be appointed as provided in Section 3 of this act. As the terms of
2	initial-board members expire, their successors shall each be appointed for three-year
3	terms. The appointing authority shall designate one member of the local board as
ļ	chairman."
;	SECTION 3. The city council shall appoint additional members authorized
	by this not to some one year on two year initial towns and they for they

SECTION 3. The city council shall appoint additional members authorized by this act to serve one-year or two-year initial terms and then for three-year terms thereafter. The initial terms shall be decided upon to maintain the staggered appointment periods required by the city charter.

SECTION 4. Section 2 of this act applies to the City of Greensboro only. **SECTION 5.** This act is effective when it becomes law.

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HOUSE BILL 703: Greensboro ABC Board Membership

BILL ANALYSIS

Committee: House Local Government II

Introduced by: Reps. Jeffus, Adam, Bowie,

Jones

Date: Version: April 6, 2003

H703-CSRC-10[v.2]

Proposed Committee Substitute

Summary by:

Kory J. Goldsmith

Committee Counsel

SUMMARY: HB 703 amends Greensboro's City Charter and G.S. 18B-700(a) to increase the membership of the City of Greensboro ABC Board from 3 to 5 members. The city council would appoint the additional members to serve on the board for one and two-year terms, then 3-year terms thereafter. The amendment to G.S. 18B-700(a) applies to the City of Greensboro only.

Greensboro's City Charter, revised and reorganized in 1959, provided for 3 **CURRENT LAW:** members on the ABC board. G.S. 18B-700 also provides for 3 members on an ABC board unless a local act adopted prior to 1981 provides for a different number.

The following counties currently have more than 3 members on their ABC boards: **BACKGROUND:** Mecklenburg, Cumberland, Wayne, Catawba, Moore, Wake, Edgecomb, Martin, Bertie, and Nash. The following cities or towns have more than 3 members on their ABC boards: Lumberton, Maxton and Kings Mountain.

The Proposed Committee Substitute adds an amendment to G.S. 18B-700(a) as to Greensboro. The purpose of adding this section is to make its provisions consistent with Greensboro's City Charter. The amendment also makes it easier to locate this local variation to G.S. 18B-700.

The act is effective when it becomes law.

H703-SMRC-001

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HOUSE BILL 703

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Short Title: Greensboro ABC Board Membership. (Local)

Sponsors: Representatives Jeffus, Adams, Bowie, Jones (Primary Sponsors); and Blust.

Referred to: Local Government II.

March 27, 2003

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A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO, AS REVISED AND REORGANIZED BY CHAPTER 1137 OF THE SESSION LAWS OF 1959, TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5.1 of the Charter of the City of Greensboro, as revised and reorganized by Chapter 1137 of the Session Laws of 1959, reads as rewritten:

"Sec. 5.21. Board of Alcoholic Control: Selection, Composition and Terms.

The City of Greensboro Board of Alcoholic Control is hereby continued under this charter, and shall consist of three-five members who shall be known for their character, ability, and business acumen. The city council shall appoint the members of said board for three-year overlapping terms; shall fix their compensation; and shall designate one of the members as chairman. Vacancies occurring otherwise than by expiration of term shall be filled by the council for the unexpired term."

SECTION 2. The city council shall appoint additional members authorized by this act to serve one-year or two-year initial terms and then for three-year terms thereafter. The initial terms shall be decided upon to maintain the staggered appointment periods required by the city charter.

SECTION 3. This act is effective when it becomes law.

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

	following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
H.B	Committee Substitute for . 776 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS.
\boxtimes	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 the committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to (the 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.
	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) 03/19/03

н.в. 0776

James de la constitución de la c	SESSION LAW	

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS.

Introduced by Representative(s	s): Adams. Jeffus (Primary	Sponsors)
Principal Clerk's Use Only	- Bornie Jeffu s Omes	
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AND REFERRED TO COMMITTEE	Spmsms	

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HOUSE BILL 776

Yawarahu 1

Short Title: Greensboro Charter Amendment. (Local)

Sponsors: Representatives Adams and Jeffus (Primary Sponsors).

Referred to: Local Government II.

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.111 of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended, reads as rewritten:

"Sec. 4.111. Contract Procedures.

All contracts, except as otherwise provided for in this charter, shall be authorized and approved by the council and reduced to writing in order to be binding upon the city. All contracts and all ordinances or resolutions authorizing the same shall be drawn by the city attorney or shall be approved by him before authorization by the council. A contract for the purchase of apparatus, supplies, materials or equipment or a contract for the performance of services may be approved, awarded and executed by the city manager on behalf o the city provided that the city council shall have approved a sufficient appropriation in the annual budget for the current fiscal year. A contract for construction or demolition may be approved, awarded and executed by the city manager on behalf of the city when the amount of such contract does not exceed one hundred thousand dollars (\$100,000.00) three hundred thousand dollars (\$300,000); provided that the city council shall have approved a sufficient appropriation in the annual budget for the current fiscal year for the general purposes specified under the contract. Before any such contract is awarded, the city manager shall comply with all other requirements set forth in G.S. 143-129, and G.S. 143-131, and said contract shall be subject to the approval of the city attorney. Any person aggrieved by an award made pursuant to this section may appeal to the city council by filing notice thereof with the city clerk immediately following a decision granting such award."

SECTION 2. This act is effective when it becomes law.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 668 A BILL TO BE ENTITLED AN ACT TO MODIFY THE CITY OF WILMINGTON AND NEW HANOVER COUNTY BEACH TOWNS OCCUPANCY TAX ACTS.
	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 [] .
X	With a favorable report as to the committee substitute bill (#), \(\infty \) which changes the title, unfavorable as to (the 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.
	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)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

4-9-03 adopted

١	EDITION No.			,
,	н. в. No. <u>668</u>	DA	TE	
	S. B. No		Amendment No	0-1-60-1:-1
	COMMITTEE SUBSTITUTE			(to be filled in by Principal Clerk)
	Rep.)			
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OCAL BILL			
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	A BILL TO BE	ENTITLED	
AN ACT TO MODIFY THE CITY OCCUPANCY TAX ACTS.	OF WILMINGTON AND N	IEW HANOVER COUNTY I	BEACH TOWNS
Introduced by Representative(s): Wr	ight.		
Principal Clerk's Use Only	•		
MAR 26 2003 AND REFERRED TO COMMITTEE LOCAL GUNENWANNER TT			

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(Public)

HOUSE BILL 668 PROPOSED COMMITTEE SUBSTITUTE H668-PCS80256-RW-18

Short Title: New Hanover County Occupancy Tax.

Sponsors:
Referred to:
March 26, 2003
A BILL TO BE ENTITLED
AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY OCCUPANCY TAX.
The General Assembly of North Carolina enacts:
SECTION 1. Section 34(b)(1) of Part VIII of Chapter 908 of the 1983
Session Laws, as amended by Chapter 987 of the 1983 Session Laws, Chapters 726 and
971 of the 1985 Session Laws, Chapter 540 of the 1995 Session Laws, and S.L
2002-138, reads as rewritten:
"(1) The ex officio members are listed below. Each ex officio member may
designate to serve in the member's place an individual who is actively
involved in promoting travel and tourism in the local community the
member represents or who owns or manages a lodging facility in th
local community the member represents serves on the governing bod
of the county or municipality that the member represents.
a. The chair of the board of county commissioners.
b. The mayor of the City of Wilmington.
c. The mayors of the beach towns."
SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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HOUSE BILL 668 PROPOSED COMMITTEE SUBSTITUTE H668-PCS80205-RW-12

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		L. P. Jaco.
Short Title: New Hanover County	y Occupancy Tax.	(Public)
Sponsors:		
Referred to:		
	March 26, 2003	
	LL TO BE ENTITLED	
AN ACT TO MODIFY THE A		ONS OF THE NEW
HANOVER COUNTY OCCUP		
The General Assembly of North Ca	ironna enacis: 2(1) of Part VIII of Chapter 90	00 of the 1002 Comics
Laws, as amended by Chapter 987		
the 1985 Session Laws, Chapter 3		
reads as rewritten:	· ·	o, and o.z. 2002 150,
"(1) Beach nourishmen	nt The placement of sand, from	om other sand sources,
	dune by mechanical means	
	e in conformity with the No	
	gram along the shorelines of	
	nd connecting inlets for the pu	
	public recreational use and neterms—to inland property.	
	ny of the following:	The term menues
	ctly associated with qualifying	ng for projects either
	through the U.S. Army Co	
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_	deral share of the cost require	red to construct these
projects.	accognited with marriding a	shonged mublic basel
c. The costs access.	associated with providing en	manced public beach
	of associated nonhardening	activities such as the
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of sand fen		, 1

1	SECTION 2. Section 34(b)(1) of Part VIII of Chapter 908 of the 1983
2	Session Laws, as amended by Chapter 987 of the 1983 Session Laws, Chapters 726 and
3	971 of the 1985 Session Laws, Chapter 540 of the 1995 Session Laws, and S.L.
4	2002-138, reads as rewritten:
5	"(1) The ex officio members are listed below. Each ex officio member may
6	designate to serve in the member's place an individual who is actively
7	involved in promoting travel and tourism in the local community the
8	member represents or who owns or manages a lodging facility in the
9	local community the member represents serves on the governing body
0	of the county or municipality that the member represents.
1	a. The chair of the board of county commissioners.
2	b. The mayor of the City of Wilmington.
3	c. The mayors of the beach towns."
4	SECTION 3. This act is effective when it becomes law.



HOUSE BILL 668: New Hanover County Occupancy Tax

Committee: House Local Government II

April 9, 2003

Date: Version:

Proposed Committee Substitute

Introduced by: Rep. Wright

Summary by:

Giles S. Perry Committee Counsel

SUMMARY: House Bill 668 makes two changes to the administrative provisions of the New Hanover County occupancy tax to:

-allow the funds from the tax to be used to mitigate damage from all erosion, not just storm erosion: and

-require designees of ex officio members of the local tourism development authority (the group that administers the tax) to also be members of the same govern board as the member who designates them.

CURRENT LAW: Under current law:

- --a portion of the New Hanover County Occupancy Tax may be used for" mitigating damage and erosion from storms to inland property"; and
- -- the ex officio members of the governing Board for the local tourism development authority, which administers the tax, are authorized to appoint designees to serve in their place.

BILL ANALYSIS:

House Bill 668 amends the administrative provision of the New Hanover County occupancy tax to: allow funds from the tax to be used to mitigate damage from all erosion, not just storm erosion; and require designees of ex officio members of the local tourism development authority to also be members of the same govern board as the member who designates them.

House Bill 668 would become effective when it becomes law.

H668-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

H

HOUSE BILL 668

(Local)

Short Title:

New Hanover County Occupancy Tax.

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Sponsors:

Representative Wright.

Referred to: Local Government II.

March 26, 2003

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A BILL TO BE ENTITLED

AN ACT TO MODIFY THE CITY OF WILMINGTON AND NEW HANOVER COUNTY BEACH TOWNS OCCUPANCY TAX ACTS.

The General Assembly of North Carolina enacts:

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> SECTION 1. Section 32(1) of Chapter 90 of the 1983 Session Laws, as amended by Chapter 987 of the 1983 Session Laws, Chapters 172 and 971 of the 1985 Session Laws, Chapter 540 of the 1995 Session Laws, and S.L. 2002-138, reads as rewritten:

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Beach nourishment. – The placement of sand, from other sand sources, "(1)on a beach or dune by mechanical means and other associated activities that are in conformity with the North Carolina Coastal Management Program along the shorelines of the Atlantic Ocean of North Carolina and connecting inlets for the purpose of widening the beach to benefit public recreational use and mitigating damage and erosion from storms—to inland property. The term includes expenditures for any of the following:

Costs directly associated with qualifying for projects either contracted through the U.S. Army Corps of Engineers or otherwise permitted by all appropriate federal and State agencies.

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The nonfederal share of the cost required to construct these b. projects.

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The costs associated with providing enhanced public beach C. access.

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The costs of associated nonhardening activities such as the d. planting of vegetation, the building of dunes, and the placement of sand fences."

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SECTION 2. Section 34(b)(1) of Chapter 90 of the 1983 Session Laws, as amended by Chapter 987 of the 1983 Session Laws, Chapters 172 and 971 of the 1985

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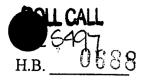
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1	Session Laws, Chapter 540 of the 1995 Session Laws, and S.L. 2002-138, reads as
2	rewritten:
3	"(1) The ex officio members are listed below. Each ex officio member may
4	designate to serve in the member's place an individual who is actively
5	involved in promoting travel and tourism in the local community the
6	member represents or who owns or manages a lodging facility in the
7	local community the member represents serves on the governing body
8	of the county or municipality that the member represents.
9	a. The chair of the board of county commissioners.
10	b. The mayor of the City of Wilmington.
11	c. The mayors of the beach towns."
12	SECTION 3. This act is effective when it becomes law.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for B. 688 A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY.
	With a favorable report.
\boxtimes	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 the committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to (the 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.
	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)

LOCAL BILL



A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY.

Introduced by Representative(s):	Harrell.			
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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 688*

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Short Title: Revise and Consolidate Mt. Airy Charter. (Local)

Sponsors: Representative Harrell.

Referred to: Local Government II.

March 26, 2003

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Mount Airy is revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF MOUNT AIRY.

"ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

"Section 1.1. **Incorporation.** The City of Mount Airy, North Carolina, in Surry County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'City of Mount Airy,' hereinafter at times referred to as the 'City.'

"Section 1.2. **Powers.** The City shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the City of Mount Airy specifically by this Charter or upon municipal corporations by general law. The term 'general law' is employed herein as defined in G.S. 160A-1.

"Section 1.3. Corporate Boundaries. The corporate boundaries shall be those existing at the time of ratification of this Charter, as set forth on the official map of the City and as they may be altered from time to time in accordance with law. An official map of the City, showing the current municipal boundaries, shall be maintained permanently in the office of the City Clerk and shall be available for public inspection. Upon alteration of the corporate limits pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in the office of the Secretary of State, the Surry County Register of Deeds, and the appropriate board of elections.

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"ARTICLE II. GOVERNING BODY.

"Section 2.1. City Governing Body Composition. The Board of Commissioners, hereinafter referred to as the 'Board' and the Mayor shall be the governing body of the City.

"Section 2.2. Board: Composition: Terms of Office. The Board shall be composed

"Section 2.2. **Board; Composition; Terms of Office.** The Board shall be composed of five members to be elected by all the qualified voters of the City voting at large for staggered terms of four years, or until their successors are elected and qualified. Two commissioners shall be residents of the ward currently designated as the 'North Ward,' two commissioners shall be residents of the ward currently designated as the 'South Ward,' and one commissioner shall be elected as at large.

"Section 2.3. Mayor Term of Office, Duties. The Mayor shall be elected by all the qualified voters of the City for a term of four years or until his or her successor is elected and qualified. The Mayor shall be the official head of City government and shall preside at all meetings of the Board, shall have the right to vote only when there is an equal division on any question or matter before the Board, and shall exercise the powers and duties conferred by law or as directed by the Board.

"Section 2.4. Mayor Pro Tempore. The Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or disability, in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the Board.

"Section 2.5. Meetings; Quorum. In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law. The quorum provisions of G.S. 160A-74 shall apply.

"Section 2.6. Qualifications for Office; Compensation; Vacancies. The qualifications and compensation of the Mayor and Board members shall be in accordance with general law. Vacancies shall be filled as provided in G.S. 160A-63.

"ARTICLE III. ELECTIONS.

"Section 3.1. 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. The Mayor and the Board shall be elected by the nonpartisan primary and election method as provided in G.S. 163-279(a)(3) and G.S. 163-294. Board members shall be elected by all the qualified voters of the City and shall reside in the wards they represent.

"Section 3.2. Election of Mayor. A Mayor shall be elected in the regular municipal election in 2005 and quadrennially thereafter.

"Section 3.3. Election of Commissioners. The Commissioners serving on the date of ratification of this Charter shall serve until the expiration of their terms or until their successors are elected and qualified. In the 2003 election and quadrennially thereafter, three commissioners shall be elected, the Commissioner-at-Large, one commissioner representing the North Ward for the term then expiring, and one commissioner representing the South Ward for the term then expiring. In the 2005 election and quadrennially thereafter, two commissioners shall be elected, one commissioner

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42 43 44 representing the North Ward for the term then expiring, and one commissioner representing the South Ward for the term then expiring.

"Section 3.4. Ward Boundaries. The City shall be divided into two wards that are currently designated as the North Ward and the South Ward. The ward boundaries are those existing at the time of ratification of this Charter, as set forth on the official map of the City and as they may be altered from time to time in accordance with general law.

"Section 3.5. Special Elections and Referenda. Special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Section 4.1. Form of Government. The City shall operate under the council-manager form of government in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Section 4.2. City Manager; Appointment; Powers and Duties. The Board shall appoint a City Manager in accordance with G.S. 160A-147 and the provisions of Article V of this Charter.

"Section 4.3. City Clerk. The City Manager shall appoint a City Clerk to keep a journal of the proceedings of the Board, to maintain official records and documents, to give notice of meetings, and to perform such other duties as required by law or as directed by the City Manager.

"Section 4.4. Finance Director. The City Manager shall appoint a Finance Director to perform the duties designated in G.S. 159-25 and such other duties as may be prescribed by law or assigned by the Manager.

"Section 4.5. Tax Collector. The City shall have a Tax Collector to collect all taxes owed to the City and perform those duties specified in G.S. 105-350 and such other duties as prescribed by law or assigned by the City Manager. Notwithstanding G.S. 105-349, the City Manager shall have the power to appoint, suspend, and remove the Tax Collector in accordance with general personnel rules, regulations, policies, and ordinances as adopted by the Board.

"Section 4.6. City Attorney. The Board shall appoint a City Attorney licensed to practice law in North Carolina. It shall be the duty of the City Attorney to represent the City, advise City officials, and perform other duties as required by law or as directed by the Board. The Board may appoint one or more Assistant City Attorneys to assist the City Attorney and serve in his or her absence or incapacity and who shall have the same qualifications and duties as the City Attorney.

"Section 4.7. Other Administrative Officers and Employees. The Board may authorize other positions to be filled by appointment by the City Manager and may organize the City government as deemed appropriate, subject to the requirements of general law.

"ARTICLE V. CITY MANAGER.

"Section 5.1. Appointment, qualifications; term; compensation; oath.

The Board shall appoint a City Manager in accordance with Article IV of this Charter who shall be the administrative head of all departments of City government. The City Manager shall be appointed with regard to merit only and need not be a

resident of the City when appointed. The Board may require the City Manager to reside within the City during the Manager's tenure of office. No Board member may be appointed or act as City Manager during the term for which the member was elected or within one year after the expiration of the member's term.

- (b) Unless otherwise agreed upon by the Board and the City Manager, if the City Manager is involuntarily removed by the Board, except for good and just cause, the City Manager shall be forthwith paid any unpaid balance of salary, any accumulated and accrued job benefits, and salary for the three calendar months following the day of termination or for such other period as may be agreed upon in advance.
- (c) Before entering upon the duties of office, the City Manager shall take and subscribe an oath to perform faithfully the duties of the office.
- "Section 5.2. **Powers and Duties.** The City Manager shall have all the powers and duties conferred by general law, except as expressly limited by the Board, so far as authorized by general law, and the provisions of this Charter. Additionally, the City Manager shall have the following powers and duties:
- (a) The City Manager may designate an assistant to perform the Manager's functions temporarily when the Manager is absent from the City, sick, or otherwise unable to act; and from time to time, with Board approval, may designate an assistant or assistants to perform the Manager's functions during any particular absence or disability. The person or persons so designated shall have all of the powers and duties of the City Manager when acting in the place of the City Manager.
- (b) The City Manager may, when authorized by the Board, execute in the name and on behalf of the City, contracts, bonds, and other legal instruments, except deeds.
- (c) The City Manager shall make and execute all contracts on behalf of the City in the manner authorized or provided by resolutions or ordinances adopted by the Board. The Board may, on such terms as it deems proper, allow the City Manager to authorize one or more designees to make and execute contracts.
- (d) The City Manager may, when authorized by the Board, settle claims against the City for: (i) personal injuries or damages to property when the amount involved does not exceed the sum of ten thousand dollars (\$10,000) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expenses actually incurred; and (ii) the taking of small portions of private property that are needed for the rounding of corners at intersections of streets, when the amount involved does not exceed ten thousand dollars (\$10,000) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this subsection shall constitute a complete release of the City from any and all damages sustained by the person involved in the settlement in any manner arising out of the incident, occasion, or taking complained of. All settlements and all releases shall be approved by the City Attorney.
- (e) Unless excused by the Board, it shall be the duty of the City Manager to attend all meetings of the Board, with the right to take part in discussions and recommend for adoption such measures as the City Manager deems expedient, but the City Manager shall not vote on any matters before the Board. The City Manager shall be entitled to notice of all special and emergency Board meetings.

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"Section 5.3. Manager's Personnel Authority; Role of Elected Officials. As chief administrator, the City Manager shall have the power to appoint, suspend, and remove all officers, department heads, and employees in the administrative service of the City, except the City Attorney and any other official whose appointment or removal is specifically vested in the Board by this Charter or general law. Neither the Board nor any of its members shall take part in the appointment or removal of department heads and employees in the administrative service of the City, except as provided by this Charter. Except for the purpose of inquiry, or for consultation with the City Attorney, the Board and its members shall deal with the administrative service solely through the City Manager, an acting City Manager, or an Interim City Manager, and neither the Board nor any of its members shall give any specific orders to any subordinates of the City Manager, an acting City Manager, or an Interim City Manager, either publicly or privately.

"ARTICLE VI. PUBLIC CONTRACTS.

"Section 6.1. Award of Certain Contracts.

- (a) The City Manager may award, approve, and execute contracts or agreements of any kind or nature on behalf of the City when the amount of the contract or agreement does not exceed one hundred thousand dollars (\$100,000) if the Board has approved the appropriation in the annual budget for the current fiscal year for the general purpose specified in the contract or agreement. In addition, the City Manager, or the City Manager's duly authorized designee appointed in accordance with Section 5.2(a) of this Charter, may approve and execute amendments to contracts or agreements, including contracts initially approved solely by the Board when the amount in question does not exceed one hundred thousand dollars (\$100,000).
- (b) The City Manager, upon authorization by the Board, may award, approve, and execute contracts for the acquisition of or the construction and installation of water and sewer lines that will eventually become a part of the City utility system, regardless of the amount in question, where the construction and installation was or shall be the sole responsibility and expense of another person, firm, or corporation.

"Section 6.2. Procedures.

- (a) The City Manager shall, within 45 days of the award of any contract described in Section 6.1 of this Charter, report such award to the Board. However, the City Manager shall not be required to report contracts in a minimum amount that may be set from time to time by the Board.
- (b) In awarding, approving, and executing contracts described in this Article, the City Manager shall comply with all applicable provisions of this Charter and Article 8 of Chapter 143 of the General Statutes. The City Manager may take any action that the Board is required or authorized to take under Article 8 of Chapter 143 of the General Statutes in making, approving, awarding, or executing contracts.

"ARTICLE VII. ACQUISITION OF PROPERTY.

"Section 7.1. **Delegation to City Manager.** The Board may delegate authority to the City Manager to purchase real property, any interest in real property, or personal property provided that: (i) the Board shall have approved the appropriation for the purchase in the annual budget for the current fiscal year; and (ii) the City Manager,

within 45 days following the purchase shall submit to the Board a written report setting forth the names of the persons or entities from whom the real property or interest in real property was purchased, a general description of the property or interest in property acquired, the purchase price paid, and the intended use of the property or interest in property.

"ARTICLE VIII. DISPOSITION OF PROPERTY.

"Section 8.1. General Provision. Unless specifically provided otherwise, the provisions of Article 12 of Chapter 160A of the General Statutes shall not apply to the disposition of property pursuant to this Article. The authority contained in this Article is in addition to and not in limitation of any other authority granted by this Charter or general law.

"Section 8.2. **Disposition of Property.** The Board may, upon the affirmative vote of at least four members, publicly or privately sell, lease, rent, exchange, or otherwise convey or cause to be publicly or privately sold, leased, rented, exchanged, or otherwise conveyed any property, real or personal, or any interest in such property, belonging to the City.

"Section 8.3. Conditions and Restrictions Authorized. The Board may sell, exchange, or otherwise transfer the fee or any lesser interest in real property to any purchaser subject to such covenants, conditions, and restrictions as the Board may deem to be in the public interest. The sale, exchange, or other transfer may be made pursuant to the provisions of this Charter, Article 12 of Chapter 160A of the General Statutes, or any other applicable provision of law, and the consideration received by the City, if any, for the sale, exchange, or transfer may reflect the restricted use of the property resulting from the covenants, conditions and restrictions. The City may invite bids or written proposals, including detailed development plans and site plans, for the purchase of any property or property interest, whether by sale, exchange, or other transfer, pursuant to such specifications as may be approved by the City. A sale, exchange, or other transfer of real property, or interest therein, pursuant to this section may be made contingent upon any necessary rezoning of the property.

"Section 8.4. Disposition of Certain Property by City Manager. The Board may authorize the City Manager to dispose of the following property by the methods indicated without obtaining Board approval for each disposition:

- (a) Interests in real property by private negotiation or sale with respect to parcels having a fair market value of ten thousand dollars (\$10,000) or less.
- (b) Water or sewer easements, or similar interests in real property, as part of any exchange for other water and sewer easements or similar interests in property.
- (c) Water or sewer easements, or similar interests in real property by private negotiation and sale, when the easement or similar interest in real property is no longer needed by the City.

"Section 8.5. **Disposition of Personal Property.** The City may sell any and all surplus personal property belonging to the City at private sale.

"Section 8.6. Lease or Rental of Property. Notwithstanding G.S. 160A-272, the Board may, in its discretion, lease City-owned property for such terms and upon such conditions as the Board may determine, including terms of more than 10 years without

the necessity of following any procedures other than those required by G.S. 160A-272 for leases of 10 years or less.

"Section 8.7. **Documents of Conveyance.** Whenever a disposition of an interest in

"Section 8.7. **Documents of Conveyance.** Whenever a disposition of an interest in real property is authorized by the City pursuant to this Charter or otherwise, the instrument conveying such interest may be executed by the Mayor or the Mayor's designee and attested by the City Clerk or City Manager, with the official seal of the City affixed thereto. With respect to the sale of real property the City may execute deeds in the usual form and include therein full covenants of warranty.

"ARTICLE IX. ECONOMIC DEVELOPMENT.

"Section 9.1. **Promotion of the City.** The Board is authorized to appropriate annually reasonable sums for promoting the City.

"Section 9.2. Encouraging Local Development. The Board is authorized and empowered to annually set apart and appropriate funds and to expend the same for the purpose of aiding, assisting, and encouraging, by contract with independent contractors or otherwise, the location of manufacturing, industrial, and commercial plants, distribution centers, or businesses in the City and for advertising the advantages and resources of the City and for such purposes as will, in the discretion of the Board, increase the taxable value of property of the City and that will promote the general welfare of the City, which purposes are declared to be lawful public purposes of the City.

"Section 9.3. Urban Development Projects.

- (a) The term 'urban development project' as used in this section means a capital project comprising the construction or renovation of one or more buildings or other improvements, including the provision for sidewalks and streets in conjunction therewith, of which part of the overall project is privately owned and part is publicly owned.
- (b) The City may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of an urban development project or specific facilities within the project, including the making of loans and grants from any moneys lawfully available for the project.
- (c) The City may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating an urban development project. The contract may be entered into before acquisition of any real property necessary for the project. The contract may specify the following:
 - (1) The property interests of both the City and the developer. However, the property interests of the City shall be limited to facilities for a public purpose.
 - (2) The responsibilities of the City and the developer for construction of the project.
 - (3) The responsibilities of the City and the developers with respect to financing the project.
- (d) An urban development project may be constructed on property acquired by the developer on property acquired by the City or on property acquired jointly by the City and the developer.

House Bill 688*-First Edition

- (e) The City may lease or convey interests in urban development project property or other property owned by it, including air rights over public facilities.
- (f) The contract between the City and the developer with respect to construction of an urban development project may provide that the developer shall be responsible for: (i) construction of the entire project, reconstruction, or repair of the project or any part thereof subsequent to its initial construction; (ii) construction of any addition to the project, renovation of the project, or any part thereof, and (iii) purchase of apparatus, supplies, materials, or equipment for the project, whether during the initial equipping of the project or subsequent thereto. The contract shall include such provisions as the Board deems sufficient to assure that the public facility included in the project or added thereto, is constructed, reconstructed, repaired, or renovated, and that the apparatus, supplies, materials, and equipment are purchased at a reasonable price. The provisions of Article 8 of Chapter 143 and Article 3 of Chapter 44A of the General Statues shall not apply to an urban development project if the City funds constitute no more than fifty percent (50%) of the total costs of the project. Federal funds available for loan to private developers in connection with a project shall not be considered City funds for purposes of this subsection.
- (g) The City may contract for the operation of any public facility included in an urban development project by any person, partnership, firm or corporation, public or private.
- (h) To assist in the financing of its share of the urban development project, the City may apply for, accept, and expend funds from the federal or state government or from any other lawful source.
- (i) The authority granted by this section is in addition to and not in derogation of any other authority granted to the City by general law. The City may exercise any authority granted to it by any other section of this Charter or by local act or general law in furtherance of an urban development project.

"Section 9.4 Incubator Facilities. The Board may establish one or more incubator facilities within the City. For purposes of this section, the term 'incubator facility' shall mean a building or group of buildings that provides space and support services for small business concerns that are beginning operation. The Board may purchase or lease any real or personal property for incubator facility purposes and may lease or sublease any such property or any other real or personal property owned by the City. The Board may make grants or loans to any such corporation from funds lawfully available for such purpose subject to any rules, regulations, restrictions, and conditions that the Board deems to be in the public interest. The City may exercise any authority granted to it by any other section of this Charter or by local act or general law in furtherance of an incubator facility project.

"ARTICLE X. EXTENSION OF LIMITS.

"Section 10.1. Annexation of Noncontiguous Areas. G. S. 160A-58.1(b)(5) shall not apply to the City.

"ARTICLE XI. LAND USE.

"Section 11.1. Planning Board and Zoning Board of Adjustment. The membership and method of appointing the members of the City Planning Board and the City Zoning Board of Adjustment shall continue as provided in S.L. 2001-101.

"Section 11.2. Reservation of Recreation Areas. In adopting any subdivision control ordinance pursuant to the provisions of this Charter or G.S. 160A-372, the Board is authorized to provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision, or to provide for the payment in lieu thereof of such sum of money as the Board may determine to be the equivalent in value of such recreation area. The Board may use any moneys received in lieu of dedicated recreation areas for acquiring recreation areas beyond the boundaries of the immediate subdivision but within the neighborhood wherein the subdivision lies.

Section 11.3. Trees and Shrubs. In order to preserve and enhance one of the most valuable natural resources of the community and to protect the safety and welfare of its citizens, the City may adopt ordinances to regulate the planting, removal, and preservation of trees and shrubs on public and private property within the municipal boundaries and within its area of extraterritorial planning jurisdiction. Any ordinance adopted pursuant to this section shall exclude property to be developed for single-family or duplex residential uses and shall exclude normal forestry activities conducted pursuant to a forestry management plan prepared or approved by a registered forester. Prior to adopting an ordinance under this section, a public hearing shall be held before the Board. Notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.

"ARTICLE XII WATER AND SEWER.

"Section 12.1. Operation Outside Corporate Limits. In addition to any authority granted by general law, the City is authorized to acquire, construct, establish, enlarge, improve, maintain, own, operate, contract for the operation of, protect, and regulate water and sewer utilities outside the corporate limits of the City as the Board may deem appropriate, including the area encompassing the territory located within the Commonwealth of Virginia that lies between the northern boundary of Surry County, North Carolina, and the southern right-of-way line of the Blue Ridge Parkway.

"Section 12.2. Utility Bill Collection Procedures. Whenever water or sewer utilities are provided by the City under authority of general law or this Charter, and the person legally responsible for payment of the rents, rates, fees, or charges for the service fails to pay the rents, rates, fees, or charges for more than 60 days after they became delinquent, the City may treat the amount due as if it were a tax due to the City and may proceed to collect the amount due through the use of levy on tangible personal property under G.S. 105-366 and G.S. 105-367.

"Section 12.3. Dedication of Certain Water and Sewer Lines. If any person, firm, or corporation connects any privately owned water or sewer lines to City-owned or operated lines without first dedicating, giving, granting, conveying, or otherwise contracting with respect to the lines, the act of connection shall be deemed a dedication.

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gift, grant, and conveyance of the lines to the City. The City may accept the lines or may reject them and order the lines disconnected.

"Section 12.4. Special Assessments. In exercising the authority granted under Article 16 of Chapter 160A of the General Statutes to extend and operate public enterprises outside the corporate limits, the City may specially assess all or part of the costs of installing, constructing, reconstructing, extending, building, or improving water supply and distribution systems or sewage collection and disposal systems outside the corporate limits of the city against property benefited from the systems. However, no special assessment shall be levied unless and until a valid petition for the improvements has been submitted to the City by the owners of the affected property. To be valid, the petition must be signed by at least a majority in number of the owners of property to be assessed, who must represent at least a majority of all of the lineal feet of frontage of the lands abutting the water or sewer improvement. Except as herein provided, special assessments levied pursuant to this section shall be levied and collected in the same way and under the same authority and procedures as special assessments levied and collected by the City upon property within the corporate limits. The effect of levying assessments under this section shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"ARTICLE XIII. STREETS AND SIDEWALKS.

"Section 13.1. Assessments for Street Improvements. In addition to any authority that is now or may hereafter be granted by general law for making street improvements, the Board is authorized to order to be made or to make street improvements according to the standards and specifications of the City and to assess the total costs or a portion thereof against abutting property owners in accordance with the provisions of this Article.

"Section 13.2. When Petition Unnecessary. The Board may order street improvements and assess the total costs or a portion thereof, exclusive of the costs incurred at street intersections, against the abutting property owners according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes, without the necessity of a petition, upon a finding by the Board of one of the following:

- (a) The street or part thereof is unsafe for vehicular traffic and it is in the public interest to make the improvement.
- (b) It is in the public interest to connect two streets or portions of a street already improved.
- (c) It is in the public interest to widen a street, or part thereof, that is already improved. However, assessments for widening any street or portion of a street without petition shall be limited to the cost of widening and otherwise improving the street in accordance with the street classification and improvement standards established by the City's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

"Section 13.3. Street Improvement Defined. 'Street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, and repaving streets, the

acquisition of rights-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

"Section 13.4. Sidewalk Improvements. In addition to any authority that is now or may hereafter be granted by general law for making sidewalk improvements, the Board is authorized to order to be made or to make sidewalk improvements or repairs according to the standards and specifications of the City, and to assess the total costs or a portion thereof, against abutting property owners according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes. However, the Board may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of the street.

"Section 13.5. Assessment Procedure. In ordering street or sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the Board shall comply with the procedure provided in Article 10 of Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Section 13.6. Effect of Assessments. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"ARTICLE XIV. FIREFIGHTERS' SUPPLEMENTARY PENSION FUND.

"Section 14.1. Continuation of Fund. The Mount Airy Firefighters' Supplementary Pension Fund shall continue as authorized in Chapter 302 of the 1967 Session Laws, as amended by Chapter 12 of the 1969 Session Laws, Chapter 121 of the 1973 Session Laws, Chapter 165 of the 1995 Session Laws, S.L. 2000-22, and any subsequent acts of the General Assembly.

"ARTICLE XV. REGULATORY JURISDICTION.

"Section 15.1. Speed Limits. The Board may authorize the Chief of Police to establish speed limits pursuant to G.S. 20-141.

"Section 15.2. Solicitation and Peddling. The City may exercise the authority contained in G.S. 160A-178 and G.S. 160A-179 within its area of extraterritorial planning jurisdiction.

"Section 15.3. **Drainage.** The Board may forbid any obstruction or stopping on any natural drainway within the City or diverting the water therefrom and may require land owners desiring to construct or install pipes or culverts to carry water or other drainage off their land to construct and install the pipes or culverts according to plans and specifications adopted or approved by the Board.

"ARTICLE XVI. TOURISM DEVELOPMENT AUTHORITY.

"Section 16.1. Occupancy Tax Authorized. The Mount Airy Tourism Development Authority shall continue as authorized in S.L. 1997-410, as amended by S.L. 2001-7, and any subsequent acts of the General Assembly."

SECTION 2. The purpose of this act is to revise the Charter of the City of Mount Airy and to consolidate certain acts concerning the property, affairs, and government of the City. It is intended to continue without interruption those provisions of prior acts that are expressly consolidated into this act so that all rights and liabilities that 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 actions,
3	proceedings, contracts, or obligations of any kind.
4	SECTION 4. The following acts, or portions of acts, having served the
5	purposes for which they were enacted, or having been consolidated into this act, are
6	expressly repealed:
7	Chapter 160 of the 1925 Private Laws, except for Section 1 and Section 4.
8	Chapter 27 of the 1927 Private Laws.
9	Chapter 89 of the 1927 Private Laws.
10	Chapter 191 of the 1937 Private Laws.
11	Chapter 35 of the 1939 Private Laws.
12	Chapter 710 of the 1943 Session Laws, as it applies to the City of Mount Airy.
13	Chapter 932 of the 1945 Session Laws, as it applies to the City of Mount Airy.
14	Chapter 244 of the 1949 Session Laws.
15	Chapter 709 of the 1949 Session Laws.
16	Chapter 1072 of the 1957 Session Laws.
17	Chapter 734 of the 1959 Session Laws.
18	Chapter 1005 of the 1961 Session Laws.
19	Chapter 120 of the 1963 Session Laws.
20	Chapter 285 of the 1963 Session Laws.
21	Chapter 521 of the 1963 Session Laws.
22	Chapter 630 of the 1963 Session Laws.
23	Chapter 652 of the 1963 Session Laws.
24	Chapter 46 of the 1969 Session Laws.
25	Chapter 291 of the 1969 Session Laws.
26	Chapter 426 of the 1971 Session Laws, except for Section 6.
27	Chapter 485 of the 1973 Session Laws, as it applies to the City of Mount Airy.
28	Chapter 75 of the 1977 Session Laws.
29	Chapter 416 of the 1989 Session Laws.
30	Chapter 793 of the 1991 Session Laws, as it applies to the City of Mount Airy.
31	Chapter 26 of the 1993 Session Laws.
32	Chapter 30 of the 1995 Session Laws.
33	S.L. 1999-232.
34 25	S.L. 1999-325.
35 36	SECTION 5. The Mayor and Commissioners serving on the date of
36 37	ratification of this act shall serve until the expiration of their terms or until their
38	successors are elected and qualified.
39	SECTION 6. No provision in this act is intended, nor shall be construed, to affect in any way, any rights or interests, whether public or private:
40	(1) Now vested or accrued, in whole or in part, the validity of which might
TU	(1) 1104 vosice of accrece, in whole of in part, the variety of which inight

by this act.

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be sustained or preserved by reference to any provision of law repealed

(2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

 SECTION 7. No law heretofore repealed expressly or by implication, and no law granting authority that has been exhausted, shall be revived by: (i) the repeal herein of any act repealing such law, or (ii) any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

SECTION 8. All existing ordinances, resolutions, and other provisions of the City of Mount Airy not inconsistent with the provisions of this act shall continue in effect until repealed, modified, or amended.

SECTION 9. No action or proceeding pending on the effective date of this act by or against the City or any of its departments or agencies shall be abated or otherwise affected by this act.

 SECTION 10. Whenever a reference is made in this act to a particular provision of the General Statutes and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute or to the General Statute that most nearly corresponds to the statutory provision that is superseded or recodified.

SECTION 11. The following described property is added to the corporate limits of the City of Mount Airy:

TRACT ONE

That portion of the property described in Deed Book 319, page 670, Surry County Registry containing 9.4 acres and designated as Surry County Tax Parcel Number 5939-09-07-7472 that is not already within the corporate limits.

TRACT TWO

The property described in Deed Book 629, page 420, Surry County Registry containing approximately 0.81 acre and designated as Surry County Tax Parcel Number 5021-12-85-6400.

TRACT THREE

31The property described in Deed Book 625, page 398, Surry County Registry containing approximately 0.70 acre and designated as Surry County Tax Parcel Number 5929-10-45-8751.

SECTION 12. Section 1 of S.L. 1997-410 reads as rewritten:

"Section 1. Mount Airy Occupancy Tax. (a) Authorization and scope. The Mount Airy Board of Commissioners may levy a room occupancy tax of up to three percent (3%)six percent (6%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3).

This tax is in addition to any State or local sales tax. This tax does not apply to

accommodations furnished by nonprofit charitable, educational, or religious organizations or by nonprofit summer camps when the accommodations are furnished in

furtherance of their nonprofit purpose.

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- Administration. A tax levied under this section shall be levied, administered, (b) collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.
- Distribution and use of tax revenue. The City of Mount Airy shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Mount Airy Tourism Development Authority. The Authority shall use the funds remitted to it under this subsection only to promote travel and tourism in the Mount Airy area. The following definitions apply in this section:
 - Net proceeds. Gross proceeds less the cost to the city of (1) administering and collecting the tax, as determined by the finance officer, not to exceed seven percent (7%) of the gross proceeds.
 - **(2)** ... Promote travel and tourism. – Advertise and market activities, develop and distribute promotional materials, conduct market research, provide for the maintenance of facilities developed to promote tourism, support activities that attract tourists to the area, and engage in other similar promotional activities that attract tourists or business travelers to the area. The term also includes administration of the Mount Airy Tourism Development Authority.
 - <u>(3)</u> Tourism-related expenditures. - Expenditures that are designed to increase the use of lodging facilities in a county or to attract tourists or business travelers to a county, expenditures incurred by the City in collecting the tax, expenditures to construct, maintain, operate, or market a convention center or other facilities, and other expenditures determined by the Tourism Development Board to facilitate and support tourism."

SECTION 13. Section 11 of this act becomes effective June 30, 2003. The remainder of this act is effective when it becomes law.



HOUSE BILL 688: Revise and Consolidate Mt. Airy Charter

Committee: House Local Government II

Date:

April 9, 2003

Version:

1st Edition

Introduced by: Rep. Harrell

Summary by:

Giles S. Perry

Committee Counsel

SUMMARY: House Bill 688:

-revises and consolidates the Chapter of the City of Mt. Airy.

-annexes three tracts to the City; and

-increases the Mt. Airy occupancy tax from 3% to 6%.

Section 1 of House Bill 688 sets out a revises and consolidated Chapter for the **BILL ANALYSIS:** City of Mt. Airy. Most provisions are typical of city charters.

Section 2 annexes three tracts to the city.

Section 3 of the bill increases the occupancy tax to 6%, and revises its uses to allow construction of a convention center.

House Bill 688 becomes effective when it becomes law.

H688-SMRW-001

House Pages

1.	Name: Nathan Harrel)
	County: Surry
	Sponsor: Jim Harrell
2.	Name:
	County:
	Sponsor:
3.	Name:
	County:
	Sponsor:
4.	Name:
	County:
	Sponsor:
·5.	Name:
	County:
	Sponsor:
Sgt-	At-Arms
1.	Name:
2.	Name: Manthaga deson
3.	Name: Bab Fowley
4.	Name:

VISITOR REGISTRATION SHEET

House Committee on Environment & Natural Resources

, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	FIRM OR AGENCY AND ADDRESS
Lindo Miles	Lecal
Blain Core	CHA Greensboro
Cam Cover	BPMHL
Bolo Campanter	Sana fe
John Phelps	NCLM
pisa Martin	NC Home Builders Assn.
Sor Stocum	NC Fourtufd More.
R. Kaul Wilsons	NCHBA
Colleen Kuchanek	Hater & Caldwell
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Jackie Hamby (House Legislative Assistants Office)

From: Beverlee Baker (Rep. Adams)
Sent: Friday, April 04, 2003 1:03 PM

Subject: House LOCAL GOVERNMENT II Committee Meeting 04-09-03

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE:

Wednesday, April 9, 2003

TIME:

10:00 A.M.

LOCATION:

Room 425 LOB

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

House Bill 516 - Rockingham Trees

Representative Goodwin

House Bill 582 - Clay Co. Development Authority

Representative West

House Bill 610 - Rowland ETJ Extension

Representative(s) Bonner, Yongue

House Bill 668 - New Hanover Co. Occupancy Tax

Representative Wright

House Bill 688 - Revise and Consolidate Mt. Airy Charter

Representative Harrell

House Bill 703 - Greensboro ABC Board Membership

Representative(s) Jeffus, Adams,

Bowie, Jones, Blust

House Bill 734 - Durham Housing Appeals Board

Representative(s) Michaux, Miller,

Luebke

MB 776

Respectfully, Representative Alma Adams

Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:00 on April 4, 2003.

Principal Clerk	
Reading Clerk - House Ch	amber

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 16, 2003

The House Committee on LOCAL GOVERNMENT II met on Wednesday, April 16, 2003, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Adams, Chair, presided. Other members present were: Representative(s) Allen, Decker Harrell, Jones, Justice and Walker.

A Visitor Registration list is attached and made a part of the Minutes, along with handouts and summaries relating to the bill(s) that were considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

SB 30

A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF DALLAS TO AUTHORIZE THE BOARD OF ALDERMEN TO DELEGATE THE AUTHORITY TO SUSPEND OR REMOVE EMPLOYEES was explained by Senator McHenry for the bill sponsor, Senator Hoyle. Representative Lucy Allen moved for a favorable report and the motion carried.

HB 765

Representative Culpepper, bill sponsor, was recognized to explain HB 765, A BILL ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN CHOWAN COUNT Y. Representative Walker <u>moved for a favorable report and the motion carried.</u>

SB 465

Senator Dorsett, bill sponsor, was recognized to explain SB 465, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF GOLDSBORO AND HIGH POINT TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432. Upon motion by Representative Jones, SB 465 was given a favorable report.

HB 582

Representative West, bill sponsor, explained HB 582, A BILL TO BE ENTITLED AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE. A

proposed committee substitute was offered and a motion was made by Representative Decker for its adoption for the purpose of discussion. The motion carried.

Representative Allen moved for a favorable report of the committee substitute bill, unfavorable to the original bill and the motion carried.

HB 735

Representative Michaux, bill sponsor, explained HB 735, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR. A proposed committee substitute was offered and a motion made by Representative Allen for the adoption for the purpose of discussion. The motion carried. Representative Jones made a motion for a favorable report of the committee substitute for bill, unfavorable to the original bill and the motion carried.

There being no further business before the Committee, the meeting adjourned at 10:40 a.m.

Representative Alma Adams

Chair

Committee Assistant

ATTACHMENTS:

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 16, 2003 Room 425 LOB 10:00 A.M.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS:

Hald (Representative Bonner, Sponsor of \dot{HB} 610 – Rowland ETJ Extension – has requested that HB 610 be held until a later date.)

• HB 735 City of Durham/Notice to Chronic Violators Representatives Michaux, Luebke, and Miller

(1) • HB 764 Gaston Sheriff Vacancies Representative Rayfield - Jauanable

HB 765 Chowan Subdivision Definition

Representative Culpepper Jaurable

Representative Hall

HB 771 Halifax/Commercial Zoning

HB 784 Salisbury Tree Ordinance

Representative Coates

• SB 30 Dallas Aldermen Authority

Senator Hoyle. Yourable

COMMENTS

ADJOURNMENT

1 AB 465 - Serator Dorsett - Januarolle 1 AB 582 - C.D. adapted

Beverlee Baker (Rep. Adams)

om: nt: Phyllis Cameron (Rep. Bonner) Tuesday, April 15, 2003 10:02 AM Beverlee Baker (Rep. Adams)

Cc:

To:

Rep. Alma Adams; Rep. Donald Bonner

Subject:

House Bill 610 - ROWLAND ETJ EXTENSION

Rep. Adams,

Per Rep. Bonner, he would like **HB 610 - ROWLAND ETJ EXTENSION** removed from the calendar on the Local Government Committee until further notice.

Thank you.

Phyllis K, Cameron

Legislative Committee Assistant

Office of Representative Donald A. Bonner

1313 Legislative Bldg., (919) 733-5803

bonnerla@ncleg.net



HOUSE BILL 610: Rowland ETJ Extension

4-16-02

Committee: House Local Government II

Introduced by: Reps. Bonner; and Yongue

Date: Version: April 16, 2003

1st Edition

Summary by:

Giles S. Perry Committee Counsel

SUMMARY: House Bill 610 authorizes the Town of Rowland to extends its extraterritorial planning and zoning jurisdiction up to two miles beyond its corporate limits.

CURRENT LAW: Under current law, the Town of Rowland has authority to extend its extraterritorial planning and zoning jurisdiction (ETJ) up to one mile beyond its corporate limits.

BILL ANALYSIS: House Bill 610 authorizes the Town of Rowland (population 1150) to extends its extraterritorial planning and zoning jurisdiction up to two miles beyond its corporate limits.

House Bill 610 becomes effective when it becomes law.

Current law authorizes municipalities to automatically extend their planning and **BACKGROUND:** zoning jurisdiction (ETJ) one mile beyond their city limits, unless the county is regulating subdivisions. has adopted a zoning ordinance, and is enforcing the State Building Code. If the county has undertaken all three of these activities, then the municipality must get approval of the county commissioners prior to extension of planning and zoning jurisdiction. Municipalities may also extend their ETJ two or three miles, if they have a population of 10,000 or 25,000, respectively, and they gain county commissioner approval.

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HOUSE BILL 610

Short Title: Rowland ETJ Extension. (Local) Sponsors: Representatives Bonner; and Yongue.

Referred to: Local Government II.

March 24, 2003

A BILL TO BE ENTITLED

THE TOWN OF ROWLAND TO EXTEND ITS AN ACT ALLOWING EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES BEYOND ITS PRIMARY CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 160A-360, the Town of Rowland may exercise the extraterritorial jurisdiction powers granted by Article 19 of Chapter 160A of the General Statutes within a defined area extending not more than two miles beyond its primary corporate limits.

SECTION 2. This act applies to the Town of Rowland only.

SECTION 3. This act is effective when it becomes law.

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N ACT ALLOWING THE TO JURISDICTION OVER AL LIMITS.)RPORA
troduced by Representative(s)	: Bonner.			• •		·
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PASSED 1st READING MAR 24 2003 AND REFERRED TO COMMITTEE			. '			
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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 784

Hold

Short Title: Salisbury Tree Ordinances. (Local)

Sponsors: Representative Coates.

Referred to: Local Government II.

March 27, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF SALISBURY TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2001-191 reads as rewritten:

"SECTION 4. This act shall apply only to the City-Cities of Durham and Salisbury and the Towns of Cary, Garner, Morrisville, Knightdale, Fuquay-Varina, and Spencer and to property located within the municipality's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes."

SECTION 2. This act is effective when it becomes law.

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A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF SALISBURY TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS.

Introduced by Representative(s): Co	rates.		
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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 771

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Hold

Short Title: Halifax/Commercial Zoning. (Local)

Sponsors: Representative Hall.

Referred to: Local Government II.

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ANY INTERSTATE COMMERCIAL ZONING CLASSIFICATION ADOPTED BY HALIFAX COUNTY AND APPLICABLE TO AREAS ADJACENT TO INTERSTATE 95 SHALL CONSTITUTE A ZONED COMMERCIAL OR INDUSTRIAL AREA PURSUANT TO THE NORTH CAROLINA OUTDOOR ADVERTISING CONTROL ACT AND DEPARTMENT OF TRANSPORTATION RULES ADOPTED PURSUANT TO THAT ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Any Interstate Commercial zoning classification adopted by Halifax County and applicable to areas within 500 feet of either side of the right-of-way line of Interstate 95 from the City of Roanoke Rapids jurisdiction at Exit 173 south to the Nash County line shall constitute a valid zoned commercial or industrial area pursuant to Article 11 of Chapter 20 of the General Statutes, the Outdoor Advertising Control Act, and any rules adopted by the Department of Transportation pursuant to that Article.

SECTION 2. This act applies to Halifax County only.

17 **SECTION 3.** This act is effective when it becomes law.

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SESSION LAW	<u></u>

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ANY INTERSTATE COMMERCIAL ZONING CLASSIFICATION ADOPTED BY HALIFAX COUNTY AND APPLICABLE TO AREAS ADJACENT TO INTERSTATE 95 SHALL CONSTITUTE A ZONED COMMERCIAL OR INDUSTRIAL AREA PURSUANT TO THE NORTH CAROLINA OUTDOOR ADVERTISING CONTROL ACT AND DEPARTMENT OF TRANSPORTATION RULES ADOPTED PURSUANT TO THAT ACT.

troduced by Representative(s): Hall			·	·
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AND REFERRED TO COMMITTEE

ON LOCAL GOVERNMENT II.

* DO NOT REPORT HB 764. Ray field This was reported favorable from LOCAL
GOVT II COMM. ON Wed., Cipie 16. her adams does not want it reported out.

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

DO NOT REPORT OUT OF LOCAL GOVT. II

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for H.B. 764 A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT AS IT APPLIES TO GASTON COUNTY SO THAT VACANCIES IN THE OFFICE OF SHERIFF OF GASTON COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5.
☐ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.
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) 03/19/03

FOR JOURNAL USE ONLY

Pursuant to Rule 36(b), t	he bill/resolution is placed on the Calendar of
The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re referred to the Committee on The bill/resolution is re-referred to the Committee on On motion of (Rep,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on Pursuant to Rule 36(b), the (House)committee substitute bill (No)/resolution is placed on the Calendar of (The original bill) (House Committee Substitute Bill No)/resolution is placed on the Unfavorable Calendar. On motion of Rep, (the rules are suspended) (Rule is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.) On motion of Rep, Committee Amendment No.(s) is/an adopted (by EV). On motion of Rep, Committee Amendment No.(s) is/an adopted (by EV). Rep offers Amendment No which (is adopted.) (fails of adoption.) (by EV) () This amendment changes the title. The bill/resolution (, as amended,) passes its second reading (by following vote, RC) (, by EV,) and (remains on the Calendar,) (and there being no objection is read a third time). The bill/resolution (, as amended,) passes its third reading (by the following vote, RC) (, by EV,) and is ordered sent to the Senate without engrossment by Special message sent to the Senate for concurrence in the House amendment (s) the House committee substitute bill enrolled.	
On motion of Repand the bill/resolution is	, (the rules are suspended) (Rule is suspended) placed on today's calendar. (for immediate consideration.)
On motion of Repadopted (by EV	, Committee Amendment No.(s) is/are
On motion of Repadopted (by EV	, Committee Amendment No.(s) is/are
Repadoption.) (by EV	offers Amendment No which (is adopted.) (fails of) () This amendment changes the title.
RC) (, by EV	,) and (remains on the Calendar,) (and there being no
RC) (, by EV	- · ·
without engrossment sent to the Senate for the House the House	For concurrence in the amendment (s).
On motion of Rep(by	the House concurs in the (material) Senate the following vote, RC) (, by EV,) and
the hill is ordered enrolle	ad



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A BILL TO BE ENTITLED

AN ACT TO REPEAL A LOCAL ACT AS IT APPLIES TO GASTON COUNTY SO THAT VACANCIES IN THE OFFICE OF SHERIFF OF GASTON COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5.

Introduced by Representative(s): Re	yfield (By	Request).		
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Principal Clerk's Use Only				
SED 1st READING				
MAR 27 2003				
and referred to committee on Local Government II				



HOUSE BILL 764: Gaston Sheriff Vacancy.

BILL ANALYSIS

Committee: Local Government II

Date: Version: April 15, 2003 First Edition Introduced by: Representative Rayfield

Summary by: Kory J. Goldsmith

Committee Counsel

SUMMARY: The bill would require the County of Gaston to fill vacancies in the office of Sheriff in accordance with G.S. 162-5.

CURRENT LAW: The General Statutes provide two basic mechanisms for filling vacancies in the office of Sheriff. They are:

1. G.S. 162-5. (County Commissioners select.)

At that time, the board of county commissioners is to elect a sheriff to fill the vacancy for the remainder of the term. The person elected by the board of county commissioners is to possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled. If the county has abolished the office of coroner, then the chief deputy is to step in. If there is no chief deputy, then the most senior deputy in years of service is to step in. In all counties, deputy sheriffs are to continue in office during the interim of the vacancy.

2. G.S. 162-5.1. (County Commissioners consult party.)

When there is a vacancy in the office of sheriff, the coroner of the county is to fill the role of sheriff until the county commissioners elect a sheriff to complete the term. If the county has abolished the office of coroner, then the chief deputy is to step in. If there is no chief deputy, then the most senior deputy in years of service is to step in. In all counties, deputy sheriffs are to continue in office during the interim of the vacancy.

If the sheriff were elected as a nominee of a political party, then board of county commissioners is to consult the county executive committee of that political party before filling the vacancy. The county board is to elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

This method is used in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, Wake, and Yancey.

BILL ANALYSIS: The bill would remove Gaston County from those counties that are required to elect the person recommended by the executive party of the political party of which the vacating sheriff was a nominee. The bill would allow the Gaston County Board of Commissioners to select a person of their choosing to fill any vacancy in the office of sheriff.

EFFECTIVE DATE: The bill would become effective when it becomes law.

H764-SMRC-001

Erika Churchill contributed substantially tothissummary.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 764

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Javarable

Short Title:	Gaston Sheriff Vacancies.	(Local)
Sponsors:	Representative Rayfield (By Request).	
Referred to:	Local Government II.	
	March 27, 2003	
	A BILL TO BE ENTITLED	
AN ACT TO	O REPEAL A LOCAL ACT AS IT APPLIES TO GASTON	I COUNTY SO
THAT V	VACANCIES IN THE OFFICE OF SHERIFF OF GAST	ON COUNTY
WILL B	SE FILLED IN ACCORDANCE WITH G.S. 162-5.	
The General	l Assembly of North Carolina enacts:	
S	ECTION 1. Chapter 83 of the 1989 Session Laws is repealed	d.
S	ECTION 2. This act applies to Gaston County only.	
S	ECTION 3. This act is effective when it becomes law.	

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 30 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF DALLAS TO AUTHORIZE THE BOARD OF ALDERMEN TO DELEGATE THE AUTHORITY TO SUSPEND OR REMOVE EMPLOYEES.
×	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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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.
	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)

LOCAL BILL

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SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHAI ALDERMEN TO DELEGATE	RTER OF THE TOWN OF DAI THE AUTHORITY TO SUSPI		
Introduced by Senator(s)	Hoyle /		
FILED FEB 1 2 2003	KEPORTED FAVORABLY MAR (MAI	1st READING R 18 2003
PASSED 1st READING FEB 13 2003 AND REFERRED TO COMMETTEE ON LOC. LOV. VET AFFAI whom this bill was referred, a majority eing present and voting, has carefully insidered the same and recommend that	PASSED 2nd & 3rd READINGS VV MAR IS 2003 ORDERED SENT TO HOUSE OF REPRESENTATIVE	lon.Loc.	ERRED TO COMMITTEE

For the Committee

03-17-03P07:49 RCVD

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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SENATE BILL 30

Youarable

Short Title: Dallas Aldermen Authority. (Local)

Sponsors: Senator Hoyle.

Referred to: State Government, Local Government and Veterans' Affairs.

February 13, 2003

1 A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF DALLAS TO AUTHORIZE THE BOARD OF ALDERMEN TO DELEGATE THE AUTHORITY TO SUSPEND OR REMOVE EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.1 of Article IV of the Charter of the Town of Dallas, being Chapter 342 of the 1979 Session Laws, reads as rewritten:

"Section 4.1. <u>Form of government; authority over employees.</u> The Town shall operate under the mayor-council form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes. The Board of Aldermen shall have the authority to appoint and remove all employees. The Board may delegate to a department head the authority to suspend an employee, but final action on any suspension shall be taken by the Board.or remove employees in his or her department."

SECTION 2. This act is effective when it becomes law.



SENATE BILL 30: Dallas Alderman Authority

BILL ANALYSIS

Committee: House Local Government II

Introduced by: Senator Hoyle Summary by:

Date:

April 16, 2003

Giles S. Perry

Version:

1st Edition

Committee Counsel

SUMMARY: Senate Bill 30 amends the Dallas Town Charter to authorize the Board of Aldermen to delegate to a department head the authority to suspend or remove an employee.

CURRENT LAW: Under the current Dallas Town Charter, the Board of Aldermen has the authority to suspend or remove employees.

Senate Bill 30 amends the Dallas Town Charter to authorize the Board to delegate **BILL ANALYSIS:** to department heads the authority to suspend or remove employees.

Senate Bill 30 becomes effective when it becomes law.

S30-SMRW-001

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
\Box	Committee Substitute for
_	3. 765 A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF
	SUBDIVISION IN CHOWAN COUNTY.
X	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 the committee substitute bill (#), \square which changes the title, unfavorable as to (the 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.
	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) 03/19/03



HOUSE BILL 765: Chowan Subdivision Definition

Committee: House Local Government II

Date:

April 16, 2003

Version:

1st Edition

Introduced by: Rep. Culpepper

Summary by:

Giles S. Perry

Committee Counsel

SUMMARY: House Bill 765 amends the definition of "subdivision" applicable to subdivision

regulation in Chowan County.

Under current general law (G.S. 160A-376), subdivisions of land into two or more **CURRENT LAW:** lots for the purpose of sale or building development constitute a "subdivision" for the purpose of municipal subdivision regulation.

House Bill 765 adds an two exceptions to the definition of subdivision, applicable **BILL ANALYSIS:** to Chowan County only.

The bill excepts from the definition:

- --Gift of a single lot from a parent to each of his or her children, if no new lot is involved, and each lot has a dedicated right-of-way access to a State or approved private road.
- --Division of land by will, but the lots are not eligible for a building permit if the lots do not meet the minimum lot size requirements of the applicable zoning ordinance, septic tank regulations, or building setback ordinance.

House Bill 765 becomes effective when it becomes law.

H765-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 765

Youarable

Short Title: Chowan Subdivision Definition. (Local)

Sponsors: Representative Culpepper.

Referred to: Local Government II.

March 27, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN CHOWAN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-376 reads as rewritten:

"§ 160A-376. Definition.

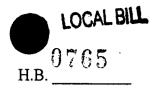
For the purpose of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality-county as shown in its subdivision regulations; regulations.
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved; involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets; and streets.
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, county, as shown in its subdivision regulations.
- (5) The gift of a parent of a single lot to his or her child or each of his or her children where no new road is involved, if (i) each lot has dedicated right-of-way access to the State-maintained road serving the

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SESSION 2003

1	principal parcel or direct access to an approved private road as de	fined
2	by ordinance and (ii) there are no more than three conveyances.	
3	(6) The division of land by will; however, the resultant lots may no	ot be
4	eligible for a compliance permit or building permit if the lots do	o not
5	meet the minimum lot size requirements of the zoning ordina	ance,
6	septic tank regulations, or the building setback ordinance."	
7	SECTION 2. This act applies to Chowan County only.	
8	SECTION 3. This act is effective when it becomes law.	



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V	SESSION LAW	

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN CHOWAN COUNTY.

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The i	following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
C S.B.	Committee Substitute for
X	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 .
t i	With a favorable report as to the committee substitute bill (#), which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	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) 03/19/03

s.B. <u>465</u>		SESSION LAW
AN ACT TO ALLOW THE CITY O COMMUNITY DEVELOPMEN	A BILL TO BE ENTITLED GOLDSON OF AND (XP) FHIGH POINT TO DECLARE RESID T TARGET AREAS UNSAFE AND HADINGS PURSUANT TO G.S. 160A-432	ENTIAL BUILDINGS IN AVE THE OPTION OF
Introduced by Senator(s)	Dorsett Taly Dust H. A. Bengham	y Shi sil
PASSED 1st READING MAR 20 2003 MAR 20 2003 MAR 20 COMMITTE L. LOC. LOV. LOC. LOV. ETAFF M. The Committee on ST. Col. Loc. Col. V ETAFF M. The Col. Loc	Comm. Amend	PASSED 1 ST READING APR 8 2007 AND REFERRED TO COMMITTEE ON. LOCAL Grovernment TI

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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SENATE BILL 465 Second Edition Engrossed 4/2/03

Lamanable

Short Title: High Point Unsafe Buildings.

(Local)

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Sponsors: Senators Dorsett; Berger, Bingham, and Hagan.

Referred to: State Government, Local Government, and Veterans' Affairs.

March 20, 2003

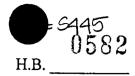
1 A BILL TO BE ENTITLED 2 AN ACT TO ALLOW THE CITIES OF GOLDSBORO AND HIGH POINT TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT 3 TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING 4 THOSE BUILDINGS PURSUANT TO G.S. 160A-432. 5 6 The General Assembly of North Carolina enacts: SECTION 1. Section 4 of S.L. 2002-118 reads as rewritten: 7 "SECTION 4. Sections 1 and 2 of this act apply to the Cities of Durham-and 8 Fayetteville Durham, Fayetteville, Goldsboro, and High Point and the Towns of Hope 9 Mills and Spring Lake only." 10 **SECTION 2.** This act is effective when it becomes law. 11

april 16, 2003

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.			
H.E	Committee Substitute for 3. 582 A BILL TO BE ENTITLED AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.			
	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 the committee substitute bill (#			
	With a favorable report as to House committee substitute bill (#), \square which changes the title, unfavorable as to Senate committee substitute bill.			
	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)			

LOCAL BILL



SESSION LAW	

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.

Introduced by Representative(s): West.		
Principal Clerk's Use Only PASSED 1st READING MAR 20 2003 AND REFERRED TO COMMUTEE ONLOWING CHARGEST AND REPORTED TO COMMUTEE		
Ŧ		

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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D

HOUSE BILL 582* PROPOSED COMMITTEE SUBSTITUTE H582-PCS70307-RC-16

Short Title: Clay County Development Authority.	(Local)		
Sponsors:			
Referred to:			
March 20, 2003			
A BILL TO BE ENTITLED			
AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY ADJOINING STATE.	JOINT IN AN		
The General Assembly of North Carolina enacts: SECTION 1. Notwithstanding any other provision of law, Clay Cou	ınty may,		
by proper resolution of its governing body, create a joint development agency, pursuant to Article 20 of Chapter 160A of the General Statutes, with a contiguous county in an adjoining state.			
SECTION 2. G.S. 160A-462(a) reads as rewritten:			
"(a) Units agreeing to an undertaking may establish a joint agency charged with			
any or all of the responsibility for the undertaking. The units may confer on the joint agency any power, duty, right, or function needed for the execution of the undertaking,			
except that legal title to all real property necessary to the undertaking shall be held by			
the participating units individually, or jointly as tenants in common, in such me			
proportion as they may determine. undertaking, including the authority to hold	legal title		
to any real property necessary to the undertaking."			
SECTION 3. This act applies to Clay County only.			
SECTION 4. This act is effective when it becomes law.			

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

 D

HOUSE BILL 582* PROPOSED COMMITTEE SUBSTITUTE H582-CSRC-16 [v.1]

4/8/2003 8:03:41 PM

Short Title: Clay County Development Authority. (Loca			
Sponsors:			
Referred to:			
March 20, 2003			
A BILL TO BE ENTITLED			
AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOIN			
DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AI ADJOINING STATE.			
The General Assembly of North Carolina enacts:			
SECTION 1. Notwithstanding any other provision of law, Clay County may			
by proper resolution of its governing body, create a joint development agency, pursuant			
to Article 20 of Chapter 160A of the General Statutes, with a contiguous county in an			
adjoining state.			
SECTION 2. G.S. 160A-462(a) reads as rewritten:			
"(a) Units agreeing to an undertaking may establish a joint agency charged with			
any or all of the responsibility for the undertaking. The units may confer on the joint			
agency any power, duty, right, or function needed for the execution of the undertaking,			
except that legal title to all real property necessary to the undertaking shall be held by			
the participating units individually, or jointly as tenants in common, in such manner and			
proportion as they may determine. undertaking including the authority to hold legal title			
to any real property necessary to the undertaking."			
SECTION 3. This act applies to Clay County only.			

SECTION 4. This act is effective when it becomes law.



HOUSE BILL 582: Clay County Development Authority

BILL ANALYSIS

Committee: House Local Government II

Date:

April 8, 2003

Version:

Proposed Committee Substitute

H582-CSRC-16[v.1]

Introduced by: Representative West

Summary by:

Kory J. Goldsmith

Committee Counsel

SUMMARY: HB582 would authorize Clay County to create a joint development agency with a contiguous county in an adjoining state. The agency would have to be created by a resolution of the Clay County board of county commissioners. The agency created also would have the authority to hold legal title to real property necessary to the activities of the agency.

CURRENT LAW: Article 20 of Chapter 160A of the General Statutes authorizes a city or county, (as well as a number of other units of local government) to enter into contracts or agreements with another unit of local government of this State, or another state to the extent the laws of the other state permit, to execute any undertaking. G.S. 160A-461. An "undertaking" is defined as the joint exercise by 2 or more units of local government of any power, function, public enterprise, right, privilege, or immunity of local government. G.S. 160A-460. The parties to such an agreement may create a joint agency to carry out the undertaking and may give it any power, duty, right or function needed to accomplish the undertaking. except that legal title to real property necessary to the undertaking must be held by the participating units individually or jointly as tenants in common. G.S. 160A-462.

BACKGROUND:

Clay County, North Carolina wishes to enter into an agreement with Towns County, Georgia to create an Industrial Authority to act on behalf of both counties in developing property owned separately by Clay and Towns Counties. The properties are located contiguously on the NC/GA line. Contemporaneously with the introduction of HB 582, Towns County is seeking authorization from the Georgia legislature to establish a joint development authority with a contiguous county in an adjoining state. The Georgia legislation has not yet passed.

BILL ANALYSIS:

House Bill 582 would allow Clay County to create a joint agency with a contiguous county in another state, The bill would also allow a joint authority created by Clay County the additional power of holding legal title to real property in its own name.

The act is effective when it becomes law.

H582-SMRC-001

Barbara Riley contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 582*

(Local)

1

Short Title: Clay County Development Authority.

Sponsors: Representative West.

Referred to: Local Government II.

March 20, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.

The General Assembly of North Carolina enacts:

6 7 **SECTION 1.** Notwithstanding any other provision of law, Clay County may, by proper resolution of its governing body, create a joint development authority with a contiguous county in an adjoining state.

SECTION 2. This act applies to Clay County only.

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SECTION 3. This act is effective when it becomes law.

april 16, 2003

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

Th	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
H.)	Committee Substitute for B. 735 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.
	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
X	With a favorable report as to the committee substitute bill (#
	With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
	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)

OCAL BILL	
н.в	SESSION LAW
A BILL	TO BE ENTITLED
THAT CALENDAR YEAR AND AUTHORIZI	DEBRIS ORDINANCE WITHOUT FURTHER NOTICE NG THE CITY OF DURHAM TO GIVE ANNUAL NOTICE OVERGROWN VEGETATION ORDINANCE WITHOUT
Introduced by Representative(s): Michaux, Luebke,	and Miller (Primary Sponsors).

pal Clerk's Use Only PASSED 1st READING MAR 27 2003 AND REFERRED TO COMMITTEE Lorge De Salver.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 735 PROPOSED COMMITTEE SUBSTITUTE H735-PCS70308-RC-23

Short Title: City of Durham/Notice to Chronic Violators. (Loc	al)
Sponsors:	
Referred to:	
March 27, 2003	
A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBR ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AN AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR. The General Assembly of North Carolina enacts: SECTION 1. A municipality may notify a chronic violator of municipality's refuse and debris ordinance that, if the violator's property is found to in violation of the ordinance, the municipality may, without further notice in calendar year in which the notice is given, take action to remedy the violation, and expense of the action shall become a lien upon the violator's property and shall collected as unpaid taxes. The initial annual notice shall be served by registered certified mail. Under this section, a chronic violator is a person who owns prope whereupon, in the previous calendar year, the municipality took remedial action at let three times under the refuse and debris ordinance. SECTION 2. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33, S 2000-38, and S.L. 2001-107, reads as rewritten: "Section 2. This act applies to the Cities of High Point, Gastonia, Durham, Gastor High Point, Lexington, Roanoke Rapids, and Winston-Salem only." SECTION 3. Section 1 of this act applies to the City of Durham only.	the be the or erty east

SECTION 4. This act is effective when it becomes law.

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 735 PROPOSED COMMITTEE SUBSTITUTE H735-CSRC-23 [v.1]

4/12/2003 9:37:23 PM

Short Title:	City of Durham/Notice to Chronic Violators.	(Local)
Sponsors:	A	
Referred to:		
	March 27, 2002	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may notify a chronic violator of the municipality's refuse and debris ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the refuse and debris ordinance.

SECTION 2. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33, S.L. 2000-38, and S.L. 2001-107, reads as rewritten:

"Section 2. This act applies to the Cities of High Point, Gastonia, Durham, Gastonia, High Point, Lexington, Roanoke Rapids, and Winston-Salem only."

SECTION 3. Section 1 of this act applies to the City of Durham only.

SECTION 4. This act is effective when it becomes law.



HOUSE BILL 735: City of Durham/Notice to Chronic Violators

BILL ANALYSIS

Date:

Committee: House Local Government II

April 12, 2003

Version: Proposed Committee Substute

H735-CSRC-23[v.1]

Introduced by: Reps. Michaux, Luebke, and

Miller

Summary by: Kory J. Goldsmith

Committee Counsel

SUMMARY: House Bill 735 allows the City of Durham to remove refuse and debris or overgrown vegetation from a landowner's property where the city has notified the landowner at least three times in the prior year that the owner is in violation of Durham's refuse and debris or overgrown vegetation ordinances. The cost of the action becomes a lien against the property and is collected as unpaid taxes.

CURRENT LAW: G.S. 160A-193 grants to cities the authority to remove or otherwise remedy situations that are dangerous or prejudicial to the public health or public safety. The expense of removal is paid by the property owner or becomes a lien against the property that is collected as unpaid ad valorem taxes.

BILL ANALYSIS:

Section 1 of the bill allows the City of Durham to enforce its refuse and debris ordinance against chronic violators if the person's property is found to be in violation of the ordinance. A chronic violator is a person who owns property and against whom the municipality took remedial action under the refuse and debris ordinance at least three times in the previous calendar year. In the subsequent, the city may send the initial annual notice of violation via registered or certified mail and then remove the violation and charge the expense to the owner. If the expense is not paid, it becomes a lien against the property and is collected as unpaid taxes.

Section 2 of the bill adds the City of Durham to those municipalities that may use the same procedure explained in Section 1 for violations of a municipality's overgrown vegetation ordinance.

The act is effective when it becomes law.

H735-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

HOUSE BILL 735

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Short Title: City of Durham/Notice to Chronic Violators.

(Local)

Sponsors:

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Representatives Michaux, Luebke, and Miller (Primary Sponsors).

Referred to: Local Government II.

March 27, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may notify a chronic violator of the municipality's refuse and debris ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the refuse and debris ordinance.

SECTION 2. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33, S.L. 2000-38, and S.L. 2001-107, reads as rewritten:

"Section 2. This act applies to the Cities of High Point, Gastonia, Durham, Gastonia, High Point, Lexington, Roanoke Rapids, and Winston-Salem only."

SECTION 3. This act applies to the City of Durham only.

SECTION 4. This act is effective when it becomes law.

Pages

Melinda Bowman Lee County Sponsor: John Sauls

Greg Thompson

Moore County Richard Morgan

Sqt matt Myers Martha Gallion

R REGISTRATION SHEET VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK NAME FIRM OR AGENCY AND ADDRESS Dus 4660 Colleen Kocha

Jackie Hamby (House Legislative Assistants Office)

From: Jackie Hamby (House Legislative Assistants Office)

Sent: Friday, April 11, 2003 11:00 AM

Subject: HOUSE LOCAL GOVERNMENT II MEETING - April 16, 2003

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE:

Wednesday, April 16, 2003

TIME:

10:00 a.m.

LOCATION:

Room 425 LOB

The following bills will be considered Bill # & Short	t Title & (Bill Sponsor):	
HB - 610 - Rowland ETJ Extension	(Representative Bonner)	
HB - 735 - City of Durham/Notice to Chronic Violators		
(Representati	tives Michaux, Luebke, and Miller)	
HB - 764 - Gaston Sheriff Vacancies	(Representative Rayfield)	
HB - 765 - Chowan Subdivision Definition	(RepresentativeCulpepper)	
HB - 771 - Halifax/Commercial Zoning	(Representative Hall)	
HB - 784 - Salisbury Tree Ordinance	(Representative Coates)	

Respectfully,

Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:00 a.m. on April 11, 2003.

Representative Adams

(Senator Hoyle)

Principal Clerk	
Reading Clerk	- House Chamber

Jackie Hamby (Committee Assistant)

SB - 30 - Dallas Aldermen Authority

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 23, 2003

The House Committee on LOCAL GOVERNMENT II met on Wednesday, April 23, 2003, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Adams, Chair, presided. Other members present were: Representative(s) Allen, Capps, Decker, Farmer-Butterfield, Frye, Jones, Justice, Mitchell, and Walker.

A Visitor Registration list is attached and made a part of the Minutes, along with handouts and summaries relating to the bill(s) that were considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

HB 686

Representative Culpepper, bill sponsor, was recognized to explain HB 686, A BILL TO BE ENTITLED AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS. <u>Representative Farmer-Butterfield</u> made a motion for a favorable report and the motion carried.

HB 1050

Representative Frye, bill sponsor, was recognized to explain HB 1050, A BILL TO BE ENTITLED AN ACT TO IMPROVE FIRE SAFETY IN LOCAL CONFINEMENT FACILITIES and offered a proposed committee substitute. Representative Allen moved for adoption of the proposed committee for the purpose of discussion. The motion carried. Members suggested changes to the bill and amendments were adopted.

Representative Capps moved that the amendments be rolled into a committee substitute and that the committee substitute bill be given a favorable report, unfavorable as to the original bill and recommendation that the committee substitute bill be re-referred to the Committee on RULES. The motion carried.

There being no further business before the Committee, the meeting adjourned at 10:40 a.m.

Representative Alma Adams, Chair

Jacque In A. Hamby, Committee Assistant

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ATTACHMENTS

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 23, 2003 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS/BILLS:

HB 686 Dare County Courthouse Contracts

Representative Culpepper -

HB 1021 County Approval of Involuntary Annexation Representative Allred

HB 1050 Fire Safety in Jails Representative Frye - C5 offered Les Orien on sund for adoption of C.S for discussion. Yourable to C.S., infan. to support • HB 1050 Fire Safety in Jails

HB 1200 Water and Sewer Assessment Basis

Representative Allred

COMMENTS

ADJOURNMENT

minutes april 23, 2003

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.	
Committee Substitute for H.B. 686 A BILL TO BE ENTITLED AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.	
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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.	
☐ 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)	



HOUSE BILL 686: Dare County Courthouse Contracts

BILL ANALYSIS

House Local Government II Committee:

Date: Version: April 22, 2003 1st Edition

Introduced by: Representative Culpepper

Summary by:

Kory J. Goldsmith

Committee Counsel

SUMMARY: HB 686 allows Dare County to contract for the design and construction of an administration building and renovate the Old Dare Courthouse without complying with the public bidding requirements of Article 8 of Chapter 143 of the General Statutes. The act is effective when it becomes law and expires July 1, 2008.

Any construction or repair contract in excess of \$300,000 must be awarded **CURRENT LAW:** according to the public bidding requirements of Article 8 of Chapter 143. G.S. 143-128 provides for the types of construction methods allowed. They include single prime, multiple prime, dual bidding, construction management at risk and alternative methods approved by the State Construction Commission. G.S. 143-129 provides the method by which bids are solicited, received, reviewed and G.S. 143-131 governs the informal bidding procedures for construction contracts under \$300,000 but over \$5,000. G.S. 143-132 requires that at a public board receive at least three competitive bids for a project.

HB 868 exempts Dare County from the requirements described above. **BILL ANALYSIS:** exemption would expire July 1, 2008.

H686-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 686

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Short Title:	Dare County Courthouse Contracts.	(Local)
Sponsors:	Representative Culpepper.	·
Referred to:	Local Government II.	

March 26, 2003

A BILL TO BE ENTITLED

AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. Dare County may contract for the design and construction of an administration building and the renovation of the Old Dare Courthouse without being subject to the requirements of G.S. 143-128, 143-129, 143-131, and 143-132. Notwithstanding any provision of law, Dare County may award each contract in its sole discretion.

SECTION 2. This act is effective when it becomes law and expires July 1,

2008.

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SESSION LAV	W

A BILL TO BE ENTITLED

AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

Introduced by Representative(s): Cu	lpepper.	
Principal Clerk's Use Only SED 1st READING		
MAR 26 2003 AND REFERRED TO COMMITTEE ON LOCAL CRUTICALANA THE		

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.			
Committee Substitute for H.B. 1050 A BILL TO BE ENTITLED AN ACT TO IMPROVE FIRE SAFETY IN LOCAL CONFINEMENT FACILITIES.			
☐ 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 the committee substitute bill, Which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on RULES.)			
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.			
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) 03/19/03			

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1050 PROPOSED COMMITTEE SUBSTITUTE H1050-PCS30283-RF-14

Short Title: Fire Safety in Jails.	(Public)
Sponsors:	
Referred to:	
April 10, 2003	
A BILL TO BE ENTITLED	
AN ACT TO REQUIRE THE LEGISLATIVE RESEARCH CO	MMISSION TO
STUDY FIRE SAFETY IN LOCAL CONFINEMENT FACILITIE	S.
The General Assembly of North Carolina enacts:	. 1 .1
SECTION 1. The Legislative Research Commission shall	study the issue of
fire safety in local confinement facilities and consider whether the cu	are in compliance
inspecting those facilities is sufficient to ensure that those facilities a	safety for existing
with all applicable State and local laws and regulations related to fire s facilities, including the provisions of the National Fire Protection	Code 101 (1991
Edition) applicable to existing detention facilities, the North Carolin	na State Building
Code in force at the time the facility was constructed, modified,	or renovated, the
current North Carolina Fire Prevention Code, and the requirement	ents set forth in
Subchapter 10-3J of the North Carolina Administrative Code.	
SECTION 2. The Legislative Research Commission shall	report its findings
and any recommendations to the 2004 Regular Session of the 2003 Ger	neral Assembly.

SECTION 3. This act is effective when it becomes law.

D

Local GOVT. II Ciprel 23, 2003

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(Public)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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Short Title: Fire Safety in Jails.

HOUSE BILL 1050 PROPOSED COMMITTEE SUBSTITUTE H1050-CSRF-14 [v.1]

4/23/2003 9:10:56 AM

Sponsors:
Referred to:
April 10, 2003
A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
STUDY FIRE SAFETY IN LOCAL CONFINEMENT FACILITIES.
The General Assembly of North Carolina enacts:
SECTION 1. The Legislative Research Commission may study the issue of
fire safety in local confinement facilities and consider whether the current process for
inspecting those facilities is sufficient to ensure that those facilities are in compliance
with all applicable State and local laws and regulations related to fire safety for existing
facilities, including the provisions of the National Fire Protection Code 101 (1991
Edition) applicable to existing detention facilities, the North Carolina State Building
Code in force at the time the facility was constructed, modified, or renovated, the
current North Carolina Fire Prevention Code, and the requirements set forth in
Subchapter 10-3J of the North Carolina Administrative Code.
SECTION 2. The Legislative Research Commission may report its findings

and any recommendations to the 2004 Regular Session of the 2003 General Assembly.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1050

(Public)

Sponsors:

Representatives Frye; and Pate.

Referred to: Local Government II.

Short Title: Fire Safety in Jails.

cai Government II.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO IMPROVE FIRE SAFETY IN LOCAL CONFINEMENT FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Each local confinement facility in the State shall provide for a licensed professional engineer and architect to evaluate the fire safety of the building containing the local confinement facility, including its proximity to other structures and its fire and safety equipment and systems. Each architect and engineer shall determine what, if any, fire safety upgrades are necessary in order to bring the facility into compliance with applicable State or local laws, rules, or regulations related to fire safety for existing facilities, including the provisions of the National Fire Protection Code 101 (1991 edition) applicable to existing detention facilities, the North Carolina State Building Code in force at the time the facility was constructed, modified, or renovated, the current North Carolina Fire Prevention Code, and the requirements set forth in Subchapter 10-3J of the North Carolina Administrative Code.

SECTION 2. Each architect and engineer shall report the results of his or her evaluation by July 1, 2004, to the unit of local government responsible for the operation of the local confinement facility, as well as to the Jails and Detention Branch of the Division of Facility Services of the Department of Health and Human Services. In the event that the reports indicate that a local confinement facility is not in compliance with the applicable standards, the unit of local government responsible for the facility shall arrange for the necessary upgrades to be made, and shall devise and implement an interim safety plan to assure reasonably equivalent fire safety measures are in place pending the completion of the upgrades. Each local confinement facility shall be brought into compliance no later than January 1, 2007.

SECTION 3. This act is effective when it becomes law.

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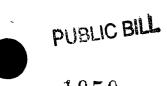
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· · ·	A BILL TO BE EN	TITLED	
AN ACT TO IMPROVE FIRE SAFI	ETY IN LOCAL CONFINEME	NT FACILITIES.	
Introduced by Representative(s): Frye	∋.		
PRINCIPAL Clerk's Use Only PASSED 1st READING APR 10 2007 AND REFERRED TO COMMITTEE ON. LOCAL CRUNEY:			

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003 HOUSE BILL 1021

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Short Title: County Approval of Involuntary Annexation. (Public) **Sponsors:** Representative Allred. Referred to: Local Government II.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE APPROVAL OF INVOLUNTARY ANNEXATIONS BY THE BOARD OF COMMISSIONERS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-37(e) reads as rewritten:

- Passage of the Annexation Ordinance. The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by G.S. 160A-35 to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of G.S. 160A-35. At any regular or special meeting held no sooner than the tenth day following the public hearing and not later than 90 days following such public hearing, the governing board shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all, or such part, of the area described in the notice of public hearing which meets the requirements of G.S. 160A-36 and which the governing board has concluded should be annexed, annexed, but only if the board of commissioners of the county where the property is located has adopted a resolution approving the annexation. If the property is located in more than one county, the approval of the boards of commissioners of all the counties where the property is located is required. The ordinance shall:
 - Contain specific findings showing that the area to be annexed meets (1)the requirements of G.S. 160A-36. The external boundaries of the area to be annexed shall be described by metes and bounds. In showing the application of G.S. 160A-36(c) and (d) to the area, the governing board may refer to boundaries set forth on a map of the area and incorporate same by reference as a part of the ordinance.
 - **(2)** A statement of the intent of the municipality to provide services to the area being annexed as set forth in the report required by G.S. 160A-35.

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- (3) A specific finding that on the effective date of annexation the municipality will have funds appropriated in sufficient amount to finance construction of any water and sewer lines found necessary in the report required by G.S. 160A-35 to extend the basic water and/or sewer system of the municipality into the area to be annexed, or that on the effective date of annexation the municipality will have authority to issue bonds in an amount sufficient to finance such construction. If authority to issue such bonds must be secured from the electorate of the municipality prior to the effective date of annexation, then the effective date of annexation shall be no earlier than the day following the statement of the successful result of the bond election.
- (4) Fix the effective date for annexation. The effective date of annexation may be fixed for any date not less than 40 days nor more than 400 days from the date of passage of the ordinance."

SECTION 2. G.S. 160A-49(e) reads as rewritten:

- Passage of the Annexation Ordinance. The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by G.S. 160A-47 to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of G.S. 160A-47, provided that if the annexation report is amended to show additional subsections of G.S. 160A-48(c) or (d) under which the annexation qualifies that were not listed in the original report, the city must hold an additional public hearing on the annexation not less than 30 nor more than 90 days after the date the report is amended. and notice of such new hearing shall be given at the first public hearing. At any regular or special meeting held no sooner than the tenth day following the public hearing and not later than 90 days following such public hearing, the governing board shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all, or such part, of the area described in the notice of public hearing which meets the requirements of G.S. 160A-48 and which the governing board has concluded should be annexed, but only if the board of commissioners of the county where the property is located has adopted a resolution approving the annexation. If the property is located in more than one county, the approval of the boards of commissioners of all the counties where the property is located is required. The ordinance shall:
 - (1) Contain specific findings showing that the area to be annexed meets the requirements of G.S. 160A-48. The external boundaries of the area to be annexed shall be described by metes and bounds. In showing the application of G.S. 160A-48(c) and (d) to the area, the governing board may refer to boundaries set forth on a map of the area and incorporate same by reference as a part of the ordinance.
 - (2) A statement of the intent of the municipality to provide services to the area being annexed as set forth in the report required by G.S. 160A-47.
 - (3) A specific finding that on the effective date of annexation the municipality will have funds appropriated in sufficient amount to

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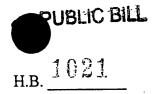
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finance construction of any major trunk water mains and sewer outfalls and such water and sewer lines as required in G.S. 160A-47(3)b found necessary in the report required by G.S. 160A-47 to extend the basic water and/or sewer system of the municipality into the area to be annexed, or that on the effective date of annexation the municipality will have authority to issue bonds in an amount sufficient to finance such construction. If authority to issue such bonds must be secured from the electorate of the municipality prior to the effective date of annexation, then the effective date of annexation shall be no earlier than the day following the statement of the successful result of the bond election.

(4) Fix the effective date for annexation. The effective date of annexation may be fixed for any date not less than 70 days nor more than 400 days from the date of passage of the ordinance."

SECTION 3. This act becomes effective with respect to annexation ordinances adopted on or after October 1, 2003.



SESSION	LAW	

A BILL TO BE ENTITLED

AN ACT TO REQUIRE APPROVAL OF INVOLUNTARY ANNEXATIONS BY THE BOARD OF COMMISSIONERS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

Introduced by Representative(s): Allr	ed.		
	-	, .	
Principal Clerk's Use Only SED 1st READING APR 10 2007 AND REFERRED TO COMMITTEE ON. LOCAL (TOWNS) THE PRINCIPAL COMMITTEE ON. LOCAL (TOWNS)			

NA pearl 23, 2003

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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HOUSE BILL 1200

(Public) Short Title: Water and Sewer Assessment Basis. Sponsors: Representative Allred. Referred to: Local Government II.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AS TO PROPERTY OWNERS OVER THE AGE OF SIXTY-FIVE, WATER AND SEWER ASSESSMENTS ARE HELD IN ABEYANCE UNTIL THE EARLIER OF THE TIME THE PROPERTY IS CONNECTED TO THE IMPROVEMENTS OR THE PROPERTY IS SOLD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-237 reads as rewritten:

"§ 160A-237. Authority to hold water and sewer assessments in abeyance.

The assessment resolution may provide that assessments levied under this Article for water or sewer improvements be held in abeyance without interest until improvements on the assessed property are actually connected to the water or sewer system for which the assessment was levied, or a date certain not more than 10 years from the date of confirmation of the assessment roll, whichever event first occurs. If the property owner is age 65 or older, the assessment resolution shall provide that assessments levied under this Article for water or sewer improvements be held in abeyance without interest until improvements on the assessed property are actually connected to the water or sewer system for which the assessment was levied, or the date the property is sold, whichever event first occurs. Upon termination of the period of abeyance, the assessment shall be paid in accordance with the terms set out in the assessment resolution. If assessments are to be held in abeyance, the assessment resolution shall classify the property assessed according to general land use, location with respect to the water or sewer system, or other relevant factors, and shall provide that the period of abeyance shall be the same for all assessed property in the same class.

All statutes of limitations are suspended during the time that any assessment (b) is held in abeyance without interest."

SECTION 2. G.S. 153A-201 reads as rewritten:

"§ 153A-201. Authority to hold assessments in abeyance.

The assessment resolution may provide that assessments made pursuant to this Article shall be held in abeyance without interest for any benefited property

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assessed. Water or sewer assessments may be held in abeyance until improvements on the assessed property are connected to the water or sewer system for which the assessment was made, or until a date certain not more than 10 years from the date of confirmation of the assessment roll, whichever event occurs first. If the property owner is age 65 or older, the assessment resolution shall provide that assessments levied under this Article for water or sewer improvements be held in abeyance without interest until improvements on the assessed property are actually connected to the water or sewer system for which the assessment was levied, or the date the property is sold, whichever event first occurs. Beach erosion control or flood and hurricane protection assessments may be held in abeyance for not more than 10 years from the date of confirmation of the assessment roll. When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.

If assessments are to be held in abeyance, the assessment resolution shall classify the property assessed according to general land use, location with respect to the water or sewer system (for water or sewer assessments), or other relevant factors. The resolution shall also provide that the period of abeyance shall be the same for all assessed property in the same class.

(b) Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest."

SECTION 3. This act is effective when it becomes law.



SESSION LAW	•

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AS TO PROPERTY OWNERS OVER THE AGE OF SIXTY-FIVE, WATER AND SEWER ASSESSMENTS ARE HELD IN ABEYANCE UNTIL THE EARLIER OF THE TIME THE PROPERTY IS CONNECTED TO THE IMPROVEMENTS OR THE PROPERTY IS SOLD.

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SED 1st READING APR 10 2003					
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· VISATOR REG	GISTRATION SHEET
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_ Silcal Dov 1	t 4-23-03
Name of Committee	Date
VISITORS: PLEASE SIGN BELOW AND	D RETURN TO COMMITTEE CLERK
. /	<i>y</i>
NAME	FIRM OR AGENCY AND ADDRESS
Onlie Allen	NC Statewatch
Thuis Crawford	AlA North Carolina
Anda Roment	NCLM
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House Pages

1.	Name: Disheeka Powell
	County: Edgecombe
	Sponsor: Farmer-Butterfield
2.	Name: Alex O'Neill
	County: Wake
	Sponsor: Eddin'S
3.	Name: Elizabeth Brim
	County: Randolph
	Sponsor: Brubaker
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	County:
	Sponsor:
5.	Name:
	County:
	Sponsor:
C ,	
Sgt-	At-Arms
1.	Name: Thancis Hooley
2.	Name: Martha A. Hadison
3.	Name:
4.	Name:

NORTH CAROLINA HOUSE OF REPRESENTATIVES **COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION** 2003-2004 SESSION

as follows:	med mat the Commi	nee on LOCAL GO	YERNWENT II WIII INCC
DAY & DATE:	Wednesday, April	23, 2003	
TIME:	10:00 a.m.		
LOCATION:	Room 425 LOB		
The following bills	will be considered B	ill # & Short Title &	& (Bill Sponsor):
HB 686 Dare Cou	inty Courthouse Co	ntracts	Representative Culpepper
HB 764 Gaston S	heriff Vacancies		Representative Rayfield
HB 1021 County	Approval of Involu	ntary Annexation	- Representative Allred
HB 1050 Fire Saf	ety in Jails		Representative Frye
HB 1200 Water a	nd Sewer Assessme	nt Basis	Representative Allred
·	Re	espectfully, epresentative Adams nair	.
I hereby certify this 12:00 Noon on Ap	•	the committee assis	tant at the following offices at
Principa Reading	al Clerk g Clerk - House Chan	nber	
Jackie Hamby (Cor	mmittee Assistant)		

•		Local Governme	nt II	I I	Page: 001	of 003
2003-2004	Biennium				Day: H-0	
<u>Bill</u>	Introducer	Short Title		Latest Action	In Date	Out Date
H0063	Goodwin	RICHMOND SHERIFF	Н	Ref To Com On	02-24-03	03-19-03
		VACANCIES.		State Government,		
				Local Government,		
				and Veterans'		•
11000.60	Tuese	CDDING TAKE AND	↓ 11	Affairs	02-24-03	ASSESSAGE AND
₩0068	Lucas	SPRING LAKE AND NEWTON RED LIGHT	'nп	Ref To Com On State Government,	02-24-03	√@-9
		CAMERAS.		Local Government,		
•		CAMERICAO:		and Veterans'		
				Affairs		
*H0134=	Hall	ROANOKE RAPIDS	Н		02-27-03	03-12-03
		PRIVATE SALE.		State Government,		
				Local Government,		
				and Veterans'		
				Affairs		and the second
#H0153 →	Womble	WINSTON-SALEM	Н		03-03-03	03=19-03
		ORDINANCES/CHRONIC VIOLATORS.		State Government, Local Government,		
		VIOLATORS.		and Veterans'		
				Affairs		
∡H0182=	L. Allen	HALIFAX-NORTHAMPTON	Н		03-04-03	03-12-03- ^{sh}
		AIRPORT AUTHORITY.		State Government,		
				Local Government,		
				and Veterans'		
2 V 2 10 10 10 10 10 10 10 10 10 10 10 10 10	_			Affairs		00.10.00.3
₩ 10263=	Bonner	LUMBERTON UNSAFE	Н	Ref To Com On	03-06-03	03-19-03
		BUILDINGS.		State Government, Local Government,		
				and Veterans'		
				Affairs		
н0302	Bell	DUPLIN UNPAID WATER	Н	Ref To Com On	03-06-03	
		FEES COLLECTION.		Local Government		
	A. marks a			II		
10,337	L. Allen	FRANKLIN COUNTY	Н	Re-ref Com On	03-06-03	03-26-03
"0220	7) - l	AIRPORT QUICK TAKE. GREENSBORO VEHICLE	**	Finance Re-ref to the Com	02 11 02	
н0338	Adams	TAX.	п	on Local	03-11-03	
		IAA.		Government II		
				and, if		
				favorable, to the		
		•		Com on Finance		
Ĥ0351 È	Coates	SALISBURY PARKING	Н	Passed 3rd Reading	03-06-03	03-26-03
₹		ENFORCEMENT.				
¶0401 €	Fox	HENDERSON OVERGROWN	* H	Ref To Com On	03-11-03	03-26-03
		VEGETATION ORDINANCE.		State Government,		
				Local Government, and Veterans'		
				Affairs		
HO4403	Sexton	WENTWORTH	Н	Ref To Com On	03-13-03	04-02-03 1
		AGRICULTURAL ZONING.		Finance		
H0466=	Adams	GREENSBORO CONSTRUCT	Н	Ref To Com On	03-13-03	
		ROADS OUTSIDE CITY.		Local Government		
				II	00 10 00	
H0467 = 1	Bowie	GREENSBORO/AIRPORT	Н	Ref To Com On	03-13-03	
		ANNEXATION AGREEMENTS.		Local Government		

'\$' indicates the bill is an appropriation bill.

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•		Local Governmen	nt I	I I	Page: 002	of 003
	Biennium			Leg.	Day: H-0	048/S-048
Bill	Introducer	Short Title ENFIELD ELECTION		Latest Action Ref To Com On	<u>In Date</u> 03-17-03	
H@\$IQ1	Hall	DISTRICT LINES.	n	State Government, Local Government, and Veterans'	03-17-03	\$0.⊋ — 240. ⊒ 0.€)
H0516	Goodwin	CERTAIN MUNICIPALITIES CLEAR-	* H	Affairs Passed 2nd & 3rd Reading	03-17-03	04-10-03
H0582=	West	CUTTING CLAY COUNTY DEVELOPMENT AUTHORITY.		Cal Pursuant Rule 36(b)	03-20-03	@4 =1 6 <u>-</u> @3
н0610	Bonner	ROWLAND ETJ EXTENSION.	Н	Ref To Com On Local Government II	03-24-03	
@HO626=		GREENSBORO/AIRPORT ANNEXATION AGREEMENTS.	Н	Passed 3rd Reading	03-24-03	<u>0</u> 4=02-03
H0627=	Adams :	GREENSBORO CONSTRUCT ROADS OUTSIDE CITY.	*H	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-24-03	0 ¹ 4=02−03
н0635	Rayfield	INVISIBLE FENCE SYSTEMSSIGNS REQUIRED.	* H	Re-ref Com On Local Government II	04-21-03	
_୍ ଲଭଟ ି	Wright	NEW HANOVER COUNTY OCCUPANCY TAX.	* H	Passed 2nd & 3rd Reading	03-26-03	04-10-03
н0686	Culpepper	DARE COUNTY COURTHOUSE CONTRACTS.	Н	Ref To Com On Local Government II	03-26-03	
ৣ₩ 0€88≦≌	Harrell	REVISE AND CONSOLIDATE MT. AIRY CHARTER.	Н	Re-ref Com On Finance	03-26-03	04-09-03
0703	Jeffus	GREENSBORO ABC BOARD MEMBERSHIP.	*H	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-27-03	0 <u>/4=1</u> 0-93
4¥.0.7-3·4\$	Michaux	DURHAM HOUSING APPEALS BOARD.	*H		03-27-03	() [™] 4 [™] 1·0 – 0 3 _m 3
#10735°	Michaux	CITY OF DURHAM/NOTICE TO CHRONIC VIOLATORS.	* H		03-27-03	04=16-03
Н0764	Rayfield	GASTON SHERIFF VACANCIES.	Н	<u> </u>	03-27-03	
H0765	Culpepper	CHOWAN SUBDIVISION DEFINITION.	Н	Cal Pursuant Rule 36(b)	03-27-03	04-16-03-
н0771	Hall	HALIFAX/COMMERCIAL ZONING.	Н	Ref To Com On Local Government II	03-27-03	,
ы0776 э	Adams	GREENSBORO CHARTER AMENDMENT.	Н	Ref To Com On State Government, Local Government, and Veterans'	03-27-03	04 ⁴ €09-03

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Affairs

•	•	Local Governme	nt I		Page: 003 of 003
	1 Biennium				Day: H-048/S-048
Bill	Introducer	Short Title	· 	Latest Action	In Date Out Date
H0784	Coates	SALISBURY TREE	Н	Ref To Com On	03-27-03
		ORDINANCES.		Local Government	
021	Allred	COUNTY APPROVAL OF	н	- -	04-10-03
021	riiiica	INVOLUNTARY		Local Government	04 10 03
		ANNEXATION.		II	
н1050	Frye	FIRE SAFETY IN JAILS.	Н	Ref To Com On	04-10-03
	•			Local Government	
				II	
H1064	L. Allen	DELEGATIONS OF	Н	Ref To Com On	04-10-03
		AUTHORITY.		Local Government	
				II	04 10 03
H1200	Allred	WATER AND SEWER	н		04-10-03
	•	ASSESSMENT BASIS.		Local Government	
କ୍ ର ନ୍ଦିର	David W. Hoyle	DALLAS ALDERMEN	н		03-18-03 404-16-03
<u> </u>	David W. Hoyic	AUTHORITY.	**	36(b)	00 10 00 (01 10 09)
S0123=	David F. Weinste	CLINTON/LUMBERTON	* H		03-18-03
		UNSAFE BUILDINGS.		Local Government	
				II	
S0292	Richard Stevens	RALEIGH ELECTRONIC	H		03-27-03
		NOTICE.		Local Government	
20256	7 7 C ' 1 1 1	UBUDED CON OVER CROWN	7.7	II	04 01 03
50356=	A. B Swindell	HENDERSON OVERGROWN VEGETATION ORDINANCE.	n	Ref To Com On Local Government	04-01-03
		VEGETATION ORDINANCE.		II	
50357	A. B Swindell	FRANKLIN COUNTY	Н	Ref To Com On	04-17-03
5055.	5 5,,2,,,0011	AIRPORT QUICK TAKE.		Local Government	
		_		II	
S0389	Charlie S. Danne	MECKLENBURG/EXTEND	* H	Ref To Com On	04-03-03
_		REAL ESTATE SUNSET.		Local Government	
417	T.) . # # TTT	TINVIE COMMISSIONEDS	**	II	04 00 03
417	John H. Kerr III	WAYNE COMMISSIONERS ELECTION.	н	Ref To Com On Local Government	04-08-03
		ELECTION.		II	
50465	Kafie G. Dorsett	GOLDSBORO/HIGHPOINT	* H		04-08-03 04-16-03
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	UNSAFE BUILDINGS.		36(b)	
S0476	Wib Gulley	DURHAM TRAFFIC	* H	Ref To Com On	04-17-03
	_	CONTROL MEASURES.		Local Government	
				II	
S0477	Wib Gulley	DURHAM HOUSING BOARD	* H	Ref To Com On	04-17-03
		HEAR OTHER APPEALS.		Local Government	
90479	Wib Gulley	DURHAM OVERGROWN	н	Ref To Com On	04-15-03
30470	MID GUITEÀ	VEGETATION ORDINANCE.	11	Local Government	0. 10 00
				TT	

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MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 30, 2003

The House Committee on LOCAL GOVERNMENT II met on Wednesday, April 30, 2003 at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Adams, Chair, presided. The following members were present: Representative(s) L. Allen, Capps, Farmer-Butterfield, Frye, Harrell, Justice, Pate, and Walker,

A Visitor Registration list is attached and made a part of the Minutes along with handouts and summaries relating to the bills considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

HB 635

Representative Rayfield was recognized to explain, HB 635. A BILL TO BE ENTITLED AN ACT TO REQUIRE THE POSTING OF SIGNS WHEN AN INVISIBLE FENCE PET CONTAINMENT SYSTEM IS INSTALLED ON PROPERTY. Committee Substitute amendment offered by Representative Capps & explained by staff. Upon motion by Representative Capps and carried, amendment was adopted. Upon motion by Representative Capps and carried, amendment rolled into committee substitute for H635 was given a favorable report, unfavorable to original report.

HB 499

Representative Coates, was recognized to explain proposed committee substitute offered by Representative Coates. AN ACT AMENDING THE CHARTER OF THE TOWN OF LANDIS TO EXTEND THE MAYOR'S AND ALDERMEN'S TERMS OF OFFICE FROM TWO TO FOUR YEARS. Representative Allen moved for adoption for discussion, motion carried. Upon motion by Representative Pate and carried, report of proporpsed committee substitute for HB499 was given a favorable report, unfavorable to original report.

HB 248

Representative Wright was recognized to explain HB 248 A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH HOUSE DISTRICT. Representative Wright explained the bill and offered proposed committed substitute. Representative Farmer-Butterfield moved to adopt proposed committee substitute. Motion carried. Upon motion by Representative Justice and carried, report of proposed committee substitute for HB248 was given a favorable report, unfavorable to original report.

HB 625

Representative Nesbitt, was recognized to explain, HB 625 AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY and offered a proposed committee substitute. Representative Walker moved to adopt proposed committee substitute, motion carried. Upon motion by Representative Harrell and carried, report of proposed committee substitute was given a favorable report, unfavorable to original. A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY. Upon motion by Representative Walker and carried, SB 243 was given a favorable report

Committee will meet 15 minutes after session

There being no further business before the Committee, the meeting adjourned at 10:35 am.

Representative Alma Adams

Chair

Jakquelon A. Hamby

Committee Assistant

ATTACHMENTS:

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Wednesday, April 30, 2003 Room 425 LOB 10:00 a.m.

✓ CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS - Lager & Staff

AGENDA ITEMS **BILLS/SPONSORS**

210 Relating to the County of Yancey

Representative Rapp

HB 499 Relating to the County of Rowan PCS You Ren

Representative Coates, explaned

HB 625 Buncombe County Local ACT-1 pcs yawalle

Representative Nesbitt,

Pcs yawalle

Representative Nesbitt,

Representative Rayfield, explained affected by Cappa

The

Later SB 290 Greensboro Minimum Housing Codes Not hearled So

Senator Dorsett Ne#T week "Not

HB 248 18th House District Local ACT-4 PCS Yoursell Representative Wright, -explained

COMMENTS

ADJOURNMENT

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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Wednesday, April 30, 2003 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS BILLS/SPONSORS

	DILLO/SI ONSONS	·
Serioued		
HB 210	Relating to the County of Yancey	Representative Rapp
HB 499	Relating to the County of Rowan	Representative Coates
HB 625	Buncombe County Local ACT-1	Representative Nesbitt
НВ 635	Invisible Fence Systems –Signs Required	Representative Rayfield
later SB 290	Greensboro Minimum Housing Codes	Senator Dorsett
HB 248	18 th House District Local ACT-4	Representative Wright

COMMENTS

ADJOURNMENT

Jackie Hamby (House Legislative Assistants Office)

om:

Delta Prince (Rep. Hall)

Monday, April 28, 2003 3:52 PM

To:

Jackie Hamby (House Legislative Assistants Office)

Subject:

RE: Input from bill sponsors of bills before LOCAL GOVERNMENT II

Importance:

High

Jackie.

Rep. Hall does NOT want HB 771 heard on Wednesday. Thanks.

----Original Message-----

From:

Jackie Hamby (House Legislative Assistants Office)

Sent:

Wednesday, April 23, 2003 3:51 PM

To:

Rep. John Rayfield; Brenda Olls (Rep. Rayfield); Rep. John Hall; Delta Prince (Rep. Hall); Rep. Lorene Coates; Melissa Lennon (Rep.

Coates); Rep. Lucy T. Allen; Melissa Riddle (Rep. Lucy Allen); Rep. Becky Carney; Joyce Langdon (Rep. Carney); Rep. Drew

Saunders; Ruth Fish (Rep. Saunders)

Cc:

Rep. Adams' Office; Rep. Alma Adams

Subject:

Input from bill sponsors of bills before LOCAL GOVERNMENT II

MEMORANDUM

TO:

BILL SPONSORS LISTED BELOW

FROM:

ALMA ADAMS, CHAIR OF LOCAL GOVERNMENT II COMMITTEE

SUBJECT: BILLS TO BE PLACED ON THE AGENDA OF LOCAL GOVERNMENT II MEETING APRIL 30, 2003

I am placing the following bills on the agenda of LOCAL GOVERNMENT II at the meeting to be held Wednesday, April 30, 2003. Please inform me (or my committee assistant below) if you do not wish to have your bill heard at this time.

HB 635 Invisible Fence Systems--Signs Required Representative Rayfield, Sponsor

HB 771 Halifax/Commercial Zoning - Resource Representative Hall,

HB 784 Salisbury Tree Ordinances

Representative Coates, Sponsor

HB 1064 Delegations of Authority

Representatives Carney and Saunders, Sponsors

Add: HB 248 - Rep. Wrights. Regust Alma Adams

Add SB 290 - DONSETT

Jackie Hamby House Legislative & Committee Assistant Phone: 733-5977 Room 2225 LB iackieh@ncleg.net

Jackie Hamby (House Legislative Assistants Office)

From: Jackie Hamby (House Legislative Assistants Office)

Sent: Tuesday, April 29, 2003 9:34 AM

To: Janette Lee (Rep. Nesbitt); Brenda Olls (Rep. Rayfield); Melissa Riddle (Rep. Lucy Allen); Joyce

Hodge (Sen. Dorsett); Clarestene Stewart (Rep. Wright)

Cc: Giles Perry (Research); Kory Goldsmith (Research); Judy Collier (Research); Rep. Alma Adams

Subject: NOTICE TO BILL SPONSORS on AGENDA of LOCAL GOVERNMENT II - Wednesday, April 30,

2003

The agenda below serves as a notice to the bill sponsors that your bill will be considered at the meeting of LOCAL GOVERNMENT II on Wednesday, April 30, 2003. If you do not wish your bill to be heard at this time, please notify Representative Adams or Jackie Hamby, Committee Assistant.

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Wednesday, April 30, 2003 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKSRepresentative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS BILLS/SPONSORS

HB 625 Buncombe County Local ACT-1 Representative Nesbitt

HB 635 Invisible Fence Systems – Signs Required Representative Rayfield

HB 1064 Delegations of Authority Representative L. Allen

SB 290 Greensboro Minimum Housing Codes Senator Dorsett

HB 248 18th House District Local ACT-4

Representative Wright

COMMENTS

ADJOURNMENT

Jackie Hamby (House Legislative Assistants Office)

rom: ent: Melissa Lennon (Rep. Coates) Monday, April 28, 2003 10:55 PM

To:

Rep. Alma Adams

Cc:

Jackie Hamby (House Legislative Assistants Office)

Subject:

Local Gov. I Comm. Rep. Coates bill

Importance:

High

Rep. Adams,

Wanted to make sure that you had received notice that Rep. Coates wants H784 Salisbury Tree Ordinance held in Committee. The City's request is being amended into a Senate bill.

Thank you; Melissa Lennon

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II. Committee Substitute for A BILL TO BE ENTITLED AN ACT TO REQUIRE THE POSTING OF SIGNS H.B. 635 WHEN AN INVISIBLE FENCE PET CONTAINMENT SYSTEM IS INSTALLED ON PROPERTY 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 the committee substitute bill (# 2), which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill # (and recommendation that the committee substitute bill # _____) be-re-referred-to-the-Committee), which changes With a favorable report as to House committee substitute bill (# the title, unfavorable as to Senate committee substitute bill. 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2002

H

HOUSE BILL 635 Committee Substitute Favorable 4/21/03

Short Title:	Invisible Fence Systems-Signs Required.	(Local)
Sponsors:		
Referred to:		
	March 24, 2003	
	A BILL TO BE ENTITLED	
AN ACT T	O REQUIRE THE POSTING OF SIGNS WHEN AN IN	VISIBLE FENCE
	NTAINMENT SYSTEM IS INSTALLED ON PROPER	
COUNT	Υ.	
The Genera	l Assembly of North Carolina enacts:	
	ECTION 1. Chapter 14 of the General Statutes is amo	ended by adding a
new section	to read:	
"§ 14-362.4	. Invisible fence pet containment system signage requi	ired.
	person who owns or rents property and restrains a dog of	
means of ar	n invisible fence pet containment system shall post signa	ige on the property
indicating tl	nat the system has been installed there.	
	my person who fails to post and maintain the signage requ	uired by subsection
(a) of this s	ection shall be responsible for an infraction and shall be f	ined not more than
fifty dollars	(\$50.00)."	
S	ECTION 2. This act shall apply only to Gaston County.	
S	ECTION 3. This act becomes effective December 1, 20	003, and applies to

offenses committed on or after that date.



HOUSE BILL 635: Invisible Fence Systems-Signs Required

BILL ANALYSIS

Committee:

House Local Government

Date: Version: April 30, 2003 2nd Edition

Introduced by: Rep. Rayfield

Summary by:

Kory J. Goldsmith

Committee Counsel

SUMMARY: House Bill 635 requires a person in Gaston County who uses an invisible fence pet containment system to post a sign indicating that the system has been installed on the property. Failure to post the sign is an infraction subject to up to a \$50 fine.

BILL ANALYSIS: Invisible fence pet containment systems generally utilize a transmitter that sends a radio signal through a concealed antennae wire that defines what is referred to as the dog's "safe" area. The dog wears a collar that alerts him with a warning tone when he's approaching the edge of the safe area. The dog usually has received training that causes him to obey the signal and stay in the yard.

House Bill 635 would require a person who owns or rents property to post a sign on the property if an invisible fence pet containment system is being used to restrain a dog on the property. The bill would make failure to post and maintain the required sign an infraction, subject to a fine of up to \$50. (G.S. 14-3.1 defines an infraction as a noncriminal violation of law not punishable by imprisonment. The proceeds of penalties for infractions are payable to the county in which the infraction occurred for the use of the public schools.)

The bill applies only to Gaston County. It would become effective December 1, 2003 and apply to offenses committed on or after that date.

H635-SMRV-002

Brenda Carter contributed substantially to this summary.

OCAL BILL

_	
Proposed Committee Substi	tute For
H.B. <u>635</u>	

SES	SION	LAW		

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE POSTING OF SIGNS WHEN AN INVISIBLE FENCE PET CONTAINMENT SYSTEM IS INSTALLED ON PROPERTY IN GASTON COUNTY.

Introduced by Representat	tive(s): Pa	y field	•					٠.	
outlook by Representati	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	7	•						
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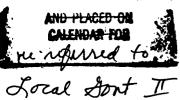
it) g present, having considered recommend that it do ____pass,

Ever the Committee to Lorum. on Local out. II.

FAVORABLE TO COMM. SUB. - WREAVORABLE TO BILL

APR 21 2003

TITLE CHANGE



2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

Th	The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.				
H.I	Committee Substitute for 3. 499 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROWAN.				
	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 .				
M	With a favorable report as to the committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.				
	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) 03/19/03				

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 499 PROPOSED COMMITTEE SUBSTITUTE H499-PCS45105-LM-20

Short Title:	Landis Aldermen/Mayorial Terms.	(Local)
Sponsors:		
Referred to:		
	March 17, 2003	
	A BILL TO BE ENTITLED	
	MENDING THE CHARTER OF THE TOWN OF AYOR'S AND ALDERMEN'S TERMS OF OF EARS.	
	Assembly of North Carolina enacts: ECTION 1. Section 3.3(a) of the Charter of the	e Town of Landis, being
Chapter 213 "(a) The shall serve for elected and except as proper to two-year term four-year term four-year term their success	of the 1975 Session Laws, reads as rewritten: Beginning in 2003, the Mayor and members of or terms of two years; provided, they shall serve qualified pursuant to the General Statutes of Novided in this section. In 2003, the two candida votes for Aldermen shall be elected to four-year eceiving the next highest number of votes for Alderms. In 2005, and quadrennially thereafter, two mems. In 2007, and quadrennially thereafter, two mems. The Mayor and members of the Board of A ors are elected and qualified pursuant to general la acction 3.4 of the Charter of the	f the Board of Aldermen until their successors are orth Carolina. four years, ates receiving the highest year terms, and the two dermen shall be elected to embers shall be elected to embers shall be elected to embers shall be elected to dermen shall serve until aw."
Chapter 213 "Sec. 3.4 Aldermen sh scheduled m election, after Statutes of 1	of the 1975 Session Laws, reads as rewritten: Organization of Board of Aldermen; Oaths of hall meet and organize for the transaction of busineeting of the Board in December following each ber the results of such election have been certified North Carolina. Before entering upon their officiall take, subscribe to and have entered upon the	Office. – The Board of ness at the first regularly biennial regular municipal pursuant to the General ces, the Mayor and each minutes of the Board the

Constitution and laws of the United States, and the Constitution and laws of North

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as ______, so help me, God."

3 SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

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HOUSE BILL 499

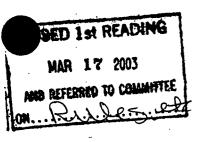
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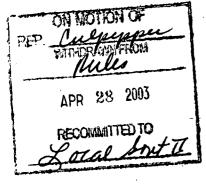
Short Title:	Rowan County Local Act-1.	(Local)
Sponsors:	Representative Coates.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 17, 2003

A BILL TO BE ENTITLED 1

- 2 AN ACT RELATING TO THE COUNTY OF ROWAN.
- The General Assembly of North Carolina enacts:
- SECTION 1. This act relates to Rowan County only. SECTION 2. This act is effective when it becomes law. 5





2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 248 A BILL TO BE ENTITLED AN ACT RELATING TO THE 18 TH HOUSE DISTRICT.
	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 .
X	With a favorable report as to the committee substitute bill (#), \(\text{which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) he so 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.
	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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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 248 PROPOSED COMMITTEE SUBSTITUTE H248-CSLR-18 [v.3]

4/23/2003 1:13:18 PM

Short Title:	Wilmington Personnel Records	(Local)
Sponsors:		
Referred to:		·

March 6, 2003

A BILL TO BE ENTITLED

AN ACT ALLOWING THE CITY OF WILMINGTON TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

The General Assembly of North Carolina enacts:

SECTION 1. Article IX of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, is hereby amended by adding a new section to read: "Section 9.7. Personnel Records.

(a) Notwithstanding G.S. 160A-168, in order to facilitate citizen review of the police disciplinary process, the city manager or the chief of police may release the disposition of disciplinary charges against a police officer and the facts relied upon in determining the disposition to the person alleged to have been aggrieved by the officer's actions or to that person's survivor and to any board or commission designated by city council to review the police disciplinary process. Members of such board or commission shall maintain as confidential all personnel information to which they gain access as a member of such board or commission. Each member of such board or commission shall execute and adhere to a Confidentiality Agreement that is satisfactory to the City. For purposes of this subdivision, the 'disposition of disciplinary charges' includes determinations that the charges are sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the City. In the event that a council designated board or commission hears an appeal of a police disciplinary case, the disposition of the case, as defined in this subdivision, as well as the facts and circumstances of the case, may be released by the city manager or the chief of police to any person whose presence is necessary to the appeals hearing as determined by the chief of police.

(b) Notwithstanding G.S. 160A-168, the portion of a video or audio tape produced by a mobile video recorder (MVR) in a police department vehicle which

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

- recorded an event resulting in a citizen complaint against a police officer may be reviewed by the person alleged to have been aggrieved by the officer's actions."
- 3 SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 248

Short Title:	18th House District Local Act-4.	(Local)
Sponsors:	Representative Wright.	
Referred to:	Rules, Calendar, and Operations of the House.	
	March 6, 2003	
	A BILL TO BE ENTITLED	
AN ACT RE	ELATING TO THE 18 TH HOUSE DISTRICT.	
The General	Assembly of North Carolina enacts:	
SE	ECTION 1. This act relates only to the 18 th House District.	

SECTION 2. This act is effective when it becomes law.

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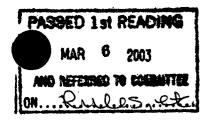
SESSION LAW	

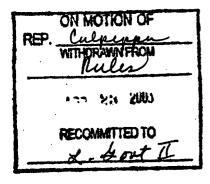
A BILL TO BE ENTITLED

AN ACT RELATING TO THE 18TH HOUSE DISTRICT.

Introduced by Representative(s): Wright.				
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			· · · · · · · · · · · · · · · · · · ·	
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Principal Clerk's Use Only





2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 625 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BUNCOMBE.
	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 the committee substitute bill (# —), which changes the title, unfavorable as to (the 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.
	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) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 625

Short Title: Buncombe County Local Act-1. (Local)

Sponsors: Representative Nesbitt.

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

March 24, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO THE COUNTY OF BUNCOMBE.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates to Buncombe County only.

SECTION 2. This act is effective when it becomes law.

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GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

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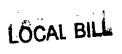
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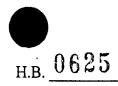
(Local)

HOUSE BILL 625 PROPOSED COMMITTEE SUBSTITUTE H625-CSLM-19 [v.1]

4/25/2003 9:56:17 AM

	Short Title: Asheville Pretowing Notices. (Local)
	Sponsors:
	Referred to:
	March 24, 2003
1	A BILL TO BE ENTITLED
2	AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO REQUIRE PRETOWING
3	NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A
4	PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY.
5	The General Assembly of North Carolina enacts:
6	SECTION 1. Section 2 of S.L. 2001-46 reads as rewritten:
7	"SECTION 2. This act applies to the City Cities of Asheville and Greenville and
8	the Town of Chapel Hill only."
9	SECTION 2. This act is effective when it becomes law.
Λ	





SESSION LAW	•

A BILL TO BE ENTITLED

Principal Clerk's Use Only PASSED 1st READING MAR 24 2003 AND REFERRED TO COMMITTEE ON	Introduced by Representativ	e(s): Nesbitt.				
MAR 24 2003 AND REFERRED TO COMMINTER ON MOTION OF REP. CULVERPEU WITHDRAWN FROM PULL APR 25 2003						
MAR 24 2003 MAR 24 2003 MAR 24 2003 MAR DEFERRED TO COMMUNITE ON MOTION OF REP. CULYUPPER WITHDRAWN FROM PULL APR 25 2000						
MAR 24 2003 AND REFERRED TO COMMUTTEE ON	Principal Clerk's Use Only	• .		·	······································	
ON MOTION OF REP. Culyupper WITHDRAWN FROM Pules APR 28 2000	PASSED 181 READING			• .		
ON MOTION OF REP. Culsupper WITHDRAWN FROM RULL APR 28 2000	AND REFERRED TO COMMITTEE		٠.			
REP. Culpepper WITHDRAWN FROM Rules ABR 23 2000						
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House Pages

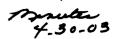
1.	Name: faith Mangum
	County: Naho
	Sponsor: ENS
2.	Name Krishin Broadwell
	County: Walk t
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	County"
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4.	Name:
	County:
	Sponsor:
5.	Name:
	County:
	Sponsor:
Sgt-	At-Arms
l.	Name: Madha Gadison
2.	Name: Boib Fouter
3.	Name:
4.	Name:

<u>VISITØR REGISTRAT</u>	TION SHEET
Alkalykeg Yorth	4-30-03
Name of Committee	Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Amy Dobson	NCStatematch
John Phelps	NCLM
Ardy Romanet	NCLM
Extreme Davis	ElectriCities
(Erun Culbrety	LBA
Lisa Warton	AK Home Builders Association
lim mister	Ne Hime Building Association
onke Consertu	NCHBA
Stephen Bowens	Land Loss Prevention Project
PALL Meya	NCACC
Covering Alkowle	ne Dept. & lugurance
Bean Mills	Ne metaplita Cadilis
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NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby noti as follows:	fied that the Commi	ttee on LOCA	AL GOVERNMENT II will meet
DAY & DATE:	Wednesday, Apri	1 30, 2003	
TIME:	10:00 a.m.		
LOCATION:	Room 425 LOB		
The following bills	will be considered E	Bill # & Short	Title & (Bill Sponsor):
HB 635 Invisible	Fence Systems-Sigi	ns Required	(Representative Rayfield)
HB 771 Halifax/C	Commercial Zoning		(Representative Hall)
HB 784 Salisbury	Tree Ordinance		(Representative Coates)
HB 1064 Delegation	ons of Authority	(Representa	ntives Carney and Saunders)
	Re	espectfully, epresentative Anair	Adams
I hereby certify this 4:30 p.m. on April		the committee	assistant at the following offices at
Principa Reading	l Clerk Clerk - House Chan	nber	

Jackie Hamby (Committee Assistant)

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A bold line indicates the bill is an appropriations bill.

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APPEALS.

ORDINANCE.

S 495 CARY CONDEMNATIONS.

S 492 EDEN CHARTER AMENDMENTS.

DURHAM TRAFFIC CONTROL MEASURES.

DURHAM HOUSING BOARD HEAR OTHER

DURHAM OVERGROWN VEGETATION

04-17-2003 Ref To Com On Local Government

04-17-2003 Ref To Com On Local Government

04-15-2003 Ref To Com On Local Government

04-22-2003 Ref To Com On Local Government

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MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II May 1, 2003

The House Committee on LOCAL GOVERNMENT II met on Wednesday, May 1, 2003, at 10:00 a.m. in Room 1425 of the Legislative Office Building. Representative Adams, Chair, presided. The following members were present: Representative(s) L. Allen, Capps, Frye, Harrell, Jones, and Walker. A Visitor Registration list is attached and made a part of the Minutes. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bill was considered:

HB 608 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF RALEIGH was explained by Representative Capps, Sponsor. A proposed committee substitute for HB 608 was offered by Representative Capps and a motion made by Representative Jones for the adoption thereof for the purpose of discussion. The motion carried.

The Raleigh City Police Attorney, Dawn Bryant, was recognized to further explain the bill.

Representative Jones made a motion for a <u>favorable report of the proposed</u> <u>committee substitute for HB 608, unfavorable to the original bill</u> and the motion carried.

There being no further business before the Committee, the meeting adjourned at 10:30 A.M.

Representative Alma Adams

Chair

Jacquelyn A. Hamby Committee Assistant

ATTACHMENTS:

- HB 608/PCS for HB 608 w/handouts
- Visitor Registration

May 1, 2003

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.	
Committee Substitute for H.B. 608 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF RALEIGH	Η.
☐ With a favorable report.	
☐ With a favorable report and recommendation that the bill be re-referred to the Committee of Appropriations ☐ Finance ☐ ☐.	n
☐ 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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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.	
☐ 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 Fray 157 SESSION 2003 Zocal GOVT I

H

D **HOUSE BILL 608**

PROPOSED COMMITTEE SUBSTITUTE H608-PCS60333-RW-42

Short Title: Raleigh Police Jurisdiction Outside City.	(Local)
Sponsors:	
Referred to:	
March 24, 2003	
A BILL TO BE ENTITLED	
AN ACT TO PERMIT THE CITY OF RALEIGH TO EXER	
JURISDICTION TWO MILES OUTSIDE THE CORPORATE LIM	IITS.
The General Assembly of North Carolina enacts:	
SECTION 1. G.S. 160A-286 reads as rewritten:	
"§ 160A-286. Extraterritorial jurisdiction of policemen.	
In addition to their authority within the corporate limits, city polic	emen shall have
all the powers invested in law-enforcement officers by statute or com-	
one mile two miles of the corporate limits of the city, and on all prope	erty owned by or
leased to the city wherever located.	
Any officer pursuing an offender outside the corporate limits of	
jurisdiction of the city shall be entitled to all of the privileges, immunity	
to which he would be entitled if acting within the city, including cov	verage under the
workers' compensation laws."	
SECTION 2. This act applies to the City of Raleigh only.	

SECTION 3. This act is effective when it becomes law.

PCS appead by Cappe may 1, 2003 Local Dant II

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 608 PROPOSED COMMITTEE SUBSTITUTE H608-PCS50253-LB-26

Short Title:	Raleigh Police Jurisdiction Outside City.	(Local)
Sponsors:		
Referred to:		
	March 24, 2003	

171th On 24, 200.

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF RALEIGH TO EXERCISE POLICE JURISDICTION TWO MILES OUTSIDE THE CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-286 reads as rewritten:

"§ 160A-286. Extraterritorial jurisdiction of policemen.

In addition to their authority within the corporate limits, city policemen shall have all the powers invested in law-enforcement officers by statute or common law within one mile two miles of the corporate limits of the city, and on all property owned by or leased to the city wherever located.

Any officer pursuing an offender outside the corporate limits or extraterritorial jurisdiction of the city shall be entitled to all of the privileges, immunities, and benefits to which he would be entitled if acting within the city, including coverage under the workers' compensation laws."

SECTION 2. This act applies to the City of Raleigh only.

SECTION 3. This act is effective when it becomes law.

May 1, 2003 Local Lout II

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 608

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Short Title:	City of Raleigh Local Act.	(Local)
Sponsors:	Representative Capps.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 24, 2003

1	A BILL TO BE ENTITLED
2	AN ACT RELATING TO THE CITY OF RALEIGH.
3	The General Assembly of North Carolina enacts:
4	SECTION 1. This act relates to the City of Raleigh only.
5	SECTION 2. This act is effective when it becomes law

OCAL BILL



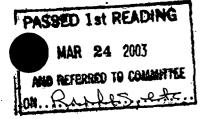
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A BILL TO BE ENTITLED

AN ACT RELATING TO THE CITY OF RALEIGH.

Introduced by Representativ	e(s): Capps.		
		***	-

Principal Clerk's Use Only



House Pages

1.	Name: Toe Khalat (Kay-lut)
	County: Fasyth
	Sponsor: Rep. Decker
2.	Name: Precious Clements?
	County: Wake
	Sponsor: Rep. B. Allen
3.	Name:
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5.	Name:
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	Sponsor:
	At-Arms
i.	Name: Martha Harrish Name: Martha Gadison
2	Name: Martha Gadison
3.	Name:
4.	Name:

VISITOR REGISTRATION SHEET

Name of Committee	Date
VISITORS: PLEASE SIGN BELOW AT	ND RETURN TO COMMITTEE CLERK
NAME	FIRM OR AGENCY AND ADDRESS
John Pheigs	NCLM
John Kust	NCFPC
- Mm	NRA
Jaly Allen	NC Statewatch
Colleen Fochavek	Hafer : Coldwell, P.A.
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NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the Committee on **LOCAL GOVERNMENT II** will meet as follows:

as follows:	•
DAY & DATE:	Thursday, May 1, 2003
TIME:	9:00 a.m.
LOCATION:	Room 425 LOB
•	will be considered Bill # & Short Title & (Bill Sponsor): aleigh Local Act (Representative Capps)
	Respectfully, Representative Adams Chair
I hereby certify this 5.00 p.m.on April 3	notice was filed by the committee assistant at the following offices at 30, 2003.
Principa Reading	l Clerk Clerk - House Chamber
Jackie Hamby (Con	nmittee Assistant)

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

May 7, 2003

The House Committee on Local Government II met on Wednesday, May 07, 2003 in Room 425 in the Legislative Office Building at 10:00 a.m. Representative Adams, Chair, called the meeting to order and introduced Pages and staff. The following members were present: Representative Adams, Chair; Representatives Lucy Allen and Capps, Vice Chairs; Representatives Frye, Jones, Justice, Mitchell, Pate and Walker.

The following bills were considered:

Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

SB 102

Senator Garwood, bill sponsor, was recognized to explain the committee substitute for SB 102, A BILL ENTITLED AN ACT TO PROVIDE THAT WHEN A VACANCY OCCURS IN THE OFFICE OF SHERIFF OF SURRY COUNTY, THE BOARD OF COMMISSIONERS SHALL CONSULT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PARTY WITH WHICH THE SHERIFF WAS ELECTED AS A NOMINEE, AND IF THE EXECUTIVE COMMITTEE MAKES A NOMINATION WITHIN 30 DAYS, THE BOARD OF COMMISSIONERS MUST APPOINT THAT PERSON. Upon motion by Representative Frye, the committee substitute for SB 102 was given a favorable report.

SB 123

Senator Weinstein was recognized to explan SB 123, A BILL ENTITLED AN ACT TO ALLOW THE CITIES OF CLINTON AND LUMBERTON AND THE TOWN OF FRANKLING TO DECLARE RESIDENTIAL BUILDINGS IN USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.

A proposed committee substitute was offered and Representative Walker moved the committee substitute be adopted for committee discussion. Senator Weinstein, the bill sponsor, explained the proposed committee substitute. Upon motion by Representative Pate, the committee substitute was given a favorable report; unfavorable to the original bill.

SB 243

Senator Holloman, bill sponsor, was recognized to explain SB 243, A BILL ENTITLED AND ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY. Upon motion by Representative Capps, motion carried to give a favorable report to SB 243.

SB 290

A proposed committee substitute was offered and adopted for committee discussion. Representative Adams explained SB 290, A BILL ENTITLED AN ACT TO CLARIFY THAT THE CITY OF GREENSBORO MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS. Senator Dorsett sponsored the bill. Upon motion by Representative Mitchell, the committee substitute was given a favorable report; unfavorable to the original bill.

SB 356

Senator Swindell, bill sponsor, was recognized to explain SB 356, A BILL ENTITLED AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE. Upon motion by Representative Walker, motion carried to give a favorable report to SB 356.

There being no further business before the Committee, the meeting was adjourned at 10:45 a.m.

REPRESENTATIVE ALMA ADAMS.

Chair

ANNE COLE

Committee Assistant

North Carolina General Assembly Pending House Committee on Local Government II

04/30/2003 Date: Time: 001 of 002Page: H-053/S-053 Leg. Day:

_		0004	rocal Governme	1111	1			-053/s-0	
2			Biennium Short Title		Date	Latest			,
4	#	$\frac{11}{210}$	YANGBY CO. LOCAL ACT 1.	H	04-29-2003				Government
		248	18TH HOUSE DISTRICT LOCAL ACT-4.	Н	04-23-2003		Com (On Local	Government
	-11 -	302 -	DUPLIN UNPAID WATER FEES COLLECTION.	Н	03-06-2003		Com (On Local	Government
	H-	338	GREENSBORO VEHICLE TAX.	Н	03-11-2003			ne Com on	
						favorab Finance		to the Co	om on
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			GREENSBORO/AIRPORT ANNEXATION AGREEMENTS.	Н	03-13-2003	Ref To	Com (On Local	Government
-	<u> H</u>	499	ROWAN COUNTY LOCAL ACT-1.	Н		II			Government
	H-	610	ROWLAND ETJ EXTENSION.	Н		II			Government
~		625	DUNCOMBE COUNTY LOCAL ACT 1.	Н		II			Government
1			INVISIBLE FENCE SYSTEMS SIGNS REQUIRED.	* H		II			Government
			GASTON SHERIFF VACANCIES.	Н		II			Government
			HALIFAX/COMMERCIAL-ZONING.	Н		II			Government
		. • -	SALISBURY TREE ORDINANCES.	H		II			Government
4			COUNTY APPROVAL OF INVOLUNTARY ANNEXATION.	Н		ΙΙ			Government
			DELEGATIONS OF AUTHORITY. WATER AND SEWER ASSESSMENT BASIS.	Н		II			Government Government
٠.			SURRY SHERIFF VACANCY out	Н *Н		ΙΙ			Government
	_	• .	CLINTON/LUMBERTON UNSAFE aut	~л *Н		II			Government
•	1		BUILDINGS. NAME HALIFAX-NORTHAMPTON AIRPORT			II			•
			AUTHORITY.	- `*#		II			Government
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	بنے	292	RALEIGH ELECTRONIC NOTICE.	H ·		II			Government
. 14			HENDERSON OVERGROWN VEGETATION	Н	04-01-2003	II Ref To	Com	On Local	Government
\ \\	_	357	ORDINANCE. FRANKLIN COUNTY AIRPORT QUICK	Н	04-17-2003	II Ref To	Com	On Local	Government
	S	389	TAKE. MECKLENBURG/EXTEND REAL ESTATE	* H	04-03-2003	II Ref To	Com	On Local	Government
,	S	417	SUNSET. WAYNE COMMISSIONERS ELECTION.	Н	04-08-2003	II Ref To	Com	On Local	Government
;	s	476	DURHAM TRAFFIC CONTROL MEASURES.	* H	04-17-2003		Com	On Local	Government
Ì	S	477	DURHAM HOUSING BOARD HEAR OTHER APPEALS.	* H	04-17-2003	II Ref To II	Com	On Local	Government
-			1						

'\$' indicates the bill is an appropriations bill. A bold line indicates the bill is an appropriations bill. indicates that the text of the original bill was changed by some action. '=' indicates that the original bill is identical to another bill.

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North Carolina General Assembly Pending House Committee on Local Government II Date: 04/30/2003 Time: 09:38

Page: 002 of 002 Leg. Day: H-053/S-053

2003-200	4 Biennium]	Leg. Day	y: H-0	53/s-0	53
Bill	Short Title			Latest			
5 478	DURHAM OVERGROWN VEGETATION	<u> Н</u>	04-15-2003	Ref To	Com On	Local	Government
	ORDINANCE.			II			
s 492	EDEN CHARTER AMENDMENTS.	* H	04-22-2003	Ref To	Com On	Local	Government
				II			
s 495	CARY CONDEMNATIONS.	Н	04-22-2003	Ref To	Com On	Local	Government
				TT			

'\$' indicates the bill is an appropriations bill.

A bold line indicates the bill is an appropriations bill.

indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

May 7, 2003 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS / BILLS:

SB 102	Surry Sheriff Vacancy	Senator Garwood 4
SB 123	Clinton/Lumberton Unsafe Buildings	Senator Weinstein
SB 243	Name Halifax – Northampton Airport Authority	Senator Holloman (
SB 290	Greensboro Minimum Housing Codes	Senator Dorsett 3
SB 291	Greensboro Construct Roads Outside City	Senator Dorsett —
SB 292	Raleigh Electronic Notice	Senator Stevens _
SB 356	Henderson Overgrown Vegetation Ordinance	Senator Swindell 2
SB 357	Franklin County Airport Quick Take	Senator Swindell —

COMMENTS

ADJOURNMENT

Jackie Hamby (House Legislative Assistants Office)

om: ent: Kleist Rhodes (Sen. Stevens) Tuesday, May 06, 2003 4:14 PM

Jackie Hamby (House Legislative Assistants Office)

To: Subject:

Local Government II

Jackie,

I wanted to check with you concerning SB 292 currently listed on tomorrow's calendar for Judiciary II at 10 AM. Senator Stevens would like to have this bill held from the calendar. The Raleigh City Attorney will not be able to be here for the next two weeks. Also, they may need to propose a committee substitute and this will give them more time to work it out. Please let me or Senator Stevens know if this is possible.

Thank you,

Kleist Rhodes Legislative Assistant

Senator Richard Stevens, richards@ncleg.net (919)-733-5653

Jackie Hamby (House Legislative Assistants Office)

Joyce Hodge (Sen. Dorsett) From:

Monday, May 05, 2003 6:10 PM Sent:

Jackie Hamby (House Legislative Assistants Office) To:

Subject: RE: LOCAL GOVERNMENT II Meeting Notice May 7, 2003

Hi Jackie, Senator Dorsett says that SB 290, Greensboro Minimum Housing Gode, has been acted on by this comittee. I believe it received a favorable report on April 24, 2003. SB 291, Construct Roads outside Greensboro, has not been heard and should be scheduled to be heard. Please let us know if we are correct. Thanks, hope you are doing well. Joyce

----Original Message----

From: Jackie Hamby (House Legislative Assistants Office)

Sent: Monday, May 05, 2003 5:07 PM

Subject: LOCAL GOVERNMENT II Meeting Notice May 7, 2003

NORTH CAROLINA HOUSE OF REPRESENTATIVES **COMMITTEE MEETING NOTICE** AND **BILL SPONSOR NOTIFICATION** 2003-2004 SESSION

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE: Wednesday, May 7, 2003

TIME: 10:00 a.m.

LOCATION: Room 425 LOB

The following bills will be considered Bill # & Short Title & (Bill Sponsor):

SB 102 Surry Sheriff Vacancy Senator Garwood

SB 123 Clinton/Lumberton Unsafe Buildings Senator Weinstein

SB 243 Name Halifax- Northampton Airport Authority Senator Holloman

SB 290 Greensboro Minimum Housing Codes **Senator Dorsett**

SB 292 Raleigh Electronic Notice **Senator Stevens**

Senator Swindell SB 356 Henderson Overgrown Vegetation Ordinance

SB 357 Franklin County Airport Quick Take **Senator Swindell**

> Respectfully, Representative Adams Chair

VISITOR REGISTRATION SHEET

Luc Gou II

5-7-03

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Blair Carr	City & Greenbaro
Julie Allen	NC, Stolewatch
Lotleen Kochwele	Hafar & Caldwell, 17. A
Sand Gledon Steam	Wa Serato
The Harwood	NC Sente
()Kin steibbald	NCIM
Lisa Martin	NC Home Builders Assn.
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House Pages

1.	Name: Travis Ellis
	County: Wanye
	Sponsor: Harrell
2.	Name: Dan Browning
	County: Catawba
	Sponsor: Hilton
3.	Name:
	County:
	Sponsor:
4.	Name:
	County:
	Sponsor:
5.	Name:
	County:
	Sponsor:
_	
Sgt-	<u>At-Arms</u>
1.	Name: CHARLES Williams
2.	Name: Dusty RHODES
	Name:
·4. ·	Name:

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II. ○ Committee Substitute for
 ○ Committee Substitut A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A S.B. 102 VACANCY OCCURS IN THE OFFICE OF SHERIFF OF SURRY COUNTY, THE BOARD OF COMMISSIONERS SHALL CONSULT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PARTY WITH WHICH THE SHERIFF WAS ELECTED AS A NOMINEE, AND IF THE EXECUTIVE COMMITTEE MAKES A NOMINATION WITHIN 30 DAYS, THE BOARD OF COMMISSIONERS MUST APPOINT THAT PERSON. 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), which changes the With a favorable report as to the committee substitute bill (# title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and) be re-referred to the Committee recommendation that the committee substitute bill # on With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill. 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) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

SENATE BILL 102

State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 4/23/03

Short Title:	Surry Sheriff Vacancy	(Local)
Sponsors:		
Referred to:		

February 20, 2003

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A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT WHEN A VACANCY OCCURS IN THE OFFICE OF SHERIFF OF SURRY COUNTY, THE BOARD OF COMMISSIONERS SHALL CONSULT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PARTY WITH WHICH THE SHERIFF WAS ELECTED AS A NOMINEE, AND IF THE EXECUTIVE COMMITTEE MAKES A NOMINATION WITHIN 30 DAYS, THE BOARD OF COMMISSIONERS MUST APPOINT THAT PERSON.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162-5.1 reads as rewritten:

"§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a political party, the board of commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell,

- 1 Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston,
- 2 Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lincoln, Madison, McDowell,
- 3 Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Rockingham,
- 4 Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Wake, and Yancey."
- 5 **SECTION 2.** This act is effective when it becomes law.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.	
Committee Substitute for S.B. 123 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF CLINTON AND LUMBERTON AND THE TOWN OF FRANKLIN TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.	Ö
With a favorable report.	
With a favorable report and recommendation that the bill be re-referred to the Committee of Appropriations Finance .	on
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 the committee substitute bill (#	
With a favorable report as to House committee substitute bill (#), ☐ which change the title, unfavorable as to Senate committee substitute bill.	S
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)	/03

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SENATE BILL 123 Second Edition Engrossed 3/12/03 Corrected Copy 3/13/03

PROPOSED HOUSE COMMITTEE SUBSTITUTE \$123-CSLB-39 [v.2]

5/7/2003 10:13:26 AM

Short Title: Clinton, Lumberton, Franklin Unsafe Bldgs. (Local)
Sponsors:
Referred to:
February 24, 2003
A BILL TO BE ENTITLED
AN ACT TO ALLOW THE CITIES OF CLINTON AND LUMBERTON AND THE
TOWN OF FRANKLIN TO DECLARE RESIDENTIAL BUILDINGS IN
COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO
DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS
AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL
BUILDINGS.
The General Assembly of North Carolina enacts:
SECTION 1. Section 4 of S.L. 2002-118, as amended by S.L. 2003-23,
reads as rewritten:
"SECTION 4. Sections 1 and 2 of this act apply to the Cities of Clinton, Durham,
Fayetteville, Goldsboro, and High Point High Point, and Lumberton, and the Towns of
Franklin, Hope Mills and Spring Lake only."
SECTION 2. This act is effective when it becomes law.



SENATE BILL 123: Clinton, Lumberton, Franklin Unsafe Buildings

BILL ANALYSIS

Committee: House Local Government II

May 7, 2003 Date:

3rd Edition Version:

Introduced by: Sen. Weinstein

Summary by: Giles S. Perry

Committee Counsel

SUMMARY:

Senate Bill 123 adds the Cities of Clinton and Lumberton, and the Town of Franklin, to those municipalities allowed to declare residential buildings in community development target areas unsafe and to demolish the buildings under the same process authorized to demolish unsafe nonresidential buildings.

CURRENT LAW:

Under G.S. 160A-426 (a), a residential building that appears to the local building inspector to be "especially dangerous to life" may be declared unsafe and a notice of its dangerous character affixed to the building. If the property owner does not promptly correct the problems, the inspector may issue written notice of a hearing and, after hearing, an order may issue requiring the owner to correct the defective conditions. G.S. 160A-428 & 429. If the property owner fails to comply with the order, he is guilty of a Class 1 misdemeanor. G.S. 160A-431. Further, the city may initiate proceedings to correct the violation or to prevent occupancy of the residence involved. G.S. 160A-432(a).

The General Assembly in 2000 enacted legislation amending G.S. 160A-426 to allow municipalites to condemn, demolish, and place a lien on vacant, dilapidated non residential property located in a community development target area. To be subject to this process, the non residential property must (1) appear to be vacant or abandoned, and (2) appear to be so dilapidated as to contribute to blight, disease, vagrancy, to be a fire or safety hazard, a danger to children or to attract criminal activity. G.S. 160A-426(b). If 'declared unsafe", the building inspector is required to affix a notice to the building. G.S. 160A-426(c).

As with residential property, should the property owner fail to take prompt corrective action, written notice is to be served on the owner that a hearing will be held on the matter at which the Inspector may order the building to be repaired, closed or demolished. G.S. 160A-428. If the property owner fails to comply with the order, the city has the additional option to have the building removed or demolished. G.S. 160A-432(b) The costs of removal/demolition become a lien on the real property. Id.

In 2002, the General Assembly passed a local act, S.L. 2002-118 (SB 1312), which authorized the Cities of Durham and Fayetteville, and the Town of Hope Mills, to use this process to condemn and demolish vacant, dilapidated residential buildings in community development target areas.

BILL ANALYSIS:

Senate Bill 123 adds the Cities of Clinton and Lumberton, and the Town of Franklin, to those municipalities authorized to condemn and demolish vacant, dilapidated residential buildings in community development target areas using the statutory process for condemning and demolishing nonresidential buildings in those target areas. The bill is effective when it becomes law.

S123-SMRW-001

(Barbara Riley of the Research Division Staff contributed substantially to this summary.)

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SENATE BILL 123 Second Edition Engrossed 3/12/03 Corrected Copy 3/13/03

Short Title: Clinton, Lumberton, Franklin Unsafe Buildings. Senator Weinstein. Sponsors: Referred to: State Government, Local Government and Veterans' Affairs. February 24, 2003 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF CLINTON AND LUMBERTON AND THE TOWN OF FRANKLIN TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO **PROCESS** SAME **USING** THE BUILDINGS THOSE DEMOLISH AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS. The General Assembly of North Carolina enacts: SECTION 1. Section 4 of S.L. 2002-118 reads as rewritten: "SECTION 4. Sections 1 and 2 of this act apply to the Cities of Durham and Fayetteville Clinton, Durham, Fayetteville, and Lumberton and the Towns of Franklin, Hope Mills and Spring Lake only." SECTION 2. This act is effective when it becomes law.

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(Local)

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for S.B. 243 A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.
☐ 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) 03/19/03



SENATE BILL 243: Name Halifax-Northampton Airport Authority

House Local Government II Committee:

Date:

May 7, 2003

Version:

1st Edition

Introduced by: Senator Holloman

Giles S. Perry Summary by:

Committee Counsel

Senate Bill 243 renames the Halifax Regional Airport Authority.

In 1997, the General Assembly created the Halifax-Roanoke Rapids Regional **CURRENT LAW:** Airport Authority to maintain and operate airport facilities in Halifax County. The authority was renamed the Halifax Regional Airport Authority in 1998.

Senate Bill 243 renames the Authority the "Halifax-Northampton Regional Airport **BILL ANALYSIS:** Authority."

Senate Bill 243 becomes effective when it becomes law.

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SENATE BILL 243

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Short Title: Name Halifax-Northampton Airport Authority. (Local)

Sponsors: Senator Holloman.

Referred to: State Government, Local Government and Veterans' Affairs.

February 27, 2003

1 A BILL TO BE ENTITLED 2 AN ACT TO NAME THE HALIFAX-NORTHAMPT

AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 1997-275, as rewritten by Section 1 of S.L. 1998-130, reads as rewritten:

"Section 1. There is hereby created the 'Halifax Halifax-Northampton Regional 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. For purposes of this act the word 'City' when used alone shall mean the City of Roanoke Rapids and the word 'County' when used alone shall mean either Halifax County or Northampton County."

SECTION 2. Section 15 of S.L. 1997-275, as rewritten by Section 8 of S.L. 1998-130, reads as rewritten:

"Section 15. The powers granted to the Airport Authority shall not be effective until the members of the Airport Authority have been appointed by the Halifax County Board of Commissioners, the Northampton County Board of Commissioners, and the Roanoke Rapids City Council, and nothing in this act shall require the Board of Commissioners or City Council to make the initial appointments. It is the intent of this act to enable but not to require the formation of the Halifax-Halifax-Northampton Regional Airport Authority."

SECTION 3. This act is effective when it becomes law.

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II. Committee Substitute for S.B. 290 A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CITY OF GREENSBORO MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS. 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 the committee substitute bill (#), which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee With a favorable report as to House committee substitute bill (#-the title, unfavorable as to Senate committee substitute bill. 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)

03/19/03

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SENATE BILL 290

Commerce Committee Substitute Adopted 4/21/03 PROPOSED HOUSE COMMITTEE SUBSTITUTE S290-PCS35277-RC-51

Short Title: Greensboro Minimum Housing Codes.	(Local)
Sponsors:	
Referred to:	

March 5, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE CITY OF GREENSBORO MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-443 reads as rewritten:

"§ 160A-443. Ordinance authorized as to repair, closing, and demolition; order of public officer.

Upon the adoption of an ordinance finding that dwelling conditions of the character described in G.S. 160A-441 exist within a city, the governing body of the city is hereby authorized to adopt and enforce ordinances relating to dwellings within the city's territorial jurisdiction that are unfit for human habitation. These ordinances shall include the following provisions:

- (1) That a public officer be designated or appointed to exercise the powers prescribed by the ordinance.
- (2) That whenever a petition is filed with the public officer by a public authority or by at least five residents of the city charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place within the county in which the property is located fixed not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right

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to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

- (3) That if, after notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order,
 - If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the city may fix a certain percentage of this value as being reasonable), requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or habitation.
 - b. If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the city may fix a certain percentage of this value as being reasonable), requiring the owner, within the time specified in the order, to remove or demolish such dwelling. However, notwithstanding any other provision of law, if the dwelling is located in a historic district of the city and the Historic District Commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160A-400.14(a).
- (4) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause the dwelling to be repaired, altered or improved or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. improved.
- (5) That, if the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished. The duties of the public officer set forth in subdivisions (4) and (5) shall not be exercised until the governing body shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this Article with respect to the particular property or properties which the public officer shall have found to be

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unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (5a) If the governing body shall have adopted an ordinance, or the public officer shall have:
 - In a municipality located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000), other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order;
 - b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

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- a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or
- b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision only applies to municipalities located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000).

[This subdivision does not apply to the local government units listed in subdivision (5b) of this section.]

- (5b) If the governing body shall have adopted an ordinance, or the public officer shall have:
 - a. In a municipality other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order;
 - b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety

hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or
- b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision applies to the Cities of Eden, Greenville, Lumberton, Roanoke Rapids, and Whiteville, to the municipalities in Lee County, and the Towns of Bethel, Farmville, Newport, and Waynesville only.

- (6) Liens.
 - a. That the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of this Chapter.
 - b. If the real property upon which the cost was incurred is located in an incorporated city, then the amount of the cost is also a lien on any other real property of the owner located within the city limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.
 - c. If the dwelling is removed or demolished by the public officer, he shall sell the materials of the dwelling, and any personal

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property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing body pursuant to subdivision (5) authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing body has ordered the public officer to proceed to exercise his duties under subdivisions (4) and subdivision (5) of this section to vacate and close or remove and demolish the dwelling.

(8) That whenever a determination is made pursuant to subdivision (3) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from

1	the mailing of such notice shall be given before removal or demolition
2	by action of the public officer, to allow the opportunity for any
3	organization to negotiate with the owner to make repairs, lease, or
4	purchase the property for the purpose of providing affordable housing.
5	The public officer or clerk shall certify the mailing of the notices, and
6	the certification shall be conclusive in the absence of fraud. Only an
7	organization that has filed a written request for such notices may raise
8	the issue of failure to mail such notices, and the sole remedy shall be
9	an order requiring the public officer to wait 45 days before causing
10	removal or demolition."
11	SECTION 2. This act applies only to the City of Greensboro.
12	SECTION 3. This act is effective when it becomes law.



SENATE BILL 290: Greensboro Minimum Housing Codes

Committee:

House Local Government II

Date:

May 6, 2003

Version:

Proposed Committee Substitute

S290-CSRC-51[v.1]

Introduced by: Senators Dorsett, Hagan, and

Berger

Summary by:

Kory J. Goldsmith

Committee Counsel

SUMMARY: Senate Bill 290 would clarify the authority of the City of Greensboro to order owners of residential property to repair dwellings that are determined to be unfit for human habitation.

The Proposed Committee Substitute makes a technical correction to the 2nd Edition of the bill.

CURRENT LAW: G.S. 160A-441 authorizes cities to exercise their police powers to repair, close or demolish dwellings that are found to be unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering the dwellings unsafe, unsanitary, dangerous or detrimental to its residents' health, safety, morals or welfare.

Once a city adopts an ordinance finding that dwellings unfit for human habitation exist in the city, G.S. 160A-443 authorizes the city to adopt and enforce ordinances to address those conditions that must include provisions specifically set out in the statute. G.S. 160A-443(3) requires a designated public officer to proceed in one of the following ways if, after notice and hearing, he determines that a dwelling is unfit for human habitation:

- If repairs can be made at a reasonable cost, order the owner to either:
 - o Repair the dwelling so that it is fit for human habitation; or
 - O Vacate and close the dwelling as a human habitation.
- If repairs cannot be made at a reasonable cost, order the owner to remove or demolish the dwelling.

If the owner fails to comply with an order within the specified period of time, the city may cause the dwelling to be repaired, closed, or demolished after adopting an ordinance, specific to the property, ordering the public officer to proceed.

BILL ANALYSIS: The Proposed Committee Substitute for Senate Bill 290 would amend G.S. 160A-443 to provide that when it is determined that a dwelling unfit for human habitation can be repaired at a reasonable cost, the public officer must order the owner to repair the dwelling in order to render it fit for human habitation. The public officer would not be authorized to order the owner to vacate and close the dwelling if the cost of repair was reasonable.

The Proposed Committee Substitute would also delete G.S. 160A-443(5a), which provides procedures for a city to make further orders after a dwelling has been vacated and closed for a year after an order was issued or an ordinance passed and the owner has no intention of repairing the dwelling.

The act would only apply to the City of Greensboro.

EFFECTIVE DATE: The act would be effective when it becomes law.

Wendy Graf Ray contributed substantially to this summary. S290-SMRC-001

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SENATE BILL 290 Commerce Committee Substitute Adopted 4/21/03

complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

- That if, after notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order,
 - If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the city may fix a certain percentage of this value as being reasonable), requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or habitation.
 - be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the city may fix a certain percentage of this value as being reasonable), requiring the owner, within the time specified in the order, to remove or demolish such dwelling. However, notwithstanding any other provision of law, if the dwelling is located in a historic district of the city and the Historic District Commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160A-400.14(a).
- That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause the dwelling to be repaired, altered or improved or to be vacated and closed; improved, that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.
- That, if the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished. The duties of the public officer set forth in subdivisions (4) and (5) shall not be exercised until the governing body shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this Article with respect to the particular property or properties which the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to

require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (5a) If the governing body shall have adopted an ordinance, or the public officer shall have:
 - In a municipality located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000), other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order;
 - b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the

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ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision only applies to municipalities located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000).

[This subdivision does not apply to the local government units listed in subdivision (5b) of this section.]

- (5b) If the governing body shall have adopted an ordinance, or the public officer shall have:
 - a. In a municipality other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order;
 - b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would

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 render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or
- b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision applies to the Cities of Eden, Greenville, Lumberton, Roanoke Rapids, and Whiteville, to the municipalities in Lee County, and the Towns of Bethel, Farmville, Newport, and Waynesville only.

- (6) Liens.
 - a. That the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of this Chapter.
 - b. If the real property upon which the cost was incurred is located in an incorporated city, then the amount of the cost is also a lien on any other real property of the owner located within the city limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.
 - c. If the dwelling is removed or demolished by the public officer, he shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining

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shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing body pursuant to subdivision (5) authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228. and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing body has ordered the public officer to proceed to exercise his duties under subdivisions (4) and subdivision (5) of this section to vacate and close or remove and demolish the dwelling.

(8) That whenever a determination is made pursuant to subdivision (3) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the public officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or

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SESSION 2003

1	purchase the property for the purpose of providing affordable housing
2	The public officer or clerk shall certify the mailing of the notices, and
3	the certification shall be conclusive in the absence of fraud. Only ar
4	organization that has filed a written request for such notices may raise
5	the issue of failure to mail such notices, and the sole remedy shall be
6	an order requiring the public officer to wait 45 days before causing
7	removal or demolition."
8	SECTION 2. This act applies only to the City of Greensboro.
9	SECTION 3. This act is effective when it becomes law.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for S.B. 356 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.
₩ith 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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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.
☐ 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) 03/19/03



SENATE BILL 356: Henderson Overgrown Vegetation Ordinance

Committee: House Local Government II

Introduced by: Senators Swindell and

Holloman

Date: Version: May 6, 2003 1st Edition

Summary by: Kory J. Goldsmith

Committee Counsel

SUMMARY: SB 356 would amend the Charter of the City of Henderson to allow annual notification to violators of the weeded lot ordinance, removal of the violation, and surcharges for additional violations in the same year.

CURRENT LAW: G.S. 160A-174 grants to cities the authority to adopt ordinances related to the health, safety, or welfare of its citizens. G.S. 160-175 authorizes cities to enforce their ordinances and G.S. 160-193 allows cities to abate situations that are dangerous or prejudicial to the public health and welfare. Although the cost of abatement may be charged to the violator, there is no provision for assessing a surcharge for repeated abatements.

BILL ANALYSIS: The bill amends the City Charter for Henderson by adding a new section 40.1. The section allows the city to notify a landowner that their property is found in violation again during the calendar year, the city will remedy the violation without further notice. The city may charge the cost of the remedial action to the property owner. Notice of the violation shall be by registered or certified If there is a subsequent violation during the same calendar year, the city may abate the violation again and charge the owner up to a fifty percent (50%) surcharge over the expense of removal.

Under the State Constitution, the surcharge probably goes to the local board of education.

The act is effective when it becomes law.

S356-SMRC-001

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SENATE BILL 356*

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Short Title:	Henderson Overgrown Vegetation Ordinance.	(Local)
Sponsors:	Senators Swindell and Holloman.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 11, 2003

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A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

The General Assembly of North Carolina enacts:

5 6 **SECTION 1.** The Charter of the City of Henderson, being Chapter 780 of the 1967 Session Laws, as amended, is amended by adding the following new section:

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"Sec. 40.1. Weeded Lot Ordinance. The City may notify a violator of the City's weeded lot ordinance that if the violator's property is found to be in violation of the ordinance again in the calendar year in which notice is given, the City shall, without further notice, take action to remedy the violation and the expense of that action shall be charged to the violator. The notice may also provide that for each additional violation the City shall charge the violator the expense of the action and a surcharge of up to fifty percent (50%) over the expense to remedy the preceding violation. Notice of violation shall be served by registered or certified mail."

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SECTION 2. This act is effective when it becomes law.

JAL BILL Explained by Son Saruace Bill Spensor, Face - francisco repart accricie Froposed Committee Substitute For S.B. ____102 SESSION LAW A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A VACANCY OCCURS IN THE OFFICE OF SHERIFF OF SURRY COUNTY, THE BOARD OF COMMISSIONERS SHALL CONSULT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PARTY WITH WHICH THE SHERIFF WAS ELECTED AS A NOMINEE, AND IF THE EXECUTIVE COMMITTEE MAKES A NOMINATION WITHIN 30 DAYS, THE BOARD OF COMMISSIONERS MUST APPOINT THAT PERSON. Garwood_____ Introduced by Senator(s) Principal Clerk's Use Only Committee Substitute Adopted 04-28-03P07:51 RCVD Pursuant to Rule 45.1 APR 23 2003 PASSED 1st READING APR 29 2003 CHANGES TITLE AND REFERRED TO COMMITTEE on. Local Governme SSED 2nd & 3rd READINGS 24 2003 ORDERED SENT TO USE OF REPRESENTATIVE paner Prutt

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A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE CITY OF GREENSBORO MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS

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SESSION LAW ____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC

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SESSION LAW

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

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SESSION LAW ____

A BILL TO BE ENTITLED

AN ACT TO ALLOW FRANKLIN COUNTY TO ACQUIRE PROPERTY FOR AIRPORT PURPOSES BY USING THE "QUICK TAKE" PROCEDURE.

USING THE "QUICK TA	KE" PROCEDURE.	
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For the Committee	Jaret Puitt	
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SENATE BILL 357*

Short Title:	Franklin County Airport Quick Take.	(Local)
Sponsors:	Senator Swindell.	
Referred to:	Finance.	

March 11, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW FRANKLIN COUNTY TO ACQUIRE PROPERTY FOR AIRPORT PURPOSES BY USING THE "QUICK TAKE" PROCEDURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 40A-42(a)(1) reads as rewritten:

"(1) When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), (2), (3), or (4), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10), (12), or (13), title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41."

SECTION 2. This act applies to Franklin County only.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

SENATE BILL 291 Transportation Committee Substitute Adopted 4/28/03 Third Edition Engrossed 4/29/03

Short Title: Greensboro Construct Roads Outside City.	(Local)
Sponsors:	
Referred to:	
March 5, 2003	
A BILL TO BE ENTITLED	
AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPENI) FUNDS
ON ROADS OUTSIDE THE CORPORATE LIMITS.	
The General Assembly of North Carolina enacts:	
SECTION 1. Section 3 of S.L. 2001-245 reads as rewritten:	
"SECTION 3. This act applies to the Towns of Cary and Weddingto	n and the
Cities of Charlotte, Concord, Greensboro, Kernersville and Monroe only."	
SECTION 2. This act applies to the City of Greensboro only.	
SECTION 3. This act is effective when it becomes law.	

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

SENATE BILL 292

1

Short Title:	Raleigh Electronic Notice.	(Local)
Sponsors:	Senators Stevens; Carrington, Malone, and Reeves.	
Referred to:	State Government, Local Government and Veterans' Affairs.	

March 5, 2003

1 2

A BILL TO BE ENTITLED

4 5

3

AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

The General Assembly of North Carolina enacts:

6

SECTION 1. Section 22 of the Charter of the City of Raleigh, being Chapter 1184 of the 1949 Session Laws, as amended, is amended by adding the following new subsection:

8 9 10 "(87) Electronic Notice of Hearings. The City Council may adopt ordinances providing that notice of public hearings may be given through electronic means, including, but not limited to, the City's Internet site. Ordinances adopted pursuant to this section shall not supersede any State law that requires notice by mail to certain classes of people or the posting of signs on certain property and shall not alter the publication schedule for any public notice."

12 13 14

11

SECTION 2. This act is effective when it becomes law.

North Carolina General Assembly Pending House Committee on Local Government II

Date: 05/05/2003 Time: 14:00 Page: 001 of 002

2003-2004	Biennium	511C .		Leg. Day			64/S-05	
Bill	Short Title		Date	Latest			·	
210	YANCEY CO. LOCAL ACT-1.	Н	04-29-2003	Re-ref	Com	On	Local	Government
				ΙΙ				
302	DUPLIN UNPAID WATER FEES	Н	03-06-2003		Com	On	Local	Government
	COLLECTION.			II			_	
н 338	GREENSBORO VEHICLE TAX.	Н	03-11-2003					
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	·			favorab		το	the Co	om on
	annuanana aayamnuan nanna		02 12 2002	Finance		^-	Toonl	Carramant
H 466=	GREENSBORO CONSTRUCT ROADS	Н	03-13-2003	Rei To	Com	On	rocar	Government
AC7	OUTSIDE CITY.	17	02-12-2002		Com	Ωn	Togal	Covernment
H 46/=	GREENSBORO/AIRPORT ANNEXATION	Н	03-13-2003	TT TO	COIII	OII ,	LOCAL	Government
ri C10	AGREEMENTS. ROWLAND ETJ EXTENSION.	Н	03-24-2003		Com	On	Local	Covernment
н 610	ROWLAND EIG EXIENSION.	п	03-24-2003	TI IO	COM	OII	посат	Government
н 764	GASTON SHERIFF VACANCIES.	Н	03-27-2003		Com	On	Local	Government
п /04	GASION SHERIFF VACANCIES.	11	03 27 2003	TI	COM	011	посат	GOVETIMENTE
н 771	HALIFAX/COMMERCIAL ZONING.	Н	03-27-2003		Com	On	Local	Government
п //т	HABITAN/COMMENCIAL BONING.	11	03 27 2003	II	COM	011	HOOGI	OO VOLIMIONE
н 784	SALISBURY TREE ORDINANCES.	Н	03-27-2003		Com	On	Local	Government
11 ,01	DINDING THE SHETTING			II				
H1021	COUNTY APPROVAL OF INVOLUNTARY	Н	04-10-2003	Ref To	Com	On	Local	Government
	ANNEXATION.			II				
н1064	DELEGATIONS OF AUTHORITY.	Н	04-10-2003	Ref To	Com	On	Local	Government
				II				`
H1200	WATER AND SEWER ASSESSMENT BASIS.	Н	04-10-2003	Ref To	Com	On	Local	Government
	,			II				
/VS 102	SURRY SHERIFF VACANCY Januar	* H	04-29-2003	Ref To	Com	On	Local	Government
(1			ΙΊ			•	
* 123 کے ا	CLINTON/LUMBERTON UNSAFE Heinske	* H	03-18-2003	Ref To	Com	On	Local	Government
	BUILDINGS.			II			_	
124	LUMBERTON CONSTRUCTION CONTRACTS.	* H	04-30-2003		Com	On	Local	Government
				II	~	_	_ ,	
√ 8′ 243≒	NAME HALIFAX-NORTHAMPTON AIRPORT	H	04-29-2003		Com	On	Local	Government
	AUTHORITY.	٠	04 04 0000	II	C	^-	T = == 1	Carramant
290.	GREENSBORO MINIMUM HOUSING CODES.	* H	04-24-2003		Com	On	Local	Government
04.001		4 7 7	05 01 2002	II	Com	Λ 2	Togal	Government
291≒	GREENSBORO CONSTRUCT ROADS-Holl OUTSIDE CITY.	* H	03-01-2003	TT	Com	OH	LOCAL	Government
0/202	RALEIGH ELECTRONIC NOTICE. Nee	- µ	03-27-2003		Com	Οn	Local	Government
NO 292	Wevens	11	03-27-2003	II	COIII	OII	посал	GOVETIMENT
, 5/356=		η н	04-01-2003		Com	On	Local	Government
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S 357	FRANKLIN COUNTY AIRPORT QUICK	Н	04-17-2003		Com	On	Local	Government
	TAKE. I wendie ratified			II				
s 389	MECKLENBURG/EXTEND REAL ESTATE	* H	04-03-2003	Ref To	Com	On	Local	Government
	SUNSET.			ΙΙ				
S 417	WAYNE COMMISSIONERS ELECTION.	Η	04-08-2003	Ref To	Com	On	Local	Government
				II				
s 476	DURHAM TRAFFIC CONTROL MEASURES.	* H	04-17-2003	Ref To	Com	On	Local	Government
				ΙΙ				
S 477	DURHAM HOUSING BOARD HEAR OTHER	* H	04-17-2003		Com	On	Local	Government
	APPEALS.		04 45 0000	II	_	_		
S 478	DURHAM OVERGROWN VEGETATION	Н	04-15-2003		Com	On	rocal	Government
0.400	ORDINANCE.	411	04 22 2002	II	Co	Λ -	T a c = 1	Co
S 492	EDEN CHARTER AMENDMENTS.	* H	04-22-2003	KeI TO	COIU	OIJ	тосат	Government

^{&#}x27;\$' indicates the bill is an appropriations bill.

A bold line indicates the bill is an appropriations bill.

indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

4-7-03

North Carolina General Assembly Pending House Committee on Local Government II

Date: 05/05/2003 Time: 14:00

Page: 002 of 002 Leg. Day: H-054/S-055

2003-2004 Biennium Bill

Short Title 494 CARRBORO SPRINKLERS.

Date Latest Action

*H 04-30-2003 Ref To Com On Local Government

ΙI

495 CARY CONDEMNATIONS.

H 04-22-2003 Ref To Com On Local Government

ΙI

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

May 14, 2003

The House Committee on LOCAL GOVERNMENT II met on Wednesday, May 14, 2003, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Lucy Allen, Vice Chair, presided. Other members present were: Representatives Capps, Frye, Harrell, Jones, and Walker.

A Visitor Registration list is attached and made a part of the Minutes along with handouts and summaries relating to the bills considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Representative Allen introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

<u>SB 389</u>

Senator Dannelly, bill sponsor, was recognized to explain SB 389, A BILL ENTITLED AN ACT REENACTING THE SUBSTANTIVE PROVISIONS OF S.L. 2000-65 RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE. Representative Jones made a motion for a favorable report and the motion carried.

SB 417

Senator Kerr, bill sponsor, was recognized to explain SB 417, A BILL ENTITLED AN ACT TO EXTEND THE DEADLINE FOR WAYNE COUNTY TO DESIGNATE STAGGERED TERMS FOR ITS BOARD OF COMMISSIONERS. Upon motion by Representative Harrell, and carried, SB 417 was given a favorable report.

SB 477

Senator Gulley, bill sponsor, was recognized to explain SB 477, A BILL ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSING APPEALS BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES. Representative Jones made a motion for a favorable report of SB 477 and the motion carried.

SB 478

Senator Gulley, bill sponsor, explained SB 478, A BILL ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE. A proposed committee substitute for SB 478 was offered and motion made by Representative Pate for adoption thereof for the purpose of discussion. The motion carried. Representative Capps made a motion for a favorable report of the House committee substitute bill, which changes the title, unfavorable to the original bill.

There being no further business before the Committee, the meeting adjourned at 10:45 a.m.

Representative Lucy Allen

Vice Chair Presiding

Jacquelyn A. Hamby Committee Assistant

ATTACHMENTS

Chris Rodriguez Cumberland Rei Mc Allister Corey Jones Pender Co., Rep. Wright Jimthy Cleveland, Meck. Co. McMahan Lean Monie Rowar Co. MLonaine Caats



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COMMITTE

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Monday, July 15, 2002

RULES, CALENDAR, AND OPERATIONS OF THE HO

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COMMITTE

(Three digit rooms = Legislative Office Build

Monday, July 15, 2002

RULES, CALENDAR, AND OPERATIONS OF THE H

AGENDA

House Committee on LOCAL GOVERNMENT II

Wednesday, May 14, 2003 Room 425 LOB 10:00 am

CALL TO ORDER/REMARKS

Representative Lucy Allen Presiding Vice Chair

INTRODUCTIONS: Pages, Staff

AGENDA ITEMS BILLS/SPONSORS

/.	✓ SB 389	Mecklenburg/Extend Real Estate Sunset Senator Dannelly, Sponsor
2	SB 417	Wayne Commissioners Election Senator Kerr
<i>3.</i>	SB 477	Durham Housing Board to Hear Other Appeals Senator Gulley, Sponsor
×.	SB 478	Durham Overgrown Vegetation Ordinance Senator Gulley, Sponsor
to	ed SB 492	Eden Charter Amendments Senator Berger

COMMENTS

ADJOURNMENT

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II. Committee Substitute for S.B. 389 A BILL TO BE ENTITLED AN ACT REENACTING THE SUBSTANTIVE PROVISIONS OF S.L. 2000-65 RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE. 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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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. 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)

03/19/03

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S.B. ____389

2nd & 3rd ADINGS

Ordered Sent to pouse of Werresentative

SESSION LAW	
SESSION LAW	

A BILL TO BE ENTITLED

AN ACT REENACTING THE SUBSTANTIVE PROVISIONS OF S.L. 2000-65 RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE.

Introduced by Senator(s)	Danelly	
Principal Clerk's Use Only Committee Substitute Adopted Pursuant to Rule 45.1 MAR 27 2003	04-02-03P05:29 RCVD	
CHANGES TITLE ED ON CALENDAR FOR 4-1-0-3	APR 3 2003 AND REFERRED TO COMMITTEE ONLOCAL CHURANNA	

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
_	Committee Substitute for 417 A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR WAYNE COUNTY TO DESIGNATE STAGGERED TERMS FOR ITS BOARD OF COMMISSIONERS.
X	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 the committee substitute bill (#), \[\subseteq which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	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.
ļ	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)

LOCAL BILL



S.B. 417

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE DEADLINE FOR WAYNE COUNTY TO DESIGNATE STAGGERED TERMS FOR ITS BOARD OF COMMISSIONERS.

Introduced by Senator(s)	Kerr Xcn
Principal Clerk's Use Only I PILED MAR 1 3 2003 PASSED 1st READING MAR 1 7 2003 MB REPSHRED TO COMMITTEE AL. Hw. Loc. Jov.	PASSED 2nd & 3rd READINGS HOD VV APR 3 2003 H7-0 ORDERED SENT TO NOUSE OF REPRESENTATIVE FAMAL PLUITT
he Committee on ST. GoV, Loc. GoV, VETA whom this bill was referred, a majority eing present and voting, has carefully the same and recommend that do For the Committee	PASSED 1 ST READING APR 8 2003 AND REFERRED TO COMMITTEE

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II. Committee Substitute for S.B. 477 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSING APPEALS BOARD TO HEAR PUBLIC HEALTH NUISANCES. CASCS. 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), which changes the With a favorable report as to the committee substitute bill (# title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill. 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) 03/19/03



SENATE BILL 477: Durham Housing Appeals Board

BILL ANALYSIS

Committee: House Local Government II

Date: May 13, 2003

2nd Edition Version:

Introduced by: Senator Gulley

Kory J. Goldsmith **Summary by:**

Committee Counsel

SUMMARY: SB 477 would amend Durham's City Charter to allow the City Council to adopt an ordinance to authorize the Housing Appeals Board to hear and decide cases related to the abatement of public nuisances. The ordinance would have to describe the particular property or properties that could be the subject of appeal before the Housing Appeals Board.

CURRENT LAW: Section 102(b) of the Durham City Charter already allows the City Council to adopt ordinances authorizing the House Appeals Board (Board) to hear cases related to building inspections and minimum housing standards. Section 102(a) allows the Board to hear appeals regarding the removal or demolition of structures found to be unfit for human habitation where the owner has refused to comply with an order to remove or demolish the dwelling. In order to use the authority granted under either Section 102(a) or (b), the City Council must adopt an ordinance that describes the particular property or properties whose appeal could be heard by the Board.

The act is effective when it becomes law.

S477-SMRC-002

CAL BILL por	and .				
Proposed Committee Substitute For S.B. 477	5. Affeirs		SESSION LA	\W	
	A BILL TO E	BE ENTITLED			
AN ACT AMENDING THE CHA AUTHORIZE THE CITY'S F CASES.)
Introduced by Senator(s)	Hally				
Principal Clerk's Use Only	And the second s	The state of Names and State of State o			-
Committee Substitute Adopted Pursuant to Rule 45.1 APR 14 2003	AND REFERRED TO CO	MMITTEE			•
ASSED 2nd & 3rd READINGS APR 15 2003 CAPR 15 2003 RED SENT TO REPRESENTATIVE					

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.	_
Committee Substitute for S.B. 478 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHA TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.	M
With a favorable report.	
☐ With a favorable report and recommendation that the bill be re-referred to the Committee of Appropriations ☐ Finance ☐ ☐.	n
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 ☐ ☐.	3
With a favorable report as to the committee substitute bill (#), which changes the title, unfavorable as to (the 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.	3
☐ 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) 03/19/0	03

LOCAL BILL S.B. 478

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

Introduced by Senator(s)	Gulley Gurey	
		<u> </u>
	<u> </u>	
	1	
PRINCIPAL CLERK'S USE ONLY FILET MAR 1 9 2003 PASSED 1st READING MAR 20 2003 MID REFERENCE TO COMMITTEE THE Committee on ST. GOV. LCC. GOV. VET. AFFA TO whom this bill was referred, a majority eing present and voting, has carefully considered the same and recommend that	PASSED 2nd & 3rd READINGS APR 10 2001 ORDERED SERT TO MOUSE OF FREEDRICH 04-14-03P08:22 RCVD APR PASSED 191 READING	
For the Committee ORTED FAVORABLY APR 9 2003	APR 15 2007 AND REFERRED TO COMMITTEE. ONLOSSE Conversed T	

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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SENATE BILL 478 PROPOSED HOUSE COMMITTEE SUBSTITUTE S478-PCS85238-RC-54

Short Title: Durham/Monroe Overgrown Vegetation Ordinance. (Loc	al)
Sponsors:	
Referred to:	
March 20, 2003	
A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF DURHAM AND MONROE TO GI ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CIT OVERGROWN VEGETATION ORDINANCE.	
The General Assembly of North Carolina enacts: SECTION 1. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33, S.	S.L.
2000-38, and S.L. 2001-107, reads as rewritten: "Section 2. This act applies to the Cities of High Point, Gastonia, Durham, Gastonia, High Point, Lexington, Monroe, Roanoke Rapids, and Winston-Salem only." SECTION 2. This act is effective when it becomes law.	nia,

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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SENATE BILL 478 PROPOSED HOUSE COMMITTEE SUBSTITUTE S478-CSRC-54 [v.2]

5/13/2003 3:01:07 PM

Short Title: Durham/Monroe Overgrown Vegetation Ordinance.	(Local)
Sponsors:	
Referred to:	
March 20, 2003	
A BILL TO BE ENTITLED	
AN ACT AUTHORIZING THE CITIES OF DURHAM AND MONRO	DE TO GIVE
ANNUAL NOTICE TO CHRONIC VIOLATORS OF TI	HE CITY'S
OVERGROWN VEGETATION ORDINANCE.	
The General Assembly of North Carolina enacts:	
SECTION 1. Section 2 of S.L. 1999-58, as amended by S.L. 2	2000-33, S.L.
2000-38, and S.L. 2001-107, reads as rewritten:	
"Section 2. This act applies to the Cities of High Point, Gastonia, Durha	am, Gastonia,
High Point, Lexington, Monroe, Roanoke Rapids, and Winston-Salem only	7 ."
SECTION 2. This act is effective when it becomes law.	



SENATE BILL 478: Durham/Monroe Overgrown Vegetation Ordinance.

Committee: House Local Gov. II

May 13, 2003

Version:

Date:

S478-CSRC-54[v.2]

Introduced by: Senator Gulley

Summary by:

Kory J. Goldsmith

Committee Counsel

SUMMARY: The proposed Committee Substitute to SB478 allows the Cities of Durham and Monroe to remove overgrown vegetation from a landowner's property where the city has notified the landowner at least three times in the prior year that the owner is in violation of Durham's refuse and debris or overgrown vegetation ordinances. The cost of the action becomes a lien against the property and is collected as unpaid taxes.

CURRENT LAW: G.S. 160A-193 grants to cities the authority to remove or otherwise remedy situations that are dangerous or prejudicial to the public health or public safety. The expense of removal is paid by the property owner or becomes a lien against the property that is collected as unpaid ad valorem taxes.

BILL ANALYSIS:

Section 1 of the bill allows the Cities of Durham and Monroe to enforce their overgrown vegetation ordinance against chronic violators if the person's property is found to be in violation of the ordinance. A chronic violator is a person who owns property and against whom the municipality took remedial action under the overgrown vegetation ordinance at least three times in the previous calendar year. In the subsequent, the city may send the initial annual notice of violation via registered or certified mail and then remove the violation and charge the expense to the owner. If the expense is not paid, it becomes a lien against the property and is collected as unpaid taxes.

A copy of the original Session Law that is being amended is attached to the second page of this summary.

The Proposed Committee Substitute adds the City of Monroe to the bill and makes a technical correction.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1999

SESSION LAW 1999-58 HOUSE BILL 776

AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

Section 1. A municipality may notify a chronic violator of the municipality's overgrown vegetation ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the overgrown vegetation ordinance.

Section 2. This act applies to the City of Roanoke Rapids only.

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

In the General Assembly read three times and ratified this the 18th day of May, 1999.

VISITOR REGISTRATION SHEET

Local Government		5/14/03
Name of Committee		Date
VISITORS: PLEASE SIGN BELOW AN	ND RETURN TO COMMITTEE A	ASSISTANT
NAME , 1	FIRM OR AGENCY	
Rolling Ola Man &	NCHRA	
John Phelps	NCLM	
Julie Allen	NC Statewatch	
Shelle wall	hec. Councol	
PILL SCOBGIN	keelf'	
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Jackie Hamby (House Legislative Assistants Office)

From: Jackie Hamby (House Legislative Assistants Office)

Sent: Monday, May 12, 2003 5:21 PM

Subject: CORRECTION TO HOUSE LOCAL GOVERNMENT II COMMITTEE NOTICE - Meeting MAY 14,

2003

CORRECTION TO NOTICE

(Senator Kerr is sponsor of SB 417 – not Senator Berger as noted in earlier notice.)

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE:

Wednesday, May 14, 2003

TIME:

10:00 a.m.

LOCATION:

Room 425 LOB

The following bills will be considered Bill # & Short Title & (Bill Sponsor):

SB 389	Mecklenburg/Extend Real Estate Sunset	Senator Dannelly
SB 417	Wayne Commissioners Election	Senator Kerr
SB 477	Durham Housing Board Hear Other Appeals	Senator Gulley
SB 478	Durham Overgrown Vegetation Ordinance	Senator Gulley
SB 492	Eden Charter Amendments	Senator Berger

Respectfully, Representative Lucy Allen Vice Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:30 pm on May 12, 2003.

Principal Clerk	
Reading Clerk - House	Chamber

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

May 21, 2003

The House Committee on LOCAL GOVERNMENT II met on Wednesday, May 21, 2003 at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Adams, Chair, presided. The following members were present: Representative(s) L. Allen, Capps, Decker, Farmer-Butterfield, Frye, Jones, Justice, Pate, and Walker,

A Visitor Registration list is attached and made a part of the Minutes along with handouts and summaries relating to the bills considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

SB 492

Senator Berger, bill sponsor, was recognized to explain, SB 492. AN ACT TO AMEND AND MODERNIZE THE CHARTER OF THE CITY OF EDEN. <u>Upon motion by Representative Walker and carried, SB 243 was given a favorable report.</u>

SB 124

Senator Weinsten, bill sponsor, was recognized to explain proposed committee substitute for SB124. AN ACT TO EXEMPT THE CITY OF LUMBERTON FROM CERTAIN STATUTORY REQUIREMENTS RELATING TO THE CONSTRUCTION OF BUILDINGS TO BE USED BY INDUSTRIES LOCATING TO THE CITY. An amendment was offered by Senator Weinstein. Representative Capps moved for adoption of the amendment, motion carried. Representative Decker motioned for a favorable report of the proposed committee substitute, unfavorable to original. Representative Justice moved to amend amendment to reflect December 31, 2004, motion carried. Representative Decker opposed amendment #2. Representative Decker moved for favorable report of committee substitute unfavorable to original.

SB 494

Senator Kinnaird was recognized to explain SB494. AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR TWELVE MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN.

Homebuilder's Lobbyist commented in support of bill. <u>Upon motion by Representative</u> <u>Farmer-Butterfield and carried, SB 494 was given a favorable report.</u>

SB 495

Representative Capps, was recognized to explain, SB 495 in lieu of bill sponsor Representative Reeves. A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARY TO ALLOW THE TOWN TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES. Town of Cary represented and commented on bill. **Upon** motion by Representative Decker and carried, SB 495 was given a favorable report

There being no further business before the Committee, the meeting adjourned at 10:35am.

Representative Alma Adams

Chair

Rhonda S. Towns Committee Assistant

ATTACHMENTS

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Wednesday, May 21, 2003 Room 1425 LOB 10:00 a.m.

CALL TO ORDER/REMARKS

Representative Alma Adams, Chair - Presiding

INTRODUCTIONS: Pages/Staff/Visitors

AGENDA ITEMS BILLS/SPONSORS

2 SB 124 Lumberton Construction Contracts Senator Weinstein

SB 492 Eden Charter Amendments Senator Berger

3. SB 494 Carrboro Sprinklers Senator Kinnaird

SB 495 Cary Condemnations Senator Reeves

COMMENTS

ADJOURNMENT

muuter May 21, 2003

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for . 492 A BILL TO BE ENTITLED AN ACT TO AMEND AND MODERNIZE THE CHARTER OF THE CITY OF EDEN.
X	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 the committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
<u> </u>	With a favorable report as to House committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	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)

3	1. Vet Affairs e For	SESSION LAW
	A BILL TO BE ENTITL	ED
N ACT TO AMEND AND N	MODERNIZE THE CHARTER OF THE CI	ITY OF EDEN.
roduced by Senator(s)	Poerger	
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ursuant to Rule 45.1	and referred to committee on LOCAL CITALINATE	n-D
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ED 2nd & 3rd READINGS		

04-21-03P07:48 RCVD

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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SENATE BILL 492

State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 4/16/03

Short Title: Eden Charter Amendments.	(Local)
Sponsors:	
Referred to:	
March 20, 2003	
A BILL TO BE ENTITLED	
AN ACT TO AMEND AND MODERNIZE THE CHARTER OF EDEN.	THE CITY OF
The General Assembly of North Carolina enacts:	
SECTION 1. Section 3.3(d) of the Charter of the City	of Eden, being
Chapter 967 of the Session Laws of 1967, as amended, reads as rewritte	en:
"(d) The mayor shall exercise such powers and perform such duti	ies as are or may
be conferred upon him by the General Laws of North Carolina, by his	Charter, and by
the ordinances of the town. city."	, ,
SECTION 2. Section 3.5(a) of the Charter of the City	of Eden, being
Chapter 967 of the Session Laws of 1967, as amended, reads as rewritte	
"(a) The organizational meeting of the council shall be the first	regular meeting
after the regular city election. The council may fix the date a	and time of its
organizational meeting, provided it shall not be later than the date and	time of the first
regular meeting of the council in December after the results of the m	unicipal election
have been certified. The organization of the council shall take place not	twithstanding the
absence, death, refusal to serve, failure to qualify, or nonelection	of one or more
members, but at least a quorum of members must be present."	
SECTION 3. Section 3.6.1 of the Charter of the City of Ede	en, being Chapter
967 of the Session Laws of 1967, as amended, reads as rewritten:	-
"Section 3.6.1 Notice of Meetings.	

Regular meetings. A schedule of the regular meetings shall be filed in the

Special meetings. Notice of special meetings shall be delivered to the mayor

office of the city clerk and shall be posted on the principal bulletin board at city hall.

the special meeting. In addition, notice of a special meeting shall:

and each councilman or left at his usual dwelling place at least forty-eight hours before

Be posted on the principal bulletin board at city hall; and

(1)

- 1 2 3 4 5
- (2) Be mailed or delivered to each news medium which has requested such special meeting notice. News media asking for special meeting notice shall annually request such notice in writing, filing such request with the city clerk and paying therewith an annual fee of ten dollars as established by the council to cover the costs of providing such notice.
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- (c) Emergency meetings. Notice of emergency meetings shall be delivered to the mayor and each councilman or left at his usual dwelling place at least six hours before the emergency meeting. In addition, notice of an emergency meeting shall be given to each local news medium which has filed a written request for notice with the city clerk. Notice shall be given to each such local news medium by telephone or by delivering such notice to the principal local office of such news medium at least six hours before an emergency meeting.
- 13 (d) The city manager shall cause all notices to be posted, mailed, delivered or telephoned as required by this section."
 - **SECTION 4.** Section 4.3 of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, is repealed.
 - **SECTION 5.** Section 5.2 of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, reads as rewritten:
 - "Sec. 5.2. Duties of City Attorney. It shall be the duty of the City Attorney to prosecute and defend suits for and against the City; to advise the Mayor, the City Council, and other City officials with respect to the affairs of the City; to draw all legal documents relating to the affairs of the City; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend all-meetings of the Council; and to perform such other duties as may be required of him by virtue of his position as City Attorney."
 - **SECTION 6.** Article VII of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, is repealed.
 - **SECTION 7.** This act is effective when it becomes law.



SENATE BILL 492: Eden Charter Amendments

BILL ANALYSIS

Date:

Committee: House Local Government II

May 21, 2003

2nd Edition Version:

Introduced by: Senator Berger

Summary by:

Giles S. Perry Committee Counsel

SUMMARY: Senate Bill 492 makes several amendments the charter of the City of Eden.

BILL ANALYSIS: Senate Bill 492 amends the charter of the City of Eden to:

- --Substitute the word "city" for the word "town".
- --clarify the time of the organizational meeting after election.
- -- clarify the requirement for posting meeting notice.
- -- authoriz the council to establish the fee for special notice to the news media.
- --repeal a section of the charter governing filing of candidacy for mayor or the council.
- --rewrites the section of the charter governing the duties of the city attorney.
- --repeal the section of the charter concerning tort and contract claims.

Senate Bill 492 becomes effective when it becomes law.

S492-SMRW-001

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for . 124 A BILL TO BE ENTITLED AN ACT TO EXEMPT THE CITY OF LUMBERTON FROM CERTAIN STATUTORY REQUIREMENTS RELATING TO THE CONSTRUCTION OF BUILDINGS TO BE USED BY INDUSTRIES LOCATING TO THE CITY.
	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 the committee substitute bill (#), \square which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
X	With a favorable report as to House committee substitute bill (#) which changes the title, unfavorable as to Senate committee substitute bill.
	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) 03/19/03

Menuter may 21, 2003

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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December 31, 2004.

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SENATE BILL 124

State Government, Local Government, and Veterans'Affairs Committee Substitute
Adopted 4/29/03

PROPOSED HOUSE COMMITTEE SUBSTITUTE \$124-PC\$35292-RW-48

Short Title: Lumberton Construction Contracts.	(Local)
Sponsors:	
Referred to:	1 '
February 24, 2003	
A BILL TO BE ENTITLED	
	CERTAIN
111 1101	
STATUTORY REQUIREMENTS RELATING TO THE CONSTRU	
BUILDINGS TO BE USED BY INDUSTRIES LOCATING TO THE C	ЛIY.
The General Assembly of North Carolina enacts:	
SECTION 1. The City of Lumberton may contract for the	design and
renovation or construction of buildings to be used by industries locating	
without being subject to the requirements of Article 8 of Chapter 143 of	the General
	die General
Statutes.	
SECTION 2. This act is effective when it becomes law	and expires

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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SENATE BILL 124

State Government, Local Government, and Veterans'Affairs Committee Substitute
Adopted 4/29/03

Short Title: Lumberton Construction Contracts.		(Local)	
Sponsors:			
Referred to:	•		

February 24, 2003

1 2

A BILL TO BE ENTITLED

3 4 AN ACT TO EXEMPT THE CITY OF LUMBERTON FROM CERTAIN STATUTORY REQUIREMENTS RELATING TO THE CONSTRUCTION OF BUILDINGS TO BE USED BY INDUSTRIES LOCATING TO THE CITY.

4 5

The General Assembly of North Carolina enacts:

6 7

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SECTION 1. The City of Lumberton may contract for the design and renovation or construction of buildings to be used by industries locating to the city without being subject to the requirements of Article 8 of Chapter 143 of the General Statutes.

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SECTION 2. This act is effective when it becomes law.



SENATE BILL 124: Lumberton Construction Contracts

BILL ANALYSIS

House Local Government II Committee:

Date: Version: May 20, 2003

2nd Edition

Introduced by: Senator Weinstein

Summary by: Kory J. Goldsmith

Committee Counsel

SUMMARY:

Senate Bill 124 exempts the City of Lumberton from the public construction contract requirements of Article 8 of Chapter 143 of the General Statutes, for the construction of buildings to be used by industries locating to Lumberton.

BILL ANALYSIS:

Article 8 of Chapter 143 of the General Statutes sets forth the requirements for the bidding and award of public construction contracts. These requirements include the provisions for specifications and construction methods contained in G.S. 143-128, the minority business participation goals and reporting requirements of G.S. 143-128.2 and G.S. 143-128.3, the formal bidding process outlined in G.S. 143-129 for construction contracts in excess of \$300,000, the informal bidding requirements for construction work over \$5,000, and the three bid minimum requirement for public contracts in excess of \$300,000, G.S. 143-132. Senate Bill 124 exempts Lumberton from compliance with these statutes in the construction of buildings to be used by industries locating to Lumberton.

The act is effective when it becomes law.

S124-SMRC-002

Barbara Riley contributed substantially to this summary.

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II. Committee Substitute for #2 S.B. 494 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES. 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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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. 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) 03/19/03

JAL BILL.

Proposed Committee Substitute S.B494	Vit. aff. For No. 2
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SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES.

Introduced by Senator(s)	Lensera		
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SENATE BILL 494: Carrboro Sprinklers

BILL ANALYSIS

Committee: House Local Government II

May 20, 2003

3rd Edition Version:

Introduced by: Senator Kinnaird

Kory J. Goldsmith Summary by:

Committee Counsel

SUMMARY:

Date:

Senate Bill 494 authorizes the Town of Carrboro to require sprinklers in bars, clubs and other public assemblies that have gatherings of more than 100 people and sell alcoholic beverages. A sprinkler ordinance may apply to any new occupancy or to existing occupancies within a period of 3 years after the enactment of an ordinance.

CURRENT LAW:

The North Carolina Building Code sets forth requirements for automatic sprinkler systems for a number of different use and occupancy classifications. The occupancy classifications most relevant to SB 494 include A-2 and A-3 assembly occupancies. The A-2 assembly is assigned for use of a building for food and drink consumption and includes restaurants, nightclubs, taverns and bars. A-3 assembly uses include worship, recreation or amusement. Examples of A-3 occupancies include churches, dance halls, pools and billiard parlors. North Carolina Building Code Section 303. Automatic sprinkler systems are required under the Code for A2 occupancies that exceed 5,000 square feet, have an occupancy load of 300 or more or if the fire area is located on a floor other than the level of exit discharge. Automatic sprinklers systems are required in A-3 occupancies that exceed and 12,000 square feet, or have an occupancy load of 300 or more, or if the fire area is located on a floor other than the level of exit discharge. (ie a nightclub or the second floor or in a basement). Building code requirements are applicable to new construction only.

BILL ANALYSIS:

Senate Bill 494 allows Carrboro to adopt an ordinance that would require sprinklers in bars, clubs, and other places of public assembly that have gatherings of more than 100 persons and sell alcoholic beverages. The act applies to any new occupancy and may be made applicable to any existing occupancy within 3 years of the enactment of the ordinance.

The act may raise a State constitutional question. Matters involving the building codes have been held to violate the prohibition against local laws affecting health. N.C.Const. Art II, Sec. 24 (1)(a).

The act is effective when it becomes law.

S494-SMRC-002

Barbara Riley contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

SENATE BILL 494

State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 4/21/03
State Government, Local Government, and Veterans' Affairs Committee
Substitute #2 Adopted 4/24/03

Short Title:	Carrboro Sprinklers.	(Local)
Sponsors:		
Referred to:		

March 20, 2003

1 2

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 9-5 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, as amended, reads as rewritten:

"Section 9-5. Sprinkler Systems.

- (a) Notwithstanding any provision of the North Carolina State Building Code or any general or local law to the contrary, the board of aldermen may adopt an ordinance requiring that sprinkler systems be installed in all of the following types of buildings constructed within the town or its extraterritorial planning jurisdiction: (i) buildings in excess of 50 feet in height; (ii) nonresidential buildings containing at least 5,000 square feet of floor surface area; or (iii) buildings designed for assembly occupancy (as defined in the North Carolina State Building Code) that accommodate more than 25 people. This ordinance applies to existing buildings only to the extent and under the circumstances that the provisions of the North Carolina State Building Code apply to preexisting buildings.
- (b) Notwithstanding any provision in the North Carolina State Building Code or any other provision of law, the Board of Aldermen may adopt an ordinance requiring that sprinkler systems be installed in bars, clubs, and other places of public assembly that are designed for occupancy by 100 or more persons and that sell alcoholic beverages. This ordinance may be made applicable to any new occupancy prior to issuance of a certificate of occupancy. The ordinance may also be made applicable to

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

- 1 any existing occupancy at the end of a period of three years following the date of enactment of the ordinance."
- 3 SECTION 2. This act is effective when it becomes law.

may 21, 2003

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
_	Committee Substitute for 495 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARY TO ALLOW THE TOWN TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES.
×	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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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.
	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)



S.B. <u>495</u>

SESSION	LAW
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A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF CARY TO ALLOW THE TOWN TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES.

Introduced by Senator(s)	Reeves	
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SENATE BILL 495: Cary Condemnations

BILL ANALYSIS

Committee: House Local Government II

May 21, 2003 Date:

1st Edition Version:

Introduced by: Senator Reeves

Committee Counsel

Summary by: Giles S. Perry

SUMMARY: Senate Bill 495 authorizes the Town of Cary to acquire property for the location or relocation of utility lines when it acquires property for streets. It also gives the Town of Cary the ability to acquire property through the condemnation procedures under Chapter 136 as well as under Chapter 40A. The bill would become effective when it becomes law.

ACQUIRE PROPERTY FOR THE LOCATION OF UTILITY LINES: Cities and towns can acquire property for the construction and improvement of streets and roads by condemnation. construction and improvement of streets and roads involves the movement of utility lines and the need to acquire property for their location or relocation. The utility companies can acquire property by condemnation for the placement of their lines, but municipalities cannot do it for them.

Senate Bill 495 authorizes the Town of Cary to acquire rights-of-way by condemnation for the location or relocation of utility lines when it acquires right-of-way for the construction or improvement of streets. In practice, this right-of-way would then be given to the utility companies. Utility companies are often hesitant to use their condemnation authority to acquire additional rights-of-way to relocate utility lines when a municipality undertakes street improvements. This authority will enable the Town of Cary to acquire rights-of-way on a timelier basis, resulting in the completion of road improvement projects on a timelier basis. The Department of Transportation has this authority under G.S. 136-18(2) and the City of Raleigh has had this authority since 1991.

ACQUIRE PROPERTY THROUGH CHAPTER 136: Local public condemnors and private condemnors may acquire property under the eminent domain provisions in Chapter 40A. Department of Transportation may acquire property under Article 9 of Chapter 136 for the construction and improvement of highways. Municipalities may also use the condemnation provisions in Article 9 of Chapter 136 for the acquisition of property related to the construction and improvement of roads and streets within their corporate boundaries that are part of the state-highway-system, but not for city streets. There are two primary differences between the acquisition authority granted by Chapter 40A and Article 9 of Chapter 136:

Under Chapter 40A, a condemnor must give the owner of the property to be acquired 30 days notice of its intent to institute an action to condemn the property. Under Article 9 of Chapter 136, the condemnor does not have to give this 30-day notice.

² For purposes of road construction and improvement, the title to the property and the right to immediate possession vests automatically with the city subject to the filing of the condemnation complaint and deposit of the estimated just compensation. Chapter 40A and Article 9 of Chapter 136 do not differ in this point.

SENATE BILL 495

Page 2

• Under Chapter 40A, the just compensation for the value of the property taken is generally its fair market value prior to the taking.³ Under Chapter 136, the just compensation for the property taken is its fair market value, taking into consideration any benefits resulting from the utilization of the part taken for highway purposes.



Senate Bill 495 gives the Town of Cary the authority to use the procedures of either Chapter 40A or Chapter 136 when it acquires property by eminent domain.

S495-SMRW-001

Cindy Avrette of the Research Division contributed substantially to this summary

³ Under Chapter 40A, the measure of compensation is the greater of either (i) the amount by which the fair market value of the entire tract immediately before the taking exceeds the fair market value of the remainder immediately after the taking or (ii) the fair market value of the property taken. The value of the property does not include an increase or decrease in value that is cause by the proposed improvement or project for which the property is taken.

VISITOR REGISTRATION SHEET

Local Govit I	05/21/03
Name of Committee	Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	FIRM OR AGENCY
Sayah Lane	Sen-Vinnand
Am Pobson	NC State Watch.
David Cronsford	AIA NC
RICK ZECHNI	NC Assoc OF REACTORS
Cam Craw	BPMHL
John Phelps	NCLM
K. Jan Wilans	NCHBA
BRUCE THOMPSON	PARKER FOE
	·
10 (00)	

House Pages

1	Name: Elizabeth Edwards
`	County: Rowan
	Sponsor: Representative McCombs
2.	Name: Zachary Pope
	County: Haywood
	Sponsor: Representative Rapp
3.	Name:
	County:
	Sponsor:
4.	Name:
	County:
	Sponsor:
5.	Name:
	County:
	Sponsor:
Sgt-A	At-Arms
1.	Name: Jim Womack
2.	Name: Brian Doherty
3.	Name:
4.	Name:

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the Committee on **LOCAL GOVERNMENT II** will meet as follows:

as follows.			
DAY & DATE:	Wednesday, May 21, 2003		
TIME:	10:00 a.m.		
LOCATION:	Room 425 LOB		
The following bills	will be considered Bill # & Sl	nort Title & (Bill Sponsor):	
SB 124 Lumberton Construction Contracts SB-292 Raleigh Electronic Notice SB-476 Durham Traffic Control Measures. SB 492 Eden Charter Amendments SB 494 Carrboro Sprinklers. SB 495 Cary Condemnations. Senator Weinstein Senator Stevens Leasure from Cycle Senator Gulley Leasure from Cycle Senator Berger Senator Kinnaird Senator Reeves			
Respectfully, Representative Alma Adams Chair			
I hereby certify this 3:00 p.m. on May	-	ittee assistant at the following offices at	
Principal ClerkReading Clerk - House Chamber			
Jackie Hamby (Con	nmittee Assistant)		

NORTH CAROLINA HOUSE OF REPRESENTATIVES **COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION** 2003-2004 SESSION

	as follows:	med that the Committee on Ex	OCAL GOVERNMENT II will incet			
	DAY & DATE:	Wednesday, May 21, 2003				
	TIME:	10:00 a.m.				
	LOCATION:	Room 425 LOB				
	The following bills	will be considered Bill # & Sl	nort Title & (Bill Sponsor):			
	SB 124 Lumberto SB 292 Raleigh El	n Construction Contracts lectronic Notice	Senator Weinstein Senator Stevens			
-		County-Airport Quick Take.	Senator Swindell - Vold Indiffrate			
		raffic Control Measures.	Senator Gulley			
	SB 492 Eden Char		Senator Berger			
	SB 494 Carrboro SB 495 Cary Cone	_	Senator Kinnaird Senator Reeves			
	SB 493 Cary Cond	ucimations.	Schator Recves			
		Respectfully Representat Chair	y, ive Alma Adams			
	I hereby certify this 3:00 p.m. on May 1	•	nittee assistant at the following offices at			
	Principa Reading	l Clerk Clerk - House Chamber				
	Jackie Hamby (Con	nmittee Assistant)				

Jackie Hamby (House Legislative Assistants Office)

From: Giles Perry (Research)

Sent: Thursday, May 15, 2003 9:56 AM

To: Jackie Hamby (House Legislative Assistants Office)

Subject: RE: LOCAL GOVERNMENT II Meeting Notice (Wednesday, May 21, 2003)

Jackie This bill was taken off the calendar last week because it is already the law. Rep. Allen and Sen. Swindell (who represent this area) are aware of that;

SB 357 Franklin County Airport Quick Take. Senator Swindell

----Original Message-----

From: Jackie Hamby (House Legislative Assistants Office)

Sent: Thursday, May 15, 2003 9:54 AM

Subject: LOCAL GOVERNMENT II Meeting Notice (Wednesday, May 21, 2003)

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the Committee on **LOCAL GOVERNMENT II** will meet as follows:

DAY & DATE: Wednesday, May 21, 2003

TIME: 10:00 a.m.

LOCATION: Room 425 LOB

The following bills will be considered Bill # & Short Title & (Bill Sponsor):

SB 124 Lumberton Construction Contracts
SB 292 Raleigh Electronic Notice
SB 357 Franklin County Airport Quick Take: Senator Swindell
SB 476 Durham Traffic Control Measures.
SB 492 Eden Charter Amendments
SB 494 Carrboro Sprinklers.
SB 495 Cary Condemnations.
Senator Weinstein
Senator Stevens
Senator Gulley
Senator Berger
Senator Kinnaird
Senator Reeves

Respectfully, Representative Alma Adams Chair

North	Carol	lina	Ge	eneral	Asse	embl	У
Per	nding	Hous	se	Commi	ttee	on	
	Local	L Gov	<i>r</i> eı	nment	ΙΙ		

05/15/2003 Date: Time: 08:45 001 of 001 H-062/S-062 Page:

2003-2004 Biennium			Leg. Day: H-062/S-062						
	Bill	Short Title		Date	Latest				
	210 w	YANCEY GO LOCAL ACT D.	Н	04-29-2003	Re-ref	Com	On	Local	Government
	302	DURLINGUNRALD WATER FEES COLLECTION.	Н	03-06-2003	Ref To	Com	On	Local	Government
	H BBBB	GREENSBOROWYEHICLE TIME.	Н	03-11-2003	Govern favora Financ	ment ble, ce	II to	and, i	if om on
	434322-222	GREENSBORO-CONSTRUCT ROADS OUTSIDE CITY.	Н	03-13-2003	ΙΙ				
		GREENSBORO/ATRPORT ANNEXATION AGREEMENTS.	Н		II				Government
\		ROWLAND BTJ LEXTENSION.	Н		II				Government
)		Caston sheriff vacancies.	Н	03-27-2003	Ref To	Com	On	Local	Government
1	, , , , , , , , , , , , , , , , , , , ,	HALTFAX/GOMMERCIAL_ZONING.	Н	03-27-2003	Ref To	Com	On	Local	Government
		satesbury aree ordinances.	Н	03-27-2003	Ref To	Com	On	Local	Government
	(COUNTY ARROWAL OF INMOLUNTARY ANNEXATION.	Н		II				Government
'	(Carrier 1997)	DEADEGATLONS OF AUTHORITY	Н	04-10-2003	Ref To	Com	On	Local	Government
Ì	#1200 E	water and semer assessmene basis.	Н		ΙΙ				Government
		LUMBERTON CONSTRUCTION CONTRACTS.			ΙΙ				Government
_	S 291=	GREENSBORO CONSTRUCT ROADS - Wheel OUTSIDE CITY.	* H	05-01-2003	Ref To	Com	On	Local	Government
	292	RALEIGH ELECTRONIC NOTICE.	Н		II				Government
	S 3572	PRANKLIN COUNTY AURPORT OUTCK	Н	04-17-2003	Ref To	Com	On	Local	Government
	S 476	DURHAM TRAFFIC CONTROL MEASURES.	* H	04-17-2003	Ref To	Com	On	Local	Government
	S <u>492</u>	EDEN-CHARTER-AMENDMENTS.	* H	04-22-2003	Ref To	Com	On	Local	Government
	S-494	CARRBORO SPRINKI ERS.	* H	04-30-2003	Ref To	Com	On	Local	Government
2	S 495	-CARY CONDEMNATIO NS.	Н	04-22-2003	Ref To	Com	On	Local	Government



'\$' indicates the bill is an appropriations bill. A bold line indicates the bill is an appropriations bill. indicates that the text of the original bill was changed by some action. '=' indicates that the original bill is identical to another bill'.

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

May 28, 2003

The House Committee on LOCAL GOVERNMENT II met on Wednesday, May 28, 2003, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Adams, Chair, presided. Other members present were: Representative(s) L. Allen, Capps, Frye, Mitchell, and Pate.

A Visitor Registration list is attached and made a part of the Minutes, along with handouts and summaries relating to the bill(s) that were considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee. Mr. Tom McCormick of the City of Raleigh and Mr. John Phelps with the North Carolina League of Municipalities were also recognized.

The following bill was considered:

SB 292, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS, was explained by Senator Stevens, sponsor of the bill. Representative L. Allen made a motion for a favorable report of SB 292 and the motion carried.

The Chair announced that the LOCAL GOVERNMENT II Committee had completed its task of reporting bills out, thus far, that had been assigned to the Committee.

There being no further business before the Committee, the meeting adjourned at 10:30 A.M.

Representative Alma Adams

Chair

Jacquelyn A. Hamby Committee Assistant

ATTACHMENTS:

AGENDA

HOUSE LOCAL GOVERNMENT II

May 28, 2003 Room 425 LOB 10:00 A.M.

CALL TO ORDER/REMARKS

Representative Alma Adams, - Chair Presiding

INTRODUCTIONS: Pages and Staff Lity attorney recognized.

League of Municipalities recognize.

AGENDA ITEMS BILL SPONSORS

SB 292 Raleigh Electronic Notice

Senator Stevens, explanation

Las Lalen matiened for Javarable not.

COMMENTS

Clair thanked Consittee Do not expect any other below fore Connection

ADJOURNMENT

May 28, 2003

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
_	Committee Substitute for 3. 292 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.
X	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 the committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	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)

)CAL	BILL
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S.B. **292**

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

NOTICE FOR CERTAIN PU	BLIC HEARINGS.	
Introduced by Senator(s)	Stevens Chan Ithers	A Confo
Principal Clerk's Use Only FILED MAR 4 2003	PLACED ON CALENDAR FOR 3-25-03	PASSED 1st READING MAR 27 2003
PASSED 1st READING [MAR 5 2003		and referred to committee on Local Government II
enst. Lev, Lac. Jw.	PASSED 2nd & 3rd READINGS 49 PAR 25 2003	
the Committee on ST.GOV. LOC. COV. VET. AFF to whom this bill was referred, a majority leing present and voting, has carefully considered the same and recommend that	HOUSE OF REMEMBERS	
do pass. For the Committee	03-26-03P04:37 RCVD	
	Som	.ñ

MAR 1 9 2003



SENATE BILL 292: Raleigh Electronic Notice

BILL ANALYSIS

Committee: House Local Government II

Date:

May 28, 2003

Version:

1st Edition

Introduced by: Sen. Stevens; Carrington,

Malone, and Reeves

Giles S. Perry Summary by:

Committee Counsel

SUMMARY: Senate Bill 292 authorizes the City of Raleigh to use the Internet to post notices of public hearings, if mailed or posted notice is not otherwise required.

BILL ANALYSIS: Senate Bill 292 amends the charter of the City of Raleigh to authorize the City Council to provide notices of public hearings by electronic means, such as the Internet.

City ordinances authorized by this bill could not supercede other State laws requiring public hearing notice by mail or posting of signs, nor alter the publication schedule.

Senate Bill 292 becomes effective when it becomes law.

S292-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

SENATE BILL 292

1

Short Title:	Raleigh Electronic Notice.	(Local)
Sponsors:	Senators Stevens; Carrington, Malone, and Reeves.	
Referred to:	State Government, Local Government and Veterans' Affairs.	

March 5, 2003

1 2

A BILL TO BE ENTITLED

3 4 AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

The General Assembly of North Carolina enacts:

5 6 **SECTION 1.** Section 22 of the Charter of the City of Raleigh, being Chapter 1184 of the 1949 Session Laws, as amended, is amended by adding the following new subsection:

7 8 9

10

11

12

"(87) Electronic Notice of Hearings. The City Council may adopt ordinances providing that notice of public hearings may be given through electronic means, including, but not limited to, the City's Internet site. Ordinances adopted pursuant to this section shall not supersede any State law that requires notice by mail to certain classes of people or the posting of signs on certain property and shall not alter the publication schedule for any public notice."

13 14

SECTION 2. This act is effective when it becomes law.

House Pages

1.	Name: Gus WILLIS
	County: CRAVEN
	Sponsor: Goeman
2.	Name: Holenya Stanky
	County: Cherothee
	Sponsor: Roger Wast
3.	Name: Ginny Maye
	County: Wayne
	Sponsor: Louis Pate
4.	Name: Michael Sabetti
	County: Cleveland
	Sponsor: Tim Moore
5.	Name:
	County:
	Sponsor:
_	÷
Sgt-A	At-Arms
1.	Name: MARTHA GACLISON
2.	Name: Charles Williams
3.	Name:
4.	Name:

VISITOR REGISTRATION SHEET

Loc Gov I

5-28-02

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	FIRM OR AGENCY
John Phelps John McCornick	NC Statemental
allhu Phelps.	
OM MiCornick	Chy & Raleigh
	100
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Jackie Hamby (House Legislative Assistants Office)

From: Rhonda Towns (Rep. Adams) Tuesday, May 27, 2003 1:51 PM Sent:

Subject: House LOCAL GOVERNMENT II Committee Meeting May 28, 2003

NORTH CAROLINA HOUSE OF REPRESENTATIVES **COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION** 2003-2004 SESSION

You are hereby notified that the Committee on LOCAL GOVERNMENT	II wi	ill meet a	s follows:
--	-------	------------	------------

DAY & DATE: Wednesday, May 28, 2003

TIME: 10:00 A.M.

LOCATION: Room 425 LOB

The following bills will be considered (Bill # & Short Title & Bill Sponsor): **Senator Stevens**

SB 292 Raleigh Electronic Notice

Respectfully, Representative Alma Adams Chair

I hereby	certify this	notice was	filed by the	committee	assistant at the	e following	offices at 2:0	00 on May
27, 2003	3.							

Principal Clerk	
Reading Clerk - House	Chamber

Rhonda Towns (Committee Assistant)

North Carolina General Assembly Pending House Committee on Local Government II

Date: 05/22/2003 Time: 09:04 Page: 001 of 001 Day: H-066/S-066

Eccar covernii	0110	
2003-2004 Biennium		Leg. Day: H-066/S-066
Bill Short Title		Date Latest Action
H 210 YANCEY CO. LOCAL ACT-1.	H	04-29-2003 Re-ref Com On Local Government
302 DUPLIN UNPAID WATER FEES COLLECTION.	Н	03-06-2003 Ref To Com On Local Government
H_338—GREENSBORO-VEHICLE TAX.	Н	03-11-2003 Re-ref to the Com on Local Government II and, if favorable, to the Com on Finance
H 466= GREENSBORO_CONSTRUCT ROADS OUTSIDE CITY.	Н	03-13-2003 Ref To Com On Local Government
H-467= GREENSBORO/AIRPORT ANNEXATION AGREEMENTS.	Н	03-13-2003 Ref To Com On Local Government
H_610_ROWLAND_ETJ_EXTENSION.	Н	03-24-2003 Ref To Com On Local Government
H. 764 GASTON SHERIFF VACANCIES.	Н	03-27-2003 Ref To Com On Local Government
(H 771 HALIFAX/COMMERCIAL) ZONING.	Н	03-27-2003 Ref To Com On Local Government
H 184 SATTSBURY TREE ORDINANCES.	Н	03-27-2003 Ref To Com On Local Government
H1021 COUNTY APPROVAL OF INVOLUNTARY ANNEXATION.	Н	04-10-2003 Ref To Com On Local Government
H1064 DELEGATIONS OF AUTHORITY.	Н	04-10-2003 Ref To Com On Local Government
@1200 WATER AND SEWER ASSESSMENT BASIS.		04-10-2003 Ref To Com On Local Government
* 124 LUMBERTON CONSTRUCTION CONTRACTS.	* H	04-30-2003 Ref To Com On Local Government
S 291= GREENSBORO CONSTRUCT ROADS OUTSIDE CITY.	* H	05-01-2003 Ref To Com On Local Government
292 RALEIGH ELECTRONIC NOTICE.*	Н	03-27-2003 Ref To Com On Local Government
FRANKLIN COUNTY AIRPORT OUICK	Н	04-17-2003 Ref To Com On Local Government
S 476 DURHAM TRAFFIC CONTROL MEASURES.	* H	

* SB 292 aut; 5.28-03.

'\$' indicates the bill is an appropriations bill.

A bold line indicates the bill is an appropriations bill.

indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

May 26, 2004

The House Committee on LOCAL GOVERNMENT II met on Wednesday, April 30, 2003 at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Adams, Chair, presided. The following members were present: Representative(s) L. Allen, Capps, Farmer-Butterfield, Frye, Harrell, Justice, Pate, and Walker.

A Visitor Registration list is attached and made a part of the Minutes along with handouts and summaries relating to the bills considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

HB 1378

Representative Tolson was recognized to explain, HB 1378. A BILL TO BE ENTITLED AN ACT TO PERMIT THE EDGECOMBE AND WILSON COUNTY BOARDS OF COMMISSIONERS TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY. Upon motion by Representative Farmer-Butterfield and carried, HB 1378 was given a favorable report.

HB 1420

Representative LaRoque was recognized to explain HB 1420 AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE AND CONCERNING THE GLOBAL TRANSPARK AUTHORITY. <u>Upon motion by Representative Pate and carried</u>, HB 1420 was given a favorable report.

HB 1474

Representative Pate offered an amendment. Representative Rapp, was recognized to explain HB 1474 AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE. Rep. Frye moved to adopt amendment. <u>Upon motion</u> by Representative Frye and carried, report of propresed committee substitute as

amended for HB 1474 was given a favorable report, unfavorable to original report.

HB 1363

Representative Walend, was recognized to explain, HB 1363 AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY. Upon motion by Representative Capps and carried, HB 1363 was given a favorable report.

HB 1364

Representative Walend, was recognized to explain, HB 1364 AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES <u>Upon motion by Representative Farmer-Butterfield and carried, HB 1364 was given a favorable report.</u>

HB 1462

Representative Frye, was recognized to explain, HB 1462 AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES. <u>Upon motion by Representative Walker and carried</u>, HB 1462 was given a favorable report

There being no further business before the Committee, the meeting adjourned at 10:35 am.

Representative Alma Adams

Chair

Rhonda S. Towns
Committee Assistant

ATTACHMENTS:

NORTH CAROLINA HOUSE OF REPRESENTATIVES **COMMITTEE MEETING NOTICE** AND

BILL SPONSOR NOTIFICATION 2003-2004 SESSION

as follows:	ned that the Committee on LOCAL GOVEN	ANNIENT II WIN INCC		
DAY & DATE:	Wednesday, May 26, 2004			
TIME:	10:00 a.m.			
LOCATION:	Room 425 LOB			
The following bills will be considered Bill # & Short Title & (Bill Sponsor):				
HB 1363 Lake To HB 1364 Transyl HB 1378 Edgecom HB 1420 Regional HB 1462 Seven D	urn Mayor's Term oxaway Motor Vehicle Regulation vania Land Acquisition/Conveyance nbe/Wilson DeedsRep. Tolson; Rep. Agency Debt Setoff evils Regulate Golf Carts/Util. Veh. County Construction	. Rep. LaRoque		
	Respectfully, Representative Alma Adams Chair	S		
I hereby certify this notice was filed by the committee assistant at the following offices at 10:00 am on May 20, 2004.				
Principa Reading	l Clerk Clerk - House Chamber			
Rhonda Towns (Committee Assistant)				

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for H.B. 1363 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.
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) 03/19/03



HOUSE BILL 1363: Lake Toxaway Motor Vehicle Regulation

Committee: House Local Government II

Date:

May 26, 2004

Version:

1st Edition

Introduced by: Rep. Walend

Summary by:

Giles S. Perry

Committee Counsel

SUMMARY: House Bill 1363 provides that the motor vehicle laws of the State apply to the privately owned streets within the community of Lake Toxaway.

CURRENT LAW: Under current law, the motor vehicle laws of the State apply only to public streets and highways, and in some cases to public vehicular areas.

House Bill 1363 extends the applicability and enforceability of the motor vehicle **BILL ANALYSIS:** laws of the State to the private streets, roadways, and alleys on the properties owned or controlled by the Lake Toxaway Property Owners' Association, Inc. The bill specifically exempts the private orads in Lake Toxaway from any State law prohibition or regulation of private golf carts.

The bill also provides that the current speed limits on the streets in the Lake Toxaway community shall remain in effect, unless a change is approved by the Transylvania County Commissioners.

House Bill 1363 would become effective when it becomes law.

BACKGROUND: The General Assembly has previously enacted local legislation making the motor vehicle laws of the State applicable in the following communities: Carolina Trace in Lee County, Seven Lakes in Moore County, Lake Royale in Franklin and Nash Counties, West Side in Moore County, and Sanders Forest and Bent Tree in Brunswick County.

H1363-SMRW-001

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.		
Committee Substitute for H.B. 1420 A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE.		
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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.		
☐ 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) 03/19/03		



HOUSE 1420: Regional Agency Debt Setoff

Committee: House Local Gov. II

Date:

May 25, 2004

Version:

1st Edition

Sponsor:

Summary

bv:

Rep. LaRoque

Martha Harris and Giles

Perry, Staff Attorneys

House Bill 1420 extends to local governments acting jointly the same setoff SUMMARY: debt collection procedures currently allowed to local governments acting alone, effective for refunds determined on or after January 1, 2005.

CURRENT LAW: Under the current Setoff Debt Collection Act, the Department of Revenue diverts part or all of an individual's income tax refund to pay a debt an individual owes to a State or local agency.

Thus, the debt the individual owes the agency is "set off" against the individual's income tax refund.

The Setoff Debt Collection Act applies only to a debt that is at least \$50 and to a refund that is at least \$50. Debts collected through the Setoff Debt Collection Act are subject to both a State collection assistance fee and a local collection assistance fee. The amount of the local fee is \$15. The amount of the State collection assistance fee is based on the Department's actual cost of collection debts under the Act during the preceding year. That fee has been between \$4 and \$5 each year.

BILL ANALYSIS: This bill would add regional joint agencies to the Setoff Debt Collection Act.

Under Chapter 160A of the General Statutes, units of local government may enter into contracts or agreements with each other in order to execute any undertaking. This bill would provide that if two or more counties, cities, or both enter into such an agreement, the regional joint agency created by the local entities may utilize the setoff debt collection program to the same extent the local governments could do so if acting alone. Like other agencies, the regional joint agency will be authorized to submit its debts for collection by setoff only after providing the debtor with notice, an opportunity to be heard before the agency, and an appeal process under the Administrative Procedure Act.

Before January 1, 2000, the setoff program was open only to State agencies. Now, counties, municipalities, and water and sewer authorities participate through a clearinghouse that submits debts on their behalf to the Department of Revenue. Because there are so many local agencies, funneling their claims through a clearinghouse avoids placing an undue administrative burden on the Department of Revenue. Under current law, counties submit debts for setoff as State rather than local agencies to the extent they are operating child support enforcement programs or programs supervised by the Department of Health and Human Services. This bill would retain that process by treating regional joint agencies the same as counties operating or administering these programs.

House Bill 1420 would become effective January 1, 2004, and apply to income tax refunds determined on or after that date.

H1420-SMRW-001

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 1378 A BILL TO BE ENTITLED AN ACT TO PERMIT THE EDGECOMBE AND WILSON COUNTY BOARDS OF COMMISSIONERS TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY.
	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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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.
	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) 03/19/03



HOUSE BILL 1378: Edgecombe/Wilson Deeds

Committee: House Local Government II

Date:

May 25, 2004

Version:

1st Edition

Introduced by: Reps. Tolson and Farmer-

KIG

Butterfield

Summary by:

Kory J. Goldsmith

Committee Counsel

BILL ANALYSIS: This bill authorizes the boards of commissioners of Edgecombe and Wilson counties to pass a resolution requiring the register of deeds in each of these counties to refuse to accept any deed for registration if there are delinquent property taxes on the property described in the deed or if there are any taxes that are a lien against the property. The county tax collector must first certify that there are no delinquent taxes owing on the property or any or liens on the property. A register of deeds may accept a deed that is not accompanied by a certification by the county tax collector if the closing attorney certifies on the deed that the attorney will pay any delinquent taxes upon disbursement of the closing proceeds.

There are 38 counties that currently have this authority.

This act is effective when it becomes law.

H1378-SMRC-001

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for H.B. 1462 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.
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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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.
☐ 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)



HOUSE BILL 1462: Seven Devils Regulate Golf Carts/Utility Vehicles

Committee: House Local Government II

Date:

May 26, 2004

Version:

1st edition

Introduced by: Rep. Frve

Summary by:

Giles S. Perry

Committee Counsel

SUMMARY: House Bill 1462 authorizes the Town of Seven Devils to regulate the operation of electric golf carts and utility vehicles on public streets within the municipality.

CURRENT LAW: Under current law, vehicles intended to be operated on the streets and highways of the State must be registered (G.S. 20-50), and golf carts and utility vehicles cannot be registered (G.S. 20-54).

House Bill 1462 authorizes the Town of Seven Devils to enact an ordinance to **BILL ANALYSIS:** authorize the operation of electric golf carts and utility vehicles on any public street or road within the Town.

House Bill 1462 would become effective when it becomes law.

BACKGROUND: The General Assembly has previously granted similar authority to the Town of Lake Waccamaw, the Town of Cary, the Village of Whispering Pines, and the Town of Beach Mountain.

H1462-SMRW-001

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for H.B. 1474 A BILL TO BE ENTITLED AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC- PRIVATE INITIATIVE.
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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.
☐ 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) 03/19/03



HOUSE BILL 1474: Yancey County Construction.

Committee: House Local Government II

May 25, 2004

Version:

Date:

1st Edition

Introduced by: Representative Rapp

Summary by:

Kory J. Goldsmith 156

Committee Counsel

SUMMARY: HB 1471 would allow Yancey County to contract for, construct, or acquire title to real property described in Deed Book 451, Page 474, Yancey County Registry, and be exempt from Article 8 of Chapter 143 regarding public contracts.

CURRENT LAW: Article 8 of Chapter 143 sets out the procedures that State agencies and units of local government must use when entering into construction contracts. These statutes include public bidding procedures and govern the types of construction contracts that may be utilized.

The act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for H.B. 1364 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.
⊠ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.
☐ 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) 03/19/03



HOUSE BILL 1364: Transylvania Land Acuisition/Conveyance

Committee: House Local Government II

Date: May 25, 2004

1st Edition Version:

Introduced by: Representative Walend

Summary by: Kory J. Goldsmith 444

Committee Counsel

SUMMARY: This bill would authorize Transylvania County to acquire property and convey it to the State for use as correctional facilities. There would be no limitation on the terms of the acquisition or conveyance; it may be with or without consideration. The county is authorized to use the power of eminent domain for such purpose.

The act is effective when it becomes law.

BACKGROUND: In Carter v. Stanly County, 125 N.C. App. 628 (1997), the Court of Appeals reviewed a case in which the plaintiffs had sued Stanly County and its Board of Commissioners to prevent the acquisition of private property, and its conveyance to the State for use as a correctional facility. The court reviewed the statutes in effect at the time of the action, and found that the Commissioners had exceeded their authority under the applicable statutes, G.S. 153A-158 and G.S. 160A-274(b) as limited by Dillon's Rule. However, the court noted that after the filing of the lawsuit, the General Assembly had enacted a local law specifically authorizing Stanley County to acquire real and personal property and convey it to the State. Based upon the act, the court held that the Commissioners acted within their authority. The bill amends the same local law relied upon by the court in Carter v. StanlyCounty.

[Note: a change to one of the applicable statutes has been made since the lawsuit. General Statute 160A-274(b) was amended to delete a requirement that the property be jointly used with another governmental agency].

H1364-SMRC-001

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VISITOR REGISTRATION SHEET

House/LOCAL GOVERNMENT II

05/26/04

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS
House District 118
Vancey County, Bar 217 Burnshillel
Vancey County, Bar 217 Burnsville N N. C! Association of County commissioners
NAHUNWIDE Insurance
NC League of Municipalities
D.O.R.
SPEAKER BLACK'S OFFICE
Topsail High School (Visitor of Trop. Inotice)
DOR
CARULINAS AGC
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VISITOR REGISTRATION SHEET

LOCAL @ Beg. G	orit 5-26-04
Name of Committee	Date
VISITORS: PLEASE SIGN BELOW A	AND RETURN TO COMMITTEE ASSISTANT
NAME	FIRM OR AGENCY
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Home tones	Attorney - Raleigh
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LOCALN Reg. GOT 5/26/04

Hou	se	Pa	ages

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1.	Name: Chris Rich	
	County: Wayne GA	
	Sponsor: representative MacCorres.	
2.	Name: Robert Girdian	I.A.
	County: Mecklen bever	
	Sponsor: rep. C. Wilson	Phondatours
3.	Name: Hizobeth Edwards	
	County: Rowan	
	Sponsor: Rep. Courtes	
4.	Name:	
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5.	Name:	
	County:	
	Sponsor:	•
<u>Sgt</u>	-At-Arms	
. 1.	Name: MARTHA PARRISH	
2.	Name: PAUL CHRRY	
3.	Name: FRANK PREVO	4.

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

June 2, 2004

The House Committee on LOCAL GOVERNMENT II met on Wednesday, April 30, 2003 at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative L. Allen, Vice-Chair, presided. The following members were present: Representative(s) L. Allen, Capps, Farmer-Butterfield, Frye, Harrell, Justice, Pate, and Walker,

A Visitor Registration list is attached and made a part of the Minutes along with handouts and summaries relating to the bills considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Vice-Chair Allen introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

SB 1189

Representatives Hill was recognized to explain, SB 1189. AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS. Representative Walker moved to adopt proposed committee substitute, motion carried. Upon motion by Representative Decker and carried, SB 1189 was given a favorable report.

HB 1569

Representatives Hill was recognized to explain, HB 1569. AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES. Representative Walker moved to adopt proposed committee substitute, motion carried. **Upon motion by Representative Walker and carried, HB 1569 was given a favorable report.**

SB 1122

Representative Insko was recognized to explain SB 1122 AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN. Representative Walker moved to adopt proposed committee substitute, motion carried. Upon motion by Representative Decker and carried, SB 1122 was given a favorable report, for proposed committee substitute, unfavorable to original bill.

HB 1547

Representative Insko was recognized to explain HB 1547 AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION. Representative Walker moved to adopt proposed committee substitute, motion carried. <u>Upon motion by Representative Decker and carried</u>, SB 1122 was given a favorable report, for proposed committee substitute, unfavorable to original bill.

HB 1669

Representative Bell, was recognized to explain HB 1669 AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC. <u>Upon motion by Representative Walker and carried, HB 1669</u> was given a favorable report..

HB 1728

Representative L. Allen, was recognized to explain HB 1728 AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT. Representative Capps moved to adopt proposed committee substitute, motion carried. Upon motion by Representative Mitchell and carried, HB 1728 was given a favorable report, for committee substitute, unfavorable to original bill.

SB 1288

Representative Sloan, was recognized to explain HB 1288 A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY. Upon motion by Representative Mitchell and carried, SB 1288 was given a favorable report

SB 1093

Representative Tolson, was recognized to explain SB 1093 AN ACT TO ADD EDGECOMBE, HALIFAX, LENOIR, NASH, PENDER, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES. Upon motion by Representative Farmer-Butterfield and carried, SB 1093 was given a favorable report

There being no further business before the Committee, the meeting adjourned.

Representative Lucy Allen Vice-Chair

Committee Assistant

ATTACHMENTS:

Agenda Local Government II

Wednesday June 2, 2004

SB 1189 Expand Chadbourn ETJ

Sen. Soles (Rep. Hill)

SB 1122 Chapel Hill Special Uses

Proposed Committee Substitute Sen. Kinnaird (Rep. Insko)

HB 1547 Chapel Hill Open Space/Development Rights

Proposed Committee Substitute Rep. Insko

HB 1569 Columbus County Service Fees

Rep. Hill

HB 1604 Greensboro Claim Settlements

Rep. Bowie

HB 1608 Greensboro Ordinance Publication

Proposed Committee Substitute Rep. Adams

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for S.B. 1189 A BILL TO BE ENTITLED AN ACT AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.
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)

FOR JOURNAL USE ONLY

Pursuant to Rule 36(b),	the bill/resolution is placed on the Calendar of
The (committee substitute referred to the Committee	ute) bill/resolution (, as amended,) is (ordered engrossed and) retee on
The bill/resolution is re	-referred to the Committee on
On motion of (Repsubstitute) bill/resolution	on is (ordered engrossed and) re-referred to the Committee on
Pursuant to Rule 36(b), placed on the Calendar Substitute Bill No.	the (House)committee substitute bill (No)/resolution is of (The original bill) (House Committee)/resolution is placed on the Unfavorable Calendar.
On motion of Repand the bill/resolution i	, (the rules are suspended) (Rule is suspended) s placed on today's calendar. (for immediate consideration.)
On motion of Rep adopted (by EV	, Committee Amendment No.(s) is/are
On motion of Repadopted (by EV	, Committee Amendment No.(s) is/are
Repadoption.) (by EV	offers Amendment No which (is adopted.) (fails of) () This amendment changes the title.
	amended,) passes its second reading (by following vote,,) and (remains on the Calendar,) (and there being no I time).
	s amended,) passes its third reading (by the following vote,,) and is ordered
without engrossm sent to the Senate	nent by Special message. c for concurrence in se amendment (s).
	se committee substitute bill.
On motion of Rep(the House concurs in the (material) Senate by the following vote, RC) (, by EV,) and
the hill is ordered enrol	llad



SENATE BILL 1189: Expand Chadbourn ETJ

Committee:

House Local Government II

Commence by

Introduced by: Sen. Soles

Date: Version: June 1, 2004 1st Edition **Summary by:**

Kory J. Goldsmith

Committee Counsel

SUMMARY: Senate Bill 1189 would allow the Town of Chadbourn to regulate land-use not only within its corporate limits but also within an area extending not more than two miles beyond its limits. Under general law, a municipality can only exercise land-use planning within an area one mile beyond its municipal boundaries.

CURRENT LAW: Municipalities have the statutory authority to regulate land-use within their corporate limits and within an area one-mile beyond their municipal boundaries. The area outside the municipal limits, but under the municipality's planning authority, is called the extraterritorial land-use planning jurisdiction (ETJ). Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and regulations governing open spaces and community appearance.

Counties have authority to regulate land-use only over the parts of the county not subject to city planning. However, if a city does not adopt an ordinance specifying the boundaries of its ETJ, then the county may exercise its planning jurisdiction over an area even if the area is within one mile of a municipality's corporate boundaries. If the county is already enforcing planning regulations, zoning regulations, and the State building code in that one-mile area, then a municipality may only exercise its ETJ authority in the one-mile area with the county's permission.

With the approval of the county commissioners, a city with a population between 10,000 and 25,000 may extend its extraterritorial land-use planning jurisdiction to two miles beyond its corporate limits; a city with a population of 25,000 or more may extend its extraterritorial land-use planning jurisdiction to three miles beyond its corporate limits.

BILL ANALYSIS: In 2000, the population of Chadbourn was 2,134. Therefore, under general law, the size of the town prohibits the county commissioners from extending the ETJ of the town beyond the one-mile radius. This local law allows the Town of Chadbourn to exercise its ETJ within two miles of its limits and it does so without requiring the approval of the county commissioners. Chadbourn lies in Columbus County. The growth in Chadbourn County is moving towards the US 74 Corridor. The Town would like to be able to plan for the orderly growth of the area as it develops in that direction.

S1189-SMRC-001

Cindy Avrette, Senate Finance Committee Counsel, contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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SENATE BILL 1189*

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Short Title: Expand Chadbourn ETJ.

(Local)

Sponsors:

Senator Soles.

Referred to: Finance.

May 20, 2004

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A BILL TO BE ENTITLED

AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-360(a) reads as rewritten:

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"(a) All of the powers granted by this Article may be exercised by any city within its corporate limits. In addition, any city may exercise these powers within a defined area extending not more than one mile two miles beyond its limits. With the approval of the board or boards of county commissioners with jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits and a city of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits. The boundaries of the city's extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No city may exercise extraterritorially any power conferred by this Article that it is not exercising within its corporate limits. In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration."

21 **SECTION 2.** This act applies to the Town of Chadbourn only.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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SENATE BILL 1122 PROPOSED HOUSE COMMITTEE SUBSTITUTE S1122-CSRC-91 [v.1]

6/1/2004 5:06:13 PM

Short Title:	Chapel Hill School Sites.	(Local)
Sponsors:	•	
Referred to:		

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-381(d), as it applies under S.L. 2003-237 to the Town of Chapel Hill and that area where the Town of Chapel Hill exercises territorial planning jurisdiction, including any area under that Town's jurisdiction pursuant to a Joint Planning Agreement with Orange County, reads as rewritten:

An ordinance enacted under the authority of this Part may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the council or the planning agency. In order for this authorization to become effective, before approving such plans the council or planning agency and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Prior to the adoption of such plans (or of any amendment to such plans) affecting areas reserved for schools, the owner of that parcel of land reserved for schools or proposed to be reserved for schools, or any portion thereof, as shown on the county tax records, and the owners of all parcels of land abutting that parcel, as shown on the county tax records, shall be mailed a notice of the proposed plans or amendment to plans by first class mail at the addresses shown on such county tax records. Whenever a special use permit or site plan development is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning agency shall immediately notify the board of education and the board shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning agency and no site shall be reserved. If the board does wish to reserve the site, the

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special use permit or site plan development shall not be approved without such reservation. The board of education shall then have $12\underline{\ 18}$ months beginning on the date of final approval of the special use permit or site plan development within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within $12\underline{\ 18}$ months, the owner and applicant for the special use permit or site plan development may treat the land as freed of the reservation."

SECTION 2. This act is effective when it becomes law and applies to special use permits and site plan developments approved on or after that date.



SENATE BILL 1122: Chapel Hill School Sites

Date:

Committee: House Local Government II

June 2, 2004

Version: S1122-CSRC-91[v.1] Introduced by: Senator Kinnaird

Kory J. Goldsmith (JG) Summary by:

Committee Counsel

The bill extends the period of time, from 12 months to 18 months, during which a local board of education may determine whether to acquire a school site that has been reserved by the Town of Chapel Hill's comprehensive land-use plan.

The Proposed Committee Substitute clarifies that the changes in the bill apply to special use permits and site plan developments adopted on or after the date the bill becomes law.

If an ordinance provides for the reservation of school sites under Chapel Hill's CURRENT LAW: comprehensive land-use plan, an applicant for a special use permit that includes any part of a reserved school site may obtain a permit subject to the reservation. The local board of education must indicate that it still wishes to reserve the site at the time of the application for the special use permit. However, the school board has 12 months, beginning on the date of the final approval of the special use permit, to acquire the site by purchase or to initiate condemnation proceedings. If the school board does not acquire the school site during that period of time, the reservation expires.

The bill would extend the period of time from 12 to 18 months during which the **BILL ANALYSIS:** school board must purchase, or initiate condemnation proceedings, on the reserved site. If the school board does not acquire the property during this period of time, the reservation expires.

The act is effective when it becomes law and applies to special use permits and site plan developments adopted on or after that date.

S1122-SMRC-001

Hal Pell, Counsel to Senate State and Local Government Committee, contributed substantially to this summary.

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SESSION 2003

SENATE BILL 1122

GENERAL ASSEMBLY OF NORTH CAROLINA

Short Title: Chapel Hill School Sites.

(Local)

Sponsors:

S

Senator Kinnaird.

Referred to: State Government, Local Government, and Veterans' Affairs.

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-381(d), as it applies under S.L. 2003-237 to the Town of Chapel Hill and that area where the Town of Chapel Hill exercises territorial planning jurisdiction, including any area under that Town's jurisdiction pursuant to a Joint Planning Agreement with Orange County, reads as rewritten:

An ordinance enacted under the authority of this Part may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the council or the planning agency. In order for this authorization to become effective, before approving such plans the council or planning agency and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Prior to the adoption of such plans (or of any amendment to such plans) affecting areas reserved for schools, the owner of that parcel of land reserved for schools or proposed to be reserved for schools, or any portion thereof, as shown on the county tax records, and the owners of all parcels of land abutting that parcel, as shown on the county tax records, shall be mailed a notice of the proposed plans or amendment to plans by first class mail at the addresses shown on such county tax records. Whenever a special use permit or site plan development is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning agency shall immediately notify the board of education and the board shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning agency and no site shall be reserved. If the board does wish to reserve the site, the special use permit or site plan development shall not be approved without such

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General Assembly of North Carolina

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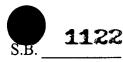
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reservation. The board of education shall then have 12 18 months beginning on the date of final approval of the special use permit or site plan development within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within 12 18 months, the owner and applicant for the special use permit or site plan development may treat the land as freed of the reservation."

SECTION 2. This act is effective when it becomes law.



10: H 1548

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN.

Introduced by Senator(s)	Kinnaird (in wared	· ·
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ne Committee on State Gov., Loc. Gov., & sterans' Affair to whom this bill was referred, majority being present and voting, has carefully insidered the same and recommended that it	MAY 28 2904	
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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II. Committee Substitute for S.B. 1122 A BILL TO BE ENTITLED AN ACT AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWNS ADOPTED COMPREHENSIVE LAND-USE PLAN. 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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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. 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)

03/19/03



HOUSE BILL 1547: Chapel Hill Open Space/Development Rights

Committee: House Local Government II

Date:

June 1, 2004

Version:

H1547-CSRC-92[v.2]

Introduced by: Rep. Insko

Kory J. Goldsmith Summary by:

Committee Counsel

SUMMARY: HB1547 would allow the Town of Chapel Hill to acquire undeveloped land located outside the Town's jurisdiction, but within the county where the Town is located, for the purpose of preserving open space. The Town could also grant severable development credits within its jurisdiction in exchange for the undeveloped property.

The Proposed Committee Substitute combines the provisions of HB 1547 - Chapel Hill Open Space and HB1546 - Chapel Hill Development Rights

The act applies only to the Town of Chapel Hill and is effective when it becomes law.

G.S. 160A-403 authorizes cities and counties to acquire real property within their **CURRENT LAW:** jurisdiction for the purpose of preserving open space.

G.S. 160-381, G.S. 136-66.10, and G.S. 136-66.11 grant to cities the authority to provide in their zoning and subdivision control ordinances for the establishment, transfer, and exercise of severable development rights and density credits. A "severable development right" means the potential for the improvement or subdivision of part or all of a parcel of real property, expressed in dwelling unit equivalents or other measures of development density or intensity or a fraction or multiple of that potential that may be severed or detached from the parcel from which they are derived and transferred to one or more other parcels located in designated districts where they may be exercised in conjunction with the use of subdivision of property.

A city may acquire interests in real property for the purpose of preserving open **BILL ANALYSIS:** space. However, the property must be located within the city's jurisdiction. A city may also grant severable development rights in conjunction with the subdivision and development of real property, but the severable rights must originate in property the city has the authority to zone.

This bill would authorize the Town of Chapel Hill to acquire real property located outside its jurisdiction, but within the county where the Town is located, for the purpose of preserving open space. It would also allow the Town to acquire that open space in exchange for granting severable development credits to property located within its jurisdiction.

H1547-SMRC-001

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SESSION LAW	
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A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE.

		 		
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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1547 PROPOSED COMMITTEE SUBSTITUTE H1547-CSRC-92 [v.2]

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Short Title: Chapel Hill Open Space/Development Rights.	(Local)
Sponsors:	
Referred to:	
May 20, 2004	
A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDIC EXCHANGE FOR GRANTING SEVERABLE DEVELOPMENT WITHIN ITS JURISDICTION. The General Assembly of North Carolina enacts: SECTION 1. G.S. 160A-403 is amended by adding a new substantial.	TION IN RIGHTS
"§ 160A-403. Counties or cities authorized to acquire and reconvey real property (a) Any county or city in the State may acquire by purchase, gift, grant devise, lease, or otherwise, the fee or any lesser interest, development right, covenant, or other contractual right of or to real property within its jurisdiction, when it finds that the acquisition is necessary to achieve the puthis Part. Any county or city may also acquire the fee to any property for the property or leasing the property back to its original owner or other person covenants or other contractual arrangements that will limit the future use of the in accordance with the purposes of this Part, but when this is done, the property conveyed back to its original owner but to no other person by private sale.	easement, respective arposes of ourpose of son under e property ty may be
(b) When a city finds that the acquisition of an interest in undevel property located outside the city's jurisdiction but within the county where the county wh	_
located is necessary to achieve the purposes of this Part, the city may acproperty by any of the means allowed under subsection (a) of this section."	equire the
SECTION 2. G.S. 160A-381 is amended by adding a new subs	section to

read:

"(a1) Notwithstanding the provisions of subsection (a) of this section, a city may grant severable development rights to be used within the city's jurisdiction in exchange for the acquisition or preservation of undeveloped real property in the nearby rural areas of the county in which the city is located."

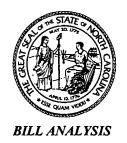
General Assembly of North Carolina

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Session 2003

SECTION 3. This act applies to the Town of Chapel Hill only. 2

SECTION 4. This act is effective when it becomes law.



Date:

HOUSE BILL 1547: Chapel Hill Open Space/Development Rights

Committee: House Local Government II

June 1, 2004

Version: H1547-CSRC-92[v.2]

Introduced by: Rep. Insko

Summary by: Kory J. Goldsmith

Committee Counsel

SUMMARY: HB1547 would allow the Town of Chapel Hill to acquire undeveloped land located outside the Town's jurisdiction, but within the county where the Town is located, for the purpose of preserving open space. The Town could also grant severable development credits within its jurisdiction in exchange for the undeveloped property.

The Proposed Committee Substitute combines the provisions of HB 1547 – Chapel Hill Open Space and HB1546 – Chapel Hill Development Rights

The act applies only to the Town of Chapel Hill and is effective when it becomes law.

CURRENT LAW: G.S. 160A-403 authorizes cities and counties to acquire real property within their jurisdiction for the purpose of preserving open space.

G.S. 160-381, G.S. 136-66.10, and G.S. 136-66.11 grant to cities the authority to provide in their zoning and subdivision control ordinances for the establishment, transfer, and exercise of severable development rights and density credits. A "severable development right" means the potential for the improvement or subdivision of part or all of a parcel of real property, expressed in dwelling unit equivalents or other measures of development density or intensity or a fraction or multiple of that potential that may be severed or detached from the parcel from which they are derived and transferred to one or more other parcels located in designated districts where they may be exercised in conjunction with the use of subdivision of property.

BILL ANALYSIS: A city may acquire interests in real property for the purpose of preserving open space. However, the property must be located within the city's jurisdiction. A city may also grant severable development rights in conjunction with the subdivision and development of real property, but the severable rights must originate in property the city has the authority to zone.

This bill would authorize the Town of Chapel Hill to acquire real property located outside its jurisdiction, but within the county where the Town is located, for the purpose of preserving open space. It would also allow the Town to acquire that open space in exchange for granting severable development credits to property located within its jurisdiction.

H1547-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H HOUSE BILL 1547

Short Title:	Chapel Hill Open Space.	(Local)
Sponsors:	Representatives Insko and Hackney (Primary Sponsors).	
Referred to:	Local Government II.	

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-403 reads as rewritten:

"§ 160A-403. Counties or cities authorized to acquire and reconvey real property.

Any county or city in the State may acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, the fee or any lesser interest, development right, easement, covenant, or other contractual right of or to real property within its respective jurisdiction, when it finds that the acquisition is necessary to achieve the purposes of this Part. Additionally, when it finds that the acquisition is necessary to achieve the purposes of this Part, a city may acquire real property under the prior sentence if the property is beyond its jurisdiction. Any county or city may also acquire the fee to any property for the purpose of conveying or leasing the property back to its original owner or other person under covenants or other contractual arrangements that will limit the future use of the property in accordance with the purposes of this Part, but when this is done, the property may be conveyed back to its original owner but to no other person by private sale."

SECTION 2. This act applies to the Town of Chapel Hill only.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H HOUSE BILL 1569

Short Title:	Columbus County Service Fees.	(Local)
Sponsors:	Representative Hill.	
Referred to:	Local Government II.	

May 20, 2004

A BILL TO BE ENTITLED

AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY AND THE MUNICIPALITIES LOCATED WITHIN THAT COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2003-270 reads as rewritten:

"SECTION 4. This act applies only to Columbus, Davie, Duplin, and Lenoir Counties, county water and sewer districts located in Columbus, Davie, Duplin, or Lenoir County, county service districts located within Columbus, Davie, Duplin, or Lenoir County, and municipalities located wholly or partially within Columbus, Davie, Duplin, or Lenoir County."

SECTION 2. This act applies to Columbus County only.

SECTION 3. This act is effective when it becomes law.

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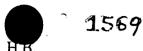
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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 3. 1569 A BILL TO BE ENTITLED AN ACT AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY AND THE MUNICIPLATITES LOCATED WITHIN THAT COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.
\boxtimes	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 the committee substitute bill (#), \square which changes the title, unfavorable as to (the 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.
	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) 03/19/03

FOR JOURNAL USE ONLY

 Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of
 The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re- referred to the Committee on
 The bill/resolution is re-referred to the Committee on
 On motion of (Rep
 Pursuant to Rule 36(b), the (House)committee substitute bill (No)/resolution is placed on the Calendar of (The original bill) (House Committee Substitute Bill No)/resolution is placed on the Unfavorable Calendar.
 On motion of Rep, (the rules are suspended) (Rule is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
 On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
 On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
 Rep offers Amendment No which (is adopted.) (fails of adoption.) (by EV) () This amendment changes the title.
 The bill/resolution (, as amended,) passes its second reading (by following vote, RC) (, by EV,) and (remains on the Calendar,) (and there being no objection is read a third time).
 The bill/resolution (, as amended,) passes its third reading (by the following vote, RC) (, by EV,) and is ordered sent to the Senate.
without engrossment by Special message. sent to the Senate for concurrence in the House amendment (s). the House committee substitute bill. enrolled.
 On motion of Rep, the House concurs in the (material) Senate, the bill is ordered enrolled.
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A BILL TO BE ENTITLED

AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY AND THE MUNICIPALITIES LOCATED WITHIN THAT COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

SEWER SERVICES.				
Introduced by Representative(s): Hill.				
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HOUSE BILL 1569: Columbus County Service Fees

Committee: House Local Government II

Date:

Version:

June 2, 2004 1st Edition

Introduced by: Rep. Hill

Summary by:

Giles S. Perry

Committee Counsel

SUMMARY: House Bill 1569 repeals the authority of Columbus County, and the municipalities in that County, to collect unpaid water and sewer fees through the use of attachment of personal property, liens on real property, and garnishment of wages.

CURRENT LAW: Under current law, Columbus County, and water and sewer districts, county service districts, and municipalities in that County, are authorized to use attachment of personal property, liens on real property, and garnishment of wages to collect unpaid water and sewer fees.

House Bill 1569 repeals the authority of Columbus County, and water and sewer **BILL ANALYSIS:** districts, county service districts, and municipalities in that County, to use attachment of personal property, liens on real property, and garnishment of wages to collect unpaid water and sewer fees.

House Bill 1569 would become effective when it becomes law.

H1569-SMRW-001

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for H.B. 1604 A BILL TO BE ENTITLED AN ACT AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS.
With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee or 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.
☐ 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) 03/19/03

FOR JOURNAL USE ONLY

	Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of
	The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) rereferred to the Committee on
	The bill/resolution is re-referred to the Committee on
	On motion of (Rep
	Pursuant to Rule 36(b), the (House)committee substitute bill (No)/resolution is placed on the Calendar of (The original bill) (House Committee Substitute Bill No)/resolution is placed on the Unfavorable Calendar.
	On motion of Rep, (the rules are suspended) (Rule is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
	On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
	On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
	Rep offers Amendment No which (is adopted.) (fails of adoption.) (by EV) () This amendment changes the title.
	The bill/resolution (, as amended,) passes its second reading (by following vote,
	The bill/resolution (, as amended,) passes its third reading (by the following vote,
	On motion of Rep, the House concurs in the (material) Senate (by the following vote, RC) (, by EV,) and the hill is ordered enrolled



HOUSE BILL 1604: Greensboro Claim Settlement

Committee: House Local Government II

June 2, 2004 Date:

1st Edition Version:

Introduced by: Rep. Bowie

Summary by: Giles S. Perry Committee Counsel

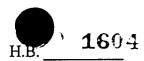
SUMMARY: House Bill 1604 amends the Charter of the City of Greensboro to authorize the City manager to settle claims of up to \$300,000 against the city, subject to the approval of the City attorney.

Under current law, the City manager of Greensboro is authorized to settle claims **CURRENT LAW:** against the City of up to \$50,000, subject to the approval of the City attorney.

House Bill 1604 amends the Charter of the City of Greensboro to authorize the **BILL ANALYSIS:** City manager to settle claims of up to \$300,000 against the City, subject to the approval of the City attorney.

House Bill 1604 would become effective when it becomes law.

H1604-SMRW-001





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A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS.

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SESSION 2003

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HOUSE BILL 1604

(Local) Short Title: Greensboro Claim Settlements. Representatives Bowie; Adams, Jones, Jeffus, Blust, and Wood. Sponsors: Referred to: Local Government II.

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7.03 of the Charter of the City of Greensboro, being Section 1 of Chapter 1137 of the 1959 Session Laws, as amended by Chapter 686 of the 1961 Session Laws, Chapter 55 of the 1963 Session Laws, Chapter 213 of the 1973 Session Laws, Chapter 159 of the 1981 Session Laws, Chapter 4 of the 1991 Session Laws, and Chapter 680 of the 1995 Session Laws, is rewritten to read:

"Sec. 7.03. Settlement of claims by city manager.

The city manager may settle claims against the city for: (i) personal injury or for damages to property when the amount involved does not exceed the sum of three hundred thousand dollars (\$300,000) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred, and (ii) the taking of property for rights-of-way in connection with public improvements which the city is authorized by law to make, when the amount involved in any such settlement does not exceed the sum of three hundred thousand dollars (\$300,000) and does not exceed the actual loss sustained. Settlement of a claim by the city manager pursuant to this section shall constitute a complete release of the city from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such releases shall be subject to the approval of the city attorney."

SECTION 2. This act is effective when it becomes law.



HOUSE BILL 1608: **Greensboro Ordinance Publication**

Committee: House Local Government II

June 2, 2004 Date:

Version: H1608-CSRW-76 [v.1] Introduced by: Rep. Adams

Summary by:

Local Government II

Committee Counsel

SUMMARY: House Bill 1608 repeals the section of the Charter of the City of Greensboro requiring city ordinances to be published in their entirety in a newspaper, and providing that they become effective upon newspaper publication.

CURRENT LAW: Under current general NC law, municipal ordinances become effective on the date of adoption, or later if specified in the text of the ordinance. The Charter of the City of Greensboro currently has n additional requirement of newspaper publication.

BILL ANALYSIS: House Bill 1608 repeals the section of the Charter of the City of Greensboro requiring city ordinances to be published in their entirety in a newspaper, and providing that they become effective upon newspaper publication.

House Bill 1608 would become effective when it becomes law, and applies to ordinances adopted on or after that date.

H1608-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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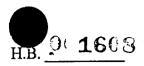
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HOUSE BILL 1608 PROPOSED COMMITTEE SUBSTITUTE H1608-CSRW-76 [v.2]

6/1/2004 3:03:16 PM

Short Title: Greensboro Ordinance Publication.	(Local)
Sponsors:	
Referred to:	
May 20, 2004	
A BILL TO BE ENTITLED	
AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CIT	ry can
FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION	ON OF
ORDINANCES.	
The General Assembly of North Carolina enacts:	
SECTION 1. Section 3.42(c) of the Charter of the City of Greensbo	ro, being
Chapter 1137 of the 1959 Session Laws, as amended by Section 7 of Chapter 6	86 of the
1961 Session Laws, is repealed.	
SECTION 2. This act is effective when it becomes law, and a	pplies to
ordinances adopted on or after that date.	



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SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1608

Short Title: Greensboro Ordinance Publication.

(Local)

1

Sponsors: Representatives Adams; Bowie, Jones, Jeffus, Blust, and Wood.

Referred to: Local Government II.

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.42(c) of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended by Section 7 of Chapter 686 of the 1961 Session Laws, is repealed.

SECTION 2. This act is effective with respect to ordinances adopted on or after the date this act becomes law.

VISITOR REGISTRATION SHEET

LOCAL Government II	June 2,2004
Name of Committee	Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	FIRM OR AGENCY	
Blair Carr	City & Greensboro	
Lindi Miles	City of Freewistered	
John Phelps	NC League of Municipalities	
Paul Zimmerman	NCGA Intern	
Adam Pridemore	NCASA	
Ein Kimien	Nc Conservation Network	
Doughassilor	NCSTA	
<u>Lisa Martin</u>	Me Home Briders H350c.	
Chet Burgess Nice Tenrison	HBA - Durham Orenge Conties - Pre	' S
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House Pages

1.	Name: Ja Kay Pierce
	County: Craven
	Sponsor: Wainwright
2.	Name: Mercdith Fraiser
	County: Le ake
	Sponsor: Dorgan
3.	Name: Angela Tyson
	County: Harnett
•	Sponsor: <u>Lewis</u>
4.	Name: Ashton Piper
•	County: Franklin
	Sponsor: Lucy Allen
5.	Name: Andrew Bell
	County: Cumberland
	Sponsor: Margaret Dickson
Sgt-	At-Arms
1.	Name: MARTHA PARRISH
2.	Name: PAUL (HRRY
3.	Name: Leslie Oakley
4.	Name: FRANK PREND

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

June 23, 2004

The House Committee on LOCAL GOVERNMENT II met on Wednesday, June 23, 2004 at 10:00 a.m. in Room 425 of the Legislative Office Building. Roster unavailable.

A Visitor Registration list is attached and made a part of the Minutes along with handouts and summaries relating to the bills considered at this meeting. Dialog of the meeting is on tape filed in the office of the Committee Assistant. Tapes of the meetings are kept on file for reference until the next legislative session has convened.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

HB 1726

Representatives Womble and Parmon were recognized to explain, HB 1726. AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS. Representative Walker moved to adopt proposed committee substitute, motion carried. Upon motion by Representative Farmer-Butterfield and carried, HB 1726 was given a favorable report, for committee substitute, unfavorable to original bill.

HB 1737

Representative Womble was recognized to explain HB 1737 AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS. Representative Walker moved to adopt proposed committee substitute, motion carried. Upon motion by Representative Farmer-Butterfield and carried, HB 1737 was given a favorable report, for committee substitute, which changes the title, unfavorable to original bill.

HB 1669

Representative Bell, was recognized to explain HB 1669 AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC. <u>Upon motion by Representative Walker and carried, HB 1669</u> was given a favorable report.

HB 1728

Representative L. Allen, was recognized to explain HB 1728 AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT. Representative Capps moved to adopt proposed committee substitute, motion carried. Upon motion by Representative Mitchell and carried, HB 1728 was given a favorable report, for committee substitute, which changes its title, unfavorable to original bill.

SB 1288

Representative Sloan, was recognized to explain HB 1288 A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY. <u>Upon motion by Representative Mitchell and carried, SB 1288 was given a favorable report</u>

SB 1093

Representative Tolson, was recognized to explain SB 1093 AN ACT TO ADD EDGECOMBE, HALIFAX, LENOIR, NASH, PENDER, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES. Upon motion by Representative Farmer-Butterfield and carried, SB 1093 was given a favorable report

SB 1703 was removed from today's agenda.

There being no further business before the Committee, the meeting adjourned.

Représentative Adams

Chair

Rhonda S. Towns
Committee Assistant

ATTACHMENTS:

Agenda

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

June 23, 2003 Room 425 LOB 10:00 am

Call to Order Opening Remarks Introductions Agenda Items

HB 1669 Clinton City Schools Property Ti	ransfer Representative Bell
HB 1703 Avery/Heritage Park Authority	Representative Fye
HB 1726 Winston-Salem Code Enforcement	Representatives Parmon, McGee, Womble
HB 1728 Lake Royale Police Authority	Representative L. Allen
HB 1737 Winston-Salem Structures	Representatives Parmon, McGee, Womble
SB 1093 Edgecombe/Wilson Tax Certifica	tion Sen. Jenkins
SB 1288 Mooresville Streets & Sidewalks	Sen. Sloan

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
_	Committee Substitute for 1. 1669 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC.
\boxtimes	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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	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) 03/19/03

FOR JOURNAL USE ONLY

Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of
The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re- referred to the Committee on
The bill/resolution is re-referred to the Committee on
On motion of (Rep
Pursuant to Rule 36(b), the (House)committee substitute bill (No)/resolution is blaced on the Calendar of (The original bill) (House Committee Substitute Bill No)/resolution is placed on the Unfavorable Calendar.
On motion of Rep, (the rules are suspended) (Rule is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
Rep offers Amendment No which (is adopted.) (fails of adoption.) (by EV) () This amendment changes the title.
The bill/resolution (, as amended,) passes its second reading (by following vote,
The bill/resolution (, as amended,) passes its third reading (by the following vote,
without engrossment by Special message. sent to the Senate for concurrence in the House amendment (s). the House committee substitute bill. enrolled.
On motion of Rep, the House concurs in the (material) Senate (by the following vote, RC) (, by EV,) and the bill is ordered enrolled.

3. Bell 6-23-04 LGOVT.II-6-23-04 Jaw.

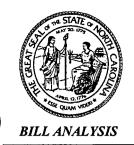
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SESSION LAW ____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC.

ntroduced by Representative(s): B	ell.		·		
					
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ASSED 1st READING					
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AND REFERRED TO COMMITTEE					



HOUSE BILL 1669: Clinton City Schools Property Transfer

Committee: House Local Government II

Date: Version: June 21, 2004

1st Edition

Introduced by: Representative Bell

Kory J. Goldsmith 416 Summary by:

Committee Counsel

SUMMARY: House Bill 1669 would authorize the Clinton City Board of Education to transfer .81 acres of land, including a one story brick and block building, with or without monetary consideration, to the Sampson High School Alumni Association.

The act is effective when it becomes law.

G.S. 115C-518 authorizes school boards to dispose of property by the means used **CURRENT LAW:** by cities and counties under Article 12 of Chapter 160A. These methods include three competitive methods of sale (sealed bid, negotiated offer and upset bid, and public auction), privately negotiated exchanges of property as long as equal value changes hands, and privately negotiated sales in limited circumstances.

Under the North Carolina Constitution, it is generally unconstitutional for a unit of local government to dispose of property for less than its fair market value. However, courts generally deem a negotiated price as appropriate unless there is strong evidence that it is so significantly below market value as to show an abuse of discretion. It is not always constitutionally necessary that a local government unit receive monetary consideration when it conveys property. If the party receiving the property agrees to put it to some public use, that promise constitutes sufficient consideration for the conveyance.

G.S. 160A-279 allows a city to convey real property to any nonprofit agency to which the city is authorized to appropriate funds. However, unlike other provisions Article 12, G.S. 160A-279 specifically limits its application to cities and counties.

House Bill 1669 would allow the City of Clinton Board of Education to convey **BILL ANALYSIS:** .81 acres of land, including a one story brick and block building, with or without monetary consideration, to the Sampson High School Alumni Association.

H1669-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1669

Short Title: Clinton City Schools Property Transfer. (Local)

Sponsors: Representative Bell.

Referred to: Local Government II.

May 26, 2004

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Clinton City Board of Education may convey by private negotiation and sale to the Sampson High School Alumni Association, Incorporated, a nonprofit corporation, with or without monetary consideration, and upon such terms as the Clinton City Board of Education deems appropriate, any or all of its right, title, and interest in the following described property:

A lot containing .81 acres more or less and a one story brick and block building located on Mckoy Street in the City of Clinton, North Clinton Township, North Carolina, being adjacent to and adjoining a tract of land purchased by the Sampson High School Alumni Association in Deed Book 1045 page 247 on the north side and adjacent to and adjoining property owned by Olivet Institutional Baptist Church, in Deed Book 1119 Page 819 on the south side. The said .81 acre tract being all of lot one (1) of land surveyed by Millard T. Owen, III, and recorded in Map Book 35 Page 79 of the Sampson County Registry.

SECTION 2. This act is effective when it becomes law.

3.



HOUSE BILL 1703: Avery/Heritage Park Authority

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Committee: House Local Government II

Date: June 23, 2004

Version: 1st Edition

Introduced by: Rep. Frye

Summary by: Giles S. Perry

Committee Counsel

SUMMARY: House Bill 1703 creates the Heritage Park Authority, to be governed by a nine-member board appointed by the Avery County Board of Commissioners.

BILL ANALYSIS: House Bill 1703 creates the Heritage Park Authority, to be governed by a nine-member Board appointed by the Avery County Board of Commissioners.

The bill does not grant the Authority Board any duties other than the power to have meetings. The bill does specify, however, that the Authority Board may be given additional powers by future acts of the General Assembly or by the Avery County Board of Commissioners.

House Bill 1703 would become effective when it becomes law.

H1703-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1703

Short Title: Avery/Heritage Park Authority. (Local)

Sponsors: Representative Frye.

Referred to: Local Government II.

May 27, 2004

A BILL TO BE ENTITLED

AN ACT CREATING THE HERITAGE PARK AUTHORITY IN AVERY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Creation. – The Heritage Park Authority (Park Authority) is created. The Park Authority is a body politic and corporate having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by general law, by future acts of the General Assembly, or by resolution of the Avery County Board of Commissioners. The Park Authority will become effective when all members are appointed by the Avery County Board of Commissioners.

SECTION 2. Terms of Office. – The Park Authority shall consist of nine members appointed by the Avery County Board of Commissioners. All members shall be permanent residents of Avery County. Of the initial nine members, four members shall be appointed to two-years term, and the remaining five members shall be appointed to one-year terms. Thereafter, all terms shall be for two-year staggered terms. Each member shall take and subscribe to an oath of office supporting the Constitution and applicable laws of the United States, the State of North Carolina, and the requirements set forth in this act. The same oath shall be filed with the Avery County Board of Commissioners. The Avery County Manager shall serve as a nonvoting ex officio member and liaison to Avery County Board of Commissioners. No member of the Avery County Board of Commissioners, nor any other elected official in Avery County, may serve on the Authority.

SECTION 3. Membership. – The membership of the Park Authority shall be appointed by the Avery County Board of Commissioners, as follows:

- (1) One member shall be recommended by the Avery County Agricultural and Horticultural Fair Board.
- (2) One member shall be recommended by the Avery County Recreational Advisory Committee.

- (3) Six members to represent local municipalities, with the Town Councils of Beech Mountain, Banner Elk, Sugar Mountain, Newland, Elk Park, and Crossnore recommending one member each. Persons recommended for these seats must reside in the respective communities that they represent.
- (4) One member to represent the southern portion of Avery County, upon the recommendation of the Green Valley and Frank Volunteer Fire Departments. This member must reside in the community represented.

Regardless of the organization recommending a candidate for appointment, each recommending entity shall have no more than one representative on the Park Authority such that each candidate must be independent of each other entity and may not be associated in any business capacity with the remaining entities. The Avery County Manager shall determine compliance with this section with regards to the candidate's application. The Avery County Board of Commissioners reserves the right to dismiss any or all members of the Park Authority for cause as defined in the terms and conditions of the Park Authority Bylaws and Policy and Procedure Manual, as adopted by the Avery County Board of Commissioners.

SECTION 4. Officers. – The officers of the Park Authority shall consist of a chair, a vice-chair, and a secretary/clerk.

- (1) Election and Term. At the first meeting of each calendar year, the Park Authority shall elect from its own membership, by majority vote, a chair, a vice-chair, and a secretary/clerk, each of whom shall serve for one year or until the officer's death, resignation, retirement, or removal.
- (2) Removal. The chair, vice-chair, or secretary/clerk may be removed from office by a simple majority vote of the Park Authority, whenever in its judgment, the removal is in the best interest of the Park Authority.
- (3) Vacancies. The Park Authority shall fill any vacant officer's position within 30 days.

SECTION 5. Duties of the Officers.

- (1) Chair.— The chair shall preside at all meetings of the Park Authority, appoint all subcommittees, serve as a voting ex officio member of the committees, delegate responsibilities to members, notify members and the media of meeting times and dates, and, upon approval of the Authority members, sign all minutes and any records, vouchers, or other documents connected with the work of the Park Authority requiring a signature. The chair is responsible for the decorum of meetings and may remove from the meeting, by simple majority vote, any member who is deemed to be disruptive.
- (2) Vice-Chair. In the absence of the chair, the vice-chair shall perform the duties of the chair. The vice-chair shall also exercise any duties as from time to time may be assigned to him by the chair of the Park Authority.

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Secretary/Clerk. - The secretary/clerk shall record and maintain the (3) actions of the Park Authority, maintain and secure all pertinent Park Authority materials, and ensure adequate correspondence with Park Authority members.

SECTION 6. Meetings. – The Park Authority shall meet at least monthly for regular meetings. The regular meeting shall be held in a public facility convenient to the public, preferably at the County Office Building. The chair may call special meetings (i) as may be deemed necessary to carry out the duties of the Park Authority, or (ii) within 10 days of a written request of at least four members. Notice of a special meeting shall be given to all Park Authority members and to the public at least 48 hours in advance of the meeting. Five or more members shall constitute a quorum to conduct business. Notice of the agenda items and supporting material to be considered at each regular meeting shall be communicated to all members at least three days prior to each meeting. Meetings shall be conducted in strict compliance with the Policy and Procedures Manual adopted by the Park Authority.

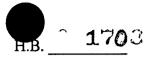
SECTION 7. Voting. - Each Park Authority member shall be entitled to one vote. Members must register their request to abstain from voting on matters that would pose a conflict of interest for the abstaining member. Abstentions shall be allowed only by approval of a majority of the remaining members. If a member leaves the room in an effort to avoid voting and the member's absence breaks a quorum, the members' vote shall be recorded as an affirmative vote.

SECTION 8. Open Process. - Records of the Park Authority are subject to Chapter 132 of the General Statutes, the Public Records Act. Meetings of the Park Authority are subject to Article 33C of Chapter 143 of the General Statutes, the Open Meetings Act.

SECTION 9. Policies and Amendments. – The Park Authority shall adopt a Policy and Procedures Manual. The Avery County Board of Commissioners shall approve the adoption and amendment of the Manual.

SECTION 10. Severability. – If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

SECTION 11. This act is effective when it becomes law.



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SESSION LAW	

A BILL TO BE ENTITLED

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2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II. Committee Substitute for A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF H.B. 1726 WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS. 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 the committee substitute bill, which changes the title, unfavorable as to the original bill.), which changes With a favorable report as to House committee substitute bill (# the title, unfavorable as to Senate committee substitute bill. 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) 03/19/03

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SESSION LA	AW

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.

STANDARDS.		
Introduced by Representative(s): Parmon. Amble Bull Alle	(Primary Spons	5612)
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and referred to committee on Local Consermment		

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1726 PROPOSED COMMITTEE SUBSTITUTE H1726-PCS70484-RC-103

Short Title: Winston-Salem Code Enforcement. (Local)
Sponsors:
Referred to:
May 27, 2004
A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS
OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE
HOUSING TO MEET MINIMUM CODE STANDARDS.
The General Assembly of North Carolina enacts:
SECTION 1. Section 2 of S.L. 2003-76, as amended by S.L. 2003-320,
reads as rewritten:
"SECTION 2. This act applies only to the Cities of Greensboro and Roanoke
Rapids. Greensboro, Roanoke Rapids, and Winston-Salem."
SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1726

1

Short Title:	Winston-Salem Code Enforcement.	(Local)
Sponsors:	Representatives Parmon, Womble, and McGee (Primary Sponsors	s).
Referred to:	Local Government II.	
	Mars 27, 2004	

May 27, 2004

1	A BILL TO BE ENTITLED
2	AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS
3	OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE
4	HOUSING TO MEET MINIMUM CODE STANDARDS.
5	The General Assembly of North Carolina enacts:
6	SECTION 1. Section 2 of S.L. 2003-76 reads as rewritten:
7	"SECTION 2. This act applies only to the City of Greensboro. Cities of Greensboro
8	and Winston-Salem."
9	SECTION 2. This act is effective when it becomes law.



HOUSE BILL 1726: Winston-Salem Code Enforcement

Committee: House Local Government II

Date:

June 21, 2004

Version:

H1726-CSRC-103

Introduced by: Representative Parmon

Summary by:

Kory J. Goldsmith 416

Committee Counsel

House Bill 1726 would clarify the authority of the City of Winston-Salem to order owners of residential property to repair dwellings that are determined to be unfit for human habitation.

The Proposed Committee Substitute makes a technical correction to the 1st Edition of the bill.

CURRENT LAW: G.S. 160A-441 authorizes cities to exercise their police powers to repair, close or demolish dwellings that are found to be unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering the dwellings unsafe, unsanitary, dangerous or detrimental to its residents' health, safety, morals or welfare.

Once a city adopts an ordinance finding that dwellings unfit for human habitation exist in the city, G.S. 160A-443 authorizes the city to adopt and enforce ordinances to address those conditions that must include provisions specifically set out in the statute. G.S. 160A-443(3) requires a designated public officer to proceed in one of the following ways if, after notice and hearing, he determines that a dwelling is unfit for human habitation:

- If repairs can be made at a reasonable cost, order the owner to either:
 - o Repair the dwelling so that it is fit for human habitation; or
 - o Vacate and close the dwelling as a human habitation.
- If repairs cannot be made at a reasonable cost, order the owner to remove or demolish the dwelling.

If the owner fails to comply with an order within the specified period of time, the city may cause the dwelling to be repaired, closed, or demolished after adopting an ordinance, specific to the property, ordering the public officer to proceed.

BILL ANALYSIS: House Bill 1726 would amend G.S. 160A-443 to provide that when it is determined that a dwelling unfit for human habitation can be repaired at a reasonable cost, the public officer must order the owner to repair the dwelling in order to render it fit for human habitation. The public officer would not be authorized to order the owner to vacate and close the dwelling if the cost of repair was reasonable.

The Cities of Greensboro and Roanoke Rapids already have this authority.

EFFECTIVE DATE: The act would be effective when it becomes law.

SESSION LAW 2003-76

AN ACT TO CLARIFY THAT THE CITY OF GREENSBORO MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-443 reads as rewritten:

"§ 160A-443. Ordinance authorized as to repair, closing, and demolition; order of public officer.

Upon the adoption of an ordinance finding that dwelling conditions of the character described in G.S. 160A-441 exist within a city, the governing body of the city is hereby authorized to adopt and enforce ordinances relating to dwellings within the city's territorial jurisdiction that are unfit for human habitation. These ordinances shall include the following provisions:

(1) That a public officer be designated or appointed to exercise the powers prescribed by the ordinance.

That whenever a petition is filed with the public officer by a public authority or by at least five residents of the city charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place within the county in which the property is located fixed not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(3) That if, after notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be

served upon the owner thereof an order,

If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the city may fix a certain percentage of this value as being reasonable), requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or habitation.

b. If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the city may fix a certain percentage of this value as being reasonable), requiring the owner, within the time specified in the order, to remove or demolish such dwelling. However, notwithstanding any other provision of law, if the dwelling is located in a historic district of the city and the Historic District Commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160A-400.14(a).

- (4) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause the dwelling to be repaired, altered or improved or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. improved.
- (5) That, if the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished. The duties of the public officer set forth in subdivisions (4) and (5) shall not be exercised until the governing body shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this Article with respect to the particular property or properties which the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
- (5a) If the governing body shall have adopted an ordinance, or the public officer shall have:
 - In a municipality located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000), other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order;
 - b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or after such proceedings have commenced.

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or
- b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision only applies to municipalities located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000).

[This subdivision does not apply to the local government units listed in

subdivision (5b) of this section.

commenced.

(5b) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order:

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or after such proceedings have

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days;

or

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If it is determined that the repair of the dwelling to render it fit for human b. habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision applies to the Cities of Eden, Greenville, Lumberton, Roanoke Rapids, and Whiteville, to the municipalities in Lee County, and the Towns of Bethel, Farmville, Newport, and Waynesville only.

Liens. -(6)

That the amount of the cost of repairs, alterations or improvements, or a. vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of this Chapter.

If the real property upon which the cost was incurred is located in an b. incorporated city, then the amount of the cost is also a lien on any other real property of the owner located within the city limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be

collected as a money judgment.

If the dwelling is removed or demolished by the public officer, he shall C. sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

If any occupant fails to comply with an order to vacate a dwelling, the public **(7)** officer may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing body pursuant to subdivision (5) authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S.

HOUSE BILL 1726

Page 6

7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing body has ordered the public officer to proceed to exercise his duties under subdivisions (4) and subdivision (5) of this section to vacate and close or remove and demolish the dwelling.

(8) That whenever a determination is made pursuant to subdivision (3) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the public officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The public officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the public officer to wait 45 days before causing removal or demolition."

SECTION 2. This act applies only to the City of Greensboro. **SECTION 3.** This act is effective when it becomes law. In the General Assembly read three times and ratified this the 22nd day of May, 2003.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black Speaker of the House of Representatives

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for H.B. 1728 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYAL, TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT, AND TO PURCHASE EQUIPMENT THROUGH THE DIVISION OF PURCHASE AND CONTRACT.
☐ 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 the committee substitute bill, which changes the title, unfavorable as to the original bill.
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
☐ 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)

LOCAL BILL

Lallen 6-23-04 Lom Sub Janasalle

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H.B.		

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE, TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT, AND TO PURCHASE EQUIPMENT THROUGH THE DIVISION OF PURCHASE AND CONTRACT.

roduced by Representative(s): L. Allen.	1		· •
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ncipal Clerk's Use Only		M.,————————————————————————————————————	
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PASSED 1st READING MAY 27 2004			
and referred to committee on. Cal. Couly Mingry			



HOUSE BILL 1728: Lake Royale Police Authority

BILL ANALYSIS

Committee: House Local Government II

Date:

June 23, 2004

Version:

H1728-CSRW-84[v.2]

Introduced by: Rep. L. Allen

Summary by:

Giles S. Perry

Committee Counsel

House Bill 1728 expands the authority of the Lake Royale (Company) Police SUMMARY:

Department.

BILL ANALYSIS:

House Bill 1728 makes three changes expanding the authority of the Lake Royale (Company) Police Department. The bill:

- Expands the authority of the Lake Royale (Company) Police to include the waters and shoreline of Lake Royale.
- Authorizes the Lake Royale Police, when enforcing the laws on the waters of the Lake and shoreline, to: traverse routes across territory not in the Lake or its shoreline; conduct prisoners in custody to a court or detention facility; and continue pursuit and arrest authority into all of Franklin and Nash Counties for acts within the Lake and its shoreline.
- Authorizes the Lake Royale (Company) Police to participate in the awarding of any grants for the purchase of law enforcement equipment for which the Department is eligible under the rules of the grants.

House Bill 1728 would become effective when it becomes law.

Lake Royale is a private unincorporated residential community in Franklin and **BACKGROUND:** Nash Counties.

H1728-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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D

HOUSE BILL 1728 PROPOSED COMMITTEE SUBSTITUTE H1728-CSRW-84 [v.2]

6/23/2004 9:49:00 AM

Short Title: La	ake Royale Police Authority.	(Local)
Sponsors:		
Referred to:		
	May 27, 2004	
	A BILL TO BE ENTITLED	
AN ACT TO	AUTHORIZE THE LAKE ROYALE POLICE	CE DEPARTMENT TO
	THE LAW ON THE WATERS OF LAK	
COMPETE	FOR GRANTS FOR THE PURCHASE OF	LAW ENFORCEMENT
EQUIPMEN		
	sembly of North Carolina enacts:	
	FION 1.(a) In addition to the powers granted t	•
	plice Department has the powers granted by the	it subsection on all of the
	Royale and its shoreline area. FION 1.(b) In performing duties relating to	the enforcement of the
	ers of Lake Royale or in its shoreline area, an o	
	ent shall have such extraterritorial jurisdiction	•
-	ficer's duties. These duties include investigati	•
4	eves have been, or are about to be, comm	
question, and in	cludes:	
(1)	Traversing by reasonable routes from one	portion of this area to
	another, including across territory not with	in the boundaries of the
	waters of Lake Royale and its shoreline area;	
(2)	Conducting prisoners in custody to a court of	
	may be authorized by law, although this may	involve going outside the
(2)	area in question;	atan an assampatad sciolaton
(3)	Continuing pursuit of and arresting any violation when the grounds for arrest arose within the	-
	that this pursuit may not be conducted by vir	
	boundaries of Franklin and Nash Counties.	tue of tims act beyond the
SEC	FION 2. The Lake Royale Police Department	nt may participate in the

process for the awarding of any grants for the purchase of law enforcement equipment

for which the Department is eligible under the rules of the grant.

General A	ssembly	of Nort	h Cai	rolina
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Session 2003

SECTION 3. This act applies only to the Lake Royale Police Department serving the Lake Royale community in Franklin and Nash Counties.

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1728

Short Title: Lake Royale Police Authority. (Local)

Sponsors: Representative L. Allen.

Referred to: Local Government II.

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE, TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT, AND TO PURCHASE EQUIPMENT THROUGH THE DIVISION OF PURCHASE AND CONTRACT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) In addition to the powers granted to it by G.S. 74E-6(c), the Lake Royale Police Department has the powers granted by that subsection on all of the waters of Lake Royale and its shoreline area.

SECTION 1.(b) In performing duties relating to the enforcement of the laws on the waters of Lake Royale or in its shoreline area, an officer of the Lake Royale Police Department shall have such extraterritorial jurisdiction as may be necessary to perform the officer's duties. These duties include investigations of crimes an officer reasonably believes have been, or are about to be, committed within the area in question, and includes:

- (1) Traversing by reasonable routes from one portion of this area to another although across territory not within the boundaries of the waters of Lake Royale and its shoreline area;
- (2) Conducting prisoners in custody to a court or to detention facilities as may be authorized by law, although this may involve going outside the area in question;
- (3) Continuing pursuit of and arresting any violator or suspected violator as to which grounds for arrest arose within the area in question, except that this pursuit may not be conducted by virtue of this act beyond the boundaries of Franklin and Nash Counties.

SECTION 2. The Lake Royale Police Department may participate in the process for the awarding of any grants for the purchase of law enforcement equipment for which the Department is eligible under the rules of the grant.

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SECTION 3. In consideration of public service, the Lake Royale Polic
Department may purchase gas, oil, and tires for their official vehicles and any other
materials and supplies under State contract through the Department of Administration
and may purchase surplus property through the Department of Administration on th
same basis applicable to counties and municipalities.

The Department of Administration shall make its services available to the Lake Royale Police Department in the purchase of such supplies under the same laws, rules and regulations applicable to nonprofit organizations as provided in G.S. 143-49

SECTION 4. This act applies only to the Lake Royale Police Department serving the Lake Royale community in Franklin and Nash Counties.

SECTION 5. This act is effective when it becomes law.



Sheriff Jerry W. Jones

285 T. Kemp Road
Louisburg, North Carolina 27549
Telephone 919-496-2186
Fax # 919-496-5429

June 10, 2004

Chief Jarrett Umstead Lake Royale Police Department P.O. Box 265 Bunn, N.C. 27508

Chief Umstead,

I am writing you to state my position of support for House Bill 1728 for Lake Royale Police Authority. I think it is a positive step for your department. As you know, we all have safety concerns daily, and your presence and authority on the waters of Lake Royale will improve the safety for all citizens at the lake.

The extension of jurisdiction allowing transport of prisoners in custody to court or a detention facility is equally important for your department also because many unexpected incidents can occur during transport of prisoners. A favorable vote on this bill would be a great help to Lake Royale Police Department.

Please feel free to call on the Franklin County Sheriff's Office for any assistance on this matter. As Sheriff of Franklin County I see your need for this added authority and extend my full support to your efforts in passage of House Bill 1728.

Sincerely,

Jerry W. Jones

Franklin County Sheriff

POLICE DEPARTMENT



Town of Bunn



Monday, June 14, 2004

TO: THE GENERAL ASSYMBLY OF NORTH CAROLINA

FROM: CHIEF MATTHEW L. LITTLE

BUNN POLICE DEPARTMENT

REF: LAKE ROYALE POLICE

HONORABLE REPRESENATIVE.

I WOULD LIKE TO EXPRESS MY SUPPORT FOR THE BILL TO ALLOW LAKE ROYALE TO EXTEND IT'S JURISDICTION TO THE WATER'S OF LAKE ROYALE. THIS WILL PROVIDE CITIZENS OF THE LAKE ROYALE COMMUNITY AN INCREASE IN SAFETY AND SECURITY FOR THEIR COMMUNITY. WITH THE EVER INCREASING THREATS OF TERRORISM TO OUR COUNTRY IT IS ALMOST A NECESSITY. I ALSO FEEL IT IS IMPORTANT THAT THEY BE ABLE TO PARTICIPATE IN ANY MUTUAL AID AGREEMENT WITH OTHER LAW ENFORCEMENT AGENCIES. WITH LIMITATIONS ON RESOURCES FOR SUPPORT IN EMERGENCIES, WE NEED TO RELY ON EACH OTHER AT A LOCAL LEVEL UNTIL HELP CAN BE OBTAIN FROM A STATE LEVEL. THANK YOU FOR YOUR TIME AND ATTENTION IN THIS MATTER.

Marke IL

Youngsville Police Department

112 N Cross St PO Box 190 Phone (919) 556-0500 Fax (919) 556-6640 yngspd@aol.com

May 28, 2004

TO: THE GENERAL ASSEMBLY

FROM: P. LARRY PRITCHETT

CHIEF OF POLICE

REF: LAKE ROYALE POLICE

HONORABLE REPRESENTATIVE,

We would like to show our support for the Lake Royale Company Police in their efforts to extend their jurisdiction to include the lake they surround. It would seem logical that this should happen as they are there and may be able to intervene in a timely manner to prevent loss of life on the lake.

We would also have no problem with their being allowed to apply for law enforcement grants.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for H.B. 1737 A BILL TO BE ENTITLED AN ACT CHANGING THE ONE-YEAR WAITING PERIOD FOR DWELLINGS VACATED AND CLOSED TO SIX MONTHS IN THE CITY OF WINSTON-SALEM CONCERNING REPAIR, DEMOLITION, AND REMOVAL.
☐ 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 the committee substitute bill, which changes the title, unfavorable as to the original bill.
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
☐ 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) 03/19/03

LOCAL BILL

L. GoVT. # . 6-23-04 Jan. to C. And. V

	1737
H.B.	

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT CHANGING THE ONE-YEAR WAITING PERIOD FOR DWELLINGS VACATED AND CLOSED TO SIX MONTHS IN THE CITY OF WINSTON-SALEM CONCERNING REPAIR, DEMOLITION, AND REMOVAL.

ntroduced by Representative	(s): womble, McGee,	and Parmon (Prin	nary Sponsors).	
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ASSED 1st READING				
MAY 27 2004				
AND REFERRED TO COMMITTEE				
on Local Gailan	ment			
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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1737 PROPOSED COMMITTEE SUBSTITUTE H1737-PCS30563-LM-31

Short Title: Winston-Salem/Reidsville Structures. (Local)
Sponsors:
Referred to:
May 27, 2004
A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS. The General Assembly of North Carolina enacts: SECTION 1.(a) G.S. 160A-443(5a) reads as rewritten:
"(5a) If the governing body shall have adopted an ordinance, or the public officer shall have:
 a. In a municipality located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000), other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year six months pursuant to the ordinance or order; b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be
repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year six months pursuant to the ordinance or after such proceedings have commenced, then if the governing body shall find that the owner has abandoned the

intent and purpose to repair, alter or improve the dwelling in order to

render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year six-month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or
- b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision only applies to municipalities located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000)."

SECTION 1.(b) This section applies to the City of Winston-Salem only. **SECTION 2.(a)** G.S. 160A-443(5b) reads as rewritten:

- "(5b) If the governing body shall have adopted an ordinance, or the public officer shall have:
 - a. In a municipality other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year six months pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year six months pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year six-month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or
- b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision applies to the Cities of Eden, Greenville, Lumberton, Roanoke Rapids, and Whiteville, to the municipalities in Lee County, and the Towns of Bethel, Farmville, Newport, and Waynesville only."

SECTION 2.(b) This section applies to the City of Reidsville only. **SECTION 3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1737

(Local)

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Sponsors:

Representatives Womble, McGee, and Parmon (Primary Sponsors).

Referred to: Local Government II.

Short Title: Winston-Salem Structures.

May 27, 2004

	A BILL TO BE ENTITLED
AN ACT CHAN	GING THE ONE-YEAR WAITING

-YEAR WAITING PERIOD FOR DWELLINGS VACATED AND CLOSED TO SIX MONTHS THE CITY \mathbf{N} WINSTON-SALEM CONCERNING REPAIR, DEMOLITION, AND REMOVAL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-443(5a) reads as rewritten:

- "(5a) If the governing body shall have adopted an ordinance, or the public officer shall have:
 - In a municipality located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000), other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year six months pursuant to the ordinance or order;
 - In a municipality with a population in excess of 190,000 by the b. last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year six months pursuant to the ordinance or after such proceedings have commenced.

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the

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dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such one year six month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or
- b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision only applies to municipalities located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000)."

SECTION 2. This act applies to the City of Winston-Salem only.

SECTION 3. This act is effective when it becomes law.



HOUSE BILL 1737: Winston-Salem/Reidsville Structures

Committee: House Local Government II

Date:

June 23, 2004

Version:

H1737-CSLM-31[v.4]

Introduced by: Reps. Womble, McGee,

Parmon

Summary by:

Giles S. Perry Committee Counsel

SUMMARY: House Bill 1737 changes the time the Cities of Winston-Salem and Reidsville must wait before ordering the repair or demolition of a dwelling declared unfit for human habitation from one vear to six months.

Under current law, Winston-Salem and Reidsville are authorized to order the **CURRENT LAW:** repair or demolition of unfit dwellings that have been vacated and closed for a year.

House Bill 1737 changes the time period the Cities of Winston-Salem and **BILL ANALYSIS:** Reidsville must wait before ordering the repair or demolition of a dwelling declared unfit for human habitation from one year to six months.

House Bill 1737 would become effective when it becomes law.

H1737-SMRW-001

6-23-04 privites

03/19/03

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II. Committee Substitute for A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE, NASH, AND S.B. 1093 WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES. 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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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. 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)

FOR JOURNAL USE ONLY

 Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of
 The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re- referred to the Committee on
 The bill/resolution is re-referred to the Committee on
 On motion of (Rep
 Pursuant to Rule 36(b), the (House)committee substitute bill (No)/resolution is placed on the Calendar of (The original bill) (House Committee Substitute Bill No)/resolution is placed on the Unfavorable Calendar.
 On motion of Rep, (the rules are suspended) (Rule is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
 On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
 On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
 Rep offers Amendment No which (is adopted.) (fails of adoption.) (by EV) () This amendment changes the title.
 The bill/resolution (, as amended,) passes its second reading (by following vote, RC) (, by EV,) and (remains on the Calendar,) (and there being no objection is read a third time).
 The bill/resolution (, as amended,) passes its third reading (by the following vote, RC) (, by EV,) and is ordered sent to the Senate.
without engrossment by Special message. sent to the Senate for concurrence in the House amendment (s) the House committee substitute bill. enrolled.
 On motion of Rep, the House concurs in the (material) Senate (by the following vote, RC) (, by EV,) and the hill is ordered enrolled

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	sed Committee	Substitute	For
	1093		

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ADD EDGECOMBE AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

Introduced by Senator(s)	Jankins	
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Principal Clerk's Use Only

Committee Substitute
Adopted
Pursuant to Rule 45.1
MAY 25 2004

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ACED ON CALENDAR FOR

5-27-04

HUNANIMOUS CONSENT WITHDRAWN FROM MAY 27 2004

SED ON CALENDAR FOR 6-1-04

SENATOR SWINDLE JUN 1 2004
AMERICAN AMERICAN 47-0
CHANGES TITLE

PASSED 2nd & 3rd
READINGS
47-0
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HOUSE OF REPRESENTATIVE

REGELVED JUN 2 2004

JUN 2 2004 4 20 m gm PASSED 1 READING

JUN 3 2004

AND REFERRED TO COMMITTEE

Local Government I



SENATE BILL 1093: Edgecombe/Nash/Wilson Tax Certification

Committee:

Date:

House Local Government II

June 22, 3004

Version:

3rd Edition

Introduced by: Sen. Jenkins

Summary by:

Kory J. Goldsmith

Committee Counsel

SUMMARY: Senate Bill 1093 adds Edgecombe, Nash and Wilson Counties to the list of counties that have the authority to require tax certification of a deed prior to registration. The bill becomes effective when it becomes law.

CURRENT LAW: G.S. 161-31 provides that in certain counties, the board of county commissioners may adopt a resolution to require the register of deeds to refuse to register a deed unless the county tax collector has certified that no delinquent taxes are due on the property. The register of deeds must still accept an uncertified deed that is submitted for registration under the supervision of a closing attorney if the deed contains the following statement, "This instrument prepared by: North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds."

The following 48 counties have received this authorization under G.S. 161-31: Alleghany, Anson, Beaufort, Bertie, Cabarrus, Camden, Carteret, Cherokee, Chowan, Clay, Cleveland, Currituck, Davidson, Duplin, Durham, Forsyth, Gaston, Gates, Graham, Granville, Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Lee, Macon, Madison, Martin, Montgomery, Northampton, Pasquotank, Perquimans, Person, Pitt, Polk, Rockingham, Rowan, Rutherford, Stanly, Swain, Transylvania, Vance, Warren, Washington, and Yadkin Counties. In addition to G.S. 161-31, the General Assembly has enacted similar laws that prohibit a register of deeds from registering deeds unless the tax collector has certified that no delinquent taxes are due. These provisions apply to the following local governments: Avery County (1963); Mitchell County (1987); Ashe County (1993); the Towns of Newland, Spruce Pine, and Alleghany County (1997); the Town of Banner Elk (1998); and the Town of Bakersville (1999).

In a county or local government where G.S. 161-31 and other similar State laws do not apply, the register of deeds registers deeds submitted for registration regardless of whether delinquent taxes are due on the property.

BILL ANALYSIS: Senate Bill 1093 adds Edgecombe, Nash, and Wilson Counties to the list of counties that have the authority to require tax certification of a deed prior to registration.

S1093-SMRC-001. Cindy Avrette, committee counsel to Senate Finance Committee, contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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SENATE BILL 1093 Finance Committee Substitute Adopted 5/25/04 Third Edition Engrossed 6/1/04

Short Title: Edgecombe/Nash/Wilson Tax Certification.	(Local)
Sponsors:	-
Referred to:	
May 13, 2004	
A BILL TO BE ENTITLED	
AN ACT TO ADD EDGECOMBE, NASH, AND WILSON COUNTIL	ES TO THOSE
COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION	
ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TA	AXES.
The General Assembly of North Carolina enacts:	
SECTION 1. G.S. 161-31 reads as rewritten:	
"§ 161-31. Tax certification.	
(a) Tax Certification. – The board of commissioners of a coresolution, require the register of deeds not to accept any deed transferring for registration unless the county tax collector has certified that no valorem county taxes, ad valorem municipal taxes, or other taxes we collector is charged are a lien on the property described in the deed commissioners may describe the form the certification must take in its resultance (a1) Exception to Tax Certification. – If a board of county commissioners resolution pursuant to subsection (a) of this section, notwithstanding the register of deeds shall accept without certification a deed submitted under the supervision of a closing attorney and containing this statement.	ng real property delinquent ad with which the ed. The county solution. sioners adopts a e resolution, the for registration nt on the deed:
"This instrument prepared by:, a licensed North Car Delinquent taxes, if any, to be paid by the closing attorney to the coun upon disbursement of closing proceeds."	ty tax collector
(b) Applicability. – This section applies only to Alleghany, A	nson, Beaufort,
Bertie, Cabarrus, Camden, Carteret, Cherokee, Chowan, Clay, Clevel	
Davidson, Duplin, Durham, Edgecombe, Forsyth, Gaston, Gates, Grah	-
Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Lee, M	
Martin, Montgomery, Nash, Northampton, Pasquotank, Perquimans, Per	rson, Pitt, Polk,
Rockingham, Rowan, Rutherford, Stanly, Swain, Transylvania, V	ance, Warren,
Washington, Wilson, and Yadkin Counties."	

SECTION 2. This act is effective when it becomes law.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

Do Not Commictan

From pour chair

6-23-05

03/19/03

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II. Committee Substitute for A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE S.B. 1288 CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY. 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), which changes the With a favorable report as to the committee substitute bill (# title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)), which changes With a favorable report as to House committee substitute bill (# the title, unfavorable as to Senate committee substitute bill. 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)

FOR JOURNAL USE ONLY

	Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of
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	The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re- referred to the Committee on
	The bill/resolution is re-referred to the Committee on
	On motion of (Rep
	Pursuant to Rule 36(b), the (House)committee substitute bill (No)/resolution is placed on the Calendar of (The original bill) (House Committee Substitute Bill No)/resolution is placed on the Unfavorable Calendar.
	On motion of Rep, (the rules are suspended) (Rule is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
	On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
	On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
	Rep offers Amendment No which (is adopted.) (fails of adoption.) (by EV) () This amendment changes the title.
	The bill/resolution (, as amended,) passes its second reading (by following vote, RC) (, by EV,) and (remains on the Calendar,) (and there being no objection is read a third time).
	The bill/resolution (, as amended,) passes its third reading (by the following vote, RC) (, by EV,) and is ordered sent to the Senate.
	without engrossment by Special message sent to the Senate for concurrence in
	the House amendment (s). the House committee substitute bill. enrolled.
	On motion of Rep, the House concurs in the (material) Senate (by the following vote, RC) (, by EV,) and
	the bill is ordered enrolled.

LOCAL BILL

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S.B.	1288
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SESSION LAW

A BILL TO BE ENTITLED

AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT

	STREET AND SIDEWALK IMPRO	, 	•
Introduced by Senator(s)	Sloan Sov	-	
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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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repealed in its entirety.

SENATE BILL 1288*

Short Title: Mooresville Streets and Sidewalks. (Local)

Sponsors: Senator Sloan.

Referred to: State Government, Local Government, and Veterans' Affairs.

May 24, 2004

A BILL TO BE ENTITLED

AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY.

The General Assembly of North Carolina enacts:

SECTION 1. Article VIII of the Charter of the Town of Mooresville, as enacted by Section 1 of S.L. 1975-239, entitled "Street and Sidewalk Improvements", is

SECTION 2. This act is effective when it becomes law.

1



SENATE BILL 1288: Mooresville Streets and Sidewalks

BILL ANALYSIS

Committee: House Local Government II

Date:

June 23, 2004

Version:

1st Edition

Introduced by: Sen. Sloan

Summary by:

Giles S. Perry and Trina

Griffin

Committee Counsel

SUMMARY: Senate Bill 1288 would repeal the special provisions in the Mooresville Town Charter that apply to street and sidewalk improvements. With this repeal, the Town would be subject to the default provisions in Chapter 160A regarding street or sidewalk improvements.

CURRENT LAW: The current town charter provides specific measures for the Board of Commissioners to order street improvements and to assess property owners. Under the charter, the Board of Commissioners has the authority, under certain circumstances, to assess the cost for improvements against the abutting property owners without a petition by those owners requesting the improvements.

BILL ANALYSIS: Senate Bill 1288 would repeal the provisions relating to street and sidewalk improvements in the Town Charter, and the law would default to the provisions of Chapter 160A. Article 10 of Chapter 160A provides for special assessments for street and sidewalk improvements and Article 15 of Chapter 160A provides for the general authority and control of the streets and sidewalks by the local government.

Under Article 10, a city has no authority to levy special assessments for street or sidewalk improvements unless it receives a petition for the improvements signed by at least a majority of the property owners to be assessed, who must represent a majority of the lineal feet of frontage of lands abutting the street to be improved.

Senate Bill 1288 would become effective when it becomes law.

S1288-SMRW-001

VISITOR REGISTRATION SHEET

Local Government II	6-23-04
Name of Committee	Date
VISITORS: PLEASE SIGN BELOW AT	ND RETURN TO COMMITTEE ASSISTANT
NAME	FIRM OR AGENCY
Sale Rhinehard T	DOA- POC
Bob Winters	Lake Royale POA
Philip Isley	1
Ju Miller Willer.	
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Khaner Willer	Statematel
R. Vanl Wilnis	NCHBA
John Phelps	NCLM
Minguison	Capacit Though
Lunnie Phetsomphau	NCAST State
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MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

June 30, 2004

The House Committee on LOCAL GOVERNMENT II met on Wednesday, June 30, 2004 at 10:00 a.m. in Room 425 of the Legislative Office Building. Representative Adams, Chair, presided. The following members were present: Representative(s) L. Allen, Frye, Pate, and Walker.

Motion made by Rep. Pate and properly seconded to adjourn meeting due to no bill sponsors present.

Meeting was adjourned.

Representative Adams

Chair

Rhonda S. Towns

Committee Assistant

ATTACHMENTS:

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

June 30, 2004 Room 425 LOB 10:00 a.m.

CALL TO ORDER

OPENING REMARKS

Representative Alma Adams, Chair

INTRODUCTIONS

AGENDA ITEMS

COMMENTS

ADJOURNMENT

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II. Committee Substitute for S.B. 1370 A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE 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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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. 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) 03/19/03

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S.B	1370			

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND

Introduced by Senator(s)	Ker	:	
	:		
Principal Clerk's Use Only			
Committee Substitute Adopted Pursuant to Rule 45.1 AN 16 2004	JUN 22 2004 AND REFERRED TO COMMITTE ON.LOCAL COLLEGE	TEE	•

CHANGES TITLE

PASSED 2nd & 3rd READINGS JUN 17 2004

ORDERED SENT TO

JUN 21 2004



SENATE BILL 1370: Goldsboro Surplus Lot Disposition.

Date:

Committee: House Local Government II

June 29, 2004

2nd Edition Version:

Introduced by: Senator. Kerr

Summary by: Kory J. Goldsmith

Committee Counsel

This act would provide procedures for the sale of surplus property by the City of SUMMARY: Goldsboro or Wayne County.

CURRENT LAW: The procedures for the sale and disposition of real property is set forth in the General Statutes (Article 12 of Chapter 160A).

BILL ANALYSIS: This bill would provides specific procedures for the sale of surplus real property by the City of Goldsboro and Wayne County. The act would apply to both standard or substandard real property. The determination of "standard" or "substandard" would be made by the Planning and Commuity Development Department. Depending on the classification, different notice, sale, and tax provisions would apply.

The City would be required to do the following when selling standard property:

- Notify adjacent property owners who have bid on surplus property in the past
- Notify all local real estate firms
- Place a "for sale" sign on the property
- Place an advertisement in a local newspaper
- Arrange for the broadcast of at least one public service announcement on a local radio station and a designated TV station.

The city must get the concurrence of Wayne County prior to the sale of any lot if the lot is jointly owned by the city and the county.

The act becomes effective on July 1, 2004.

S1370-SMRC-002

Hal Pell, Committee Counsel to Senate State/Local Government and Veteran's Affairs Committee substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

SENATE BILL 1370

State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/16/04

Short Title: G	oldsboro/Wayne County Surplus Lot Disposition. (Local)
Sponsors:	
Referred to:	
	May 27, 2004
	A BILL TO BE ENTITLED
AN ACT TO	CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS
	O AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO
	NE COUNTY.
	sembly of North Carolina enacts:
	FION 1.(a) Notwithstanding the provisions of Article 12 of Chapter
Caldahara ralat	eneral Statutes, the following procedures may be utilized by the City of
	ive to the sale of surplus real property owned alone by the City or jointly
owned by the C	ity and by Wayne County. FION 1.(b) Substandard surplus real property may be disposed of under
the following p	
	The City Clerk will notify the Planning and Community Development
(1)	Department of the City's receipt of substandard surplus property.
(2)	The Planning and Community Development Department will identify
(2)	all contiguous property owners.
(3)	The Planning and Community Development Department will
(3)	determine if any of the adjoining parcels are substandard.
(4)	If only one of the adjacent lots is substandard, the owner of that lot
(.)	will be deeded the City's surplus lot if the owner elects in writing to
,	receive title to the property in return for one dollar (\$1.00).
(5)	If more than one adjoining parcel to the surplus property is
(0)	substandard, the Planning and Community Development Department
	will contact these property owners to determine their interest in
	receiving the substandard lot. If more than one adjoining property
	owner elects in writing to receive title to a portion of the substandard
	lot, the property will be divided in order to create two standard
	adjoining lots.

1 2		(6)	If dividing the substandard lot among adjoining property owners does not create two standard lots, ownership of the entire lot will be
3		•	awarded to the owner of the adjoining lot with the greater degree of a
4			substandard condition. If not accepted by this adjoining owner, then
5			the lot will be awarded to the other adjoining owner.
6	,	(7)	If the property adjacent to a substandard lot is standard in nature, the
7		` ,	property will be divided among the adjoining property owners. If only
8			one adjoining standard property owner shows interest in the standard
9			lot, full property ownership will be awarded to this owner.
10	;	SECT	ION 1.(c) Standard surplus real property may be disposed of under the
11	following		
12		(1)	The City Clerk will notify the Planning and Community Development
13		` /	Department of the City's receipt of standard real surplus property.
14	((2)	The Planning and Community Development Department will identify
15		` /	all contiguous property owners.
16	((3)	The Planning and Community Development Department will
17		` ,	determine if any of the adjoining parcels are substandard.
18		(4)	If a substandard lot adjoins a standard City surplus lot and the property
19		` ,	owner agrees to pay fifty percent (50%) of the tax value of the surplus
20			lot, this lot will be sold to the owner of the substandard lot at this price
21			without soliciting further additional bids.
22	((5)	If more than one adjoining property is substandard and both property
23			owners are willing to share in the minimum asking price of fifty
24			percent (50%) of the total property tax value of the standard lot, the lot
25			in question will then be subdivided between the two adjoining property
26			owners of substandard lots without soliciting further bids provided this
27			division creates two standard lots. If not accepted by this adjoining
28			owner, then the lot will be awarded to the other adjoining owner.
29	((6)	When all adjacent lots are standard in nature, the Finance Department
30			will conduct the sale of the standard surplus lot. Standard surplus lots
31			will be offered for sale in accordance with the provisions of
32			G.S. 160A-266, provided however, the minimum sales price will be at
33			least fifty percent (50%) of the property's tax value. No bid for the lot
34			under fifty percent (50%) of the property's tax value may be accepted
35			by the City council.
36			ION 2. When selling standard properties, the City of Goldsboro will at
37	a minimun		
38	((1)	Notify the adjacent property owners and individuals and entities who
39			have bid on surplus property in the past as well as all local real chate
40		 `	firms.
41	((2)	Place upon the property a "For Sale" sign.

Place a nonlegal advertisement in a local newspaper.

on a local radio station and PACC 10 TV.

Arrange for the broadcast of at least one public service announcement

(3)

(4)

4

SECTION 3. The City of Goldsboro will contact the County of Wayne for its concurrence prior to beginning the sale of substandard and standard lots which are jointly owned by both governmental entities.

SECTION 4. This act becomes effective July 1, 2004.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for . 1355 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.
\boxtimes	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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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 (# the title, unfavorable as to Senate committee substitute bill.), \(\subseteq \text{ which-changes} \)
	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) 03/19/03





RTED FAVORABLY

SESSION LAW	
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A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR

THE CHARLEST WELL	
Introduced by Senator(s)	Kerr / Un
Principal Clerk's Use Only EILED NAY 2 6 7004	PASSED 2nd & 3rd V PREADINGS JUN 17 2004
PASSED 1d READING MAY 27 2000 AND REFERENCE TO COMMENTED ALL SOU LOC. SOU,	ORDERED SENT TO MOUSE OF REPRESENTATIVE ASLET PRILIT
rmittee on State Gov., Loc. Gov., & Affeir to whom this bill was referred, by being present and voting, has carefully being present and recommended that it	JUN 21 2004 Dr 8 7 -
For the Continues TED FAVORABLY JUN 1 6 2004	JUN 22 2004 AND REFERRED TO COMMITTEE

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

1

SENATE BILL 1355

1

Short Title:	Goldsboro Notice/Ordinance Violation.	(Local)
Sponsors:	Senator Kerr.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	
	May 27, 2004	
	A BILL TO BE ENTITLED	
AN ACT	AUTHORIZING THE CITY OF GOLDSBORO TO GIVE A	ANNUAL
NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS		
ORDINA	ANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEA	AR.
The General	Assembly of North Carolina enacts:	
SI	ECTION 1. Section 2 of S.L. 2003-133 reads as rewritten:	
"SECTION	ON 2. Section 1 of this act applies to the City of Durham Cities of	of Durham
and Goldsbo		,
S	ECTION 2. This act is effective when it becomes law.	



Date:

Version:

SENATE BILL 1355: Goldsboro Notice/Ordinance Violation

Committee: House Local Government II

June 29, 2004

First Edition

Introduced by: Senator Kerr

Summary by: Kory J. Goldsmith 430

Committee Counsel

SUMMARY: Senate Bill 1355 allows the City of Goldsboro to remove refuse and debris from a landowner's property where the city has notified the landowner at least three times in the prior year that the owner is in violation of Goldsboro's refuse and debris ordinance. The cost of the action becomes a lien against the property and is collected as unpaid taxes.

CURRENT LAW:

G.S. 160A-193 grants to cities the authority to remove or otherwise remedy situations that are dangerous or prejudicial to the public health or public safety. The expense of removal is paid by the property owner or becomes a lien against the property that is collected as unpaid ad valorem taxes.

S.L. 2003-133, Section 1, provides that a municipality may notify a chronic violator of the municipality's refuse and debris ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation.

- The expense of the action becomes a lien upon the violator's property and will be collected as unpaid taxes.
- The initial annual notice is served by registered or certified mail.
- Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the refuse and debris ordinance.

Section 2 of S.L. 2003-133 provides that the act applies only to the City of Durham.

(Note: S.L. 2003-133 has been provided on the reverse side.)

BILL ANALYSIS:

Senate Bill 1355 amends Section 2 of S.L. 2003-133 to provide that the act also applies to the City of Goldsboro.

The act is effective when it becomes law.

S1355-SMRC-002

Theresa Matula, Committee Staff to Senate State/Local Government & Veterans Affairs, substantially contributed to this summary.

S.L. 2003-133 HB 735

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may notify a chronic violator of the municipality's refuse and debris ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the refuse and debris ordinance.

SECTION 2. Section 1 of this act applies to the City of Durham only. **SECTION 3.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 4th day of June, 2003.

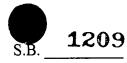
s/ Beverly E. Perdue President of the Senate

s/ Richard T. Morgan Speaker of the House of Representatives

Per Adams

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.
	Committee Substitute for 1209 A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS.
\boxtimes	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 the committee substitute bill (#), which changes the title, unfavorable as to (the 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.
	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)



DRIED FAVORABLY

JUN 1 6 2004

SESSION	LAW			

A BILL TO BE ENTITLED

AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS.

Introduced by Senator(s)	Lucas Lucas	
Principal Clerk's Use Only FILED MAY 19 2004 MAY 20 2004 MAY 30 2004 MAY 20 2004 MAY 30 200	PASSED 2nd & 3rd READINGS JUN 17 2004 ORDERED SENT TO HOUSE OF REPRESENTATIVE OLIVEY PULLED	
Committee on State Gov., Loc. Gov., & ms' Affair to whom this bill was referred, only being present and voting, has carefully ered the same and recommended that it	JUN 21 2004 PM 8 PM	

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

S

SENATE BILL 1209

1

Short Title: Durham Housing Appeals Board. (Local) Sponsors: Senator Lucas. Referred to: State Government, Local Government, and Veterans' Affairs.

May 20, 2004

A BILL TO BE ENTITLED

AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 102(b) of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws as amended by Section 1 of Chapter 756 of the 1987 Session Laws and by S.L. 2003-51, reads as rewritten:

The city council may, by ordinance, also authorize the Housing Appeals Board to hear and decide, without the necessity of further action by the council, any other cases under Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes, Article 11 Articles 3 and 11 of Chapter VI of this Charter, and G.S. 160A-193 which, in the absence of such ordinance, would or may reach the council for action or decision. If a case is heard by the Housing Appeals Board, the same procedures for the hearing of appeals under subsection (a) herein shall apply, and the decision of the board shall be reviewable in the same manner as decisions under subsection (a) herein."

SECTION 2. This act is effective when it becomes law.

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SENATE BILL 1209: Durham Housing Appeals Board

Committee: House Local Government II

June 29, 2004

Version:

Date:

First Edition

Introduced by: Senator Lucas

Summary by:

Kory J. Goldsmith

Committee Counsel

SUMMARY: Senate Bill 1209 allows the Durham city council, by ordinance, to authorize the Housing Appeals Board to hear and decide cases involving shade tree protection, use of public property, suppression of nuisances, fireworks and firearms, Sunday observance, regulation of trash and weeds.

CURRENT LAW:

S.L. 2003-51 amended Section 102(b) of the Charter of the City of Durham to authorize the Housing Appeals Board to hear and decide cases under G.S. 160A-193. G.S. 160A-193 pertains to the abatement of public health nuisances and a city's authority to summarily remove, abate, or remedy everything in the city limits or within one mile thereof, that is dangerous or prejudicial to the public health or public safety.

BILL ANALYSIS:

Senate Bill 1209 allows the Durham city council by ordinance to authorize the Housing Appeals Board to hear and decide cases under Article 3 of Chapter VI of the City of Durham Charter.

Article 3 of Chapter VI pertains to Police Power and authorizes the city council to regulate the following: shade tree protection, use of public property, suppression of nuisances, fireworks and firearms, Sunday observance, regulation of trash and weeds.

This bill is effective when it becomes law.

S1209-SMRC-002

Theresa Matula, Committee Staff to Senate State /Local Govt. & Veterans Affairs, substantially contributed to this summary.

VISITOR REGISTRATION SHEET

Luc Gov + REG I	6-30-04
Name of Committee	Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	FIRM OR AGENCY
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Base	Roya Toly
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pone they	NCACC
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MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT II

July 7, 2004

The House Committee on LOCAL GOVERNMENT II met on Wednesday, July 7, 2004 at 10:00 a.m. in Room 425 of the Legislative Office Building. Roster unavailable.

Dialog of the meeting is on tape filed in the office of the Committee Assistant. The tape of this meeting is inaudible.

Chairman Adams introduced the Pages and recognized staff assigned to the Committee.

The following bills were considered:

SB 1355

SB 1355. A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR. SB 1355 was given a favorable report.

SB 1370

SB 1370. A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY. **SB 1370 was given a favorable report.**

SB 1209

SB 1209 A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS. SB 1209 was given a favorable report,

SB 1356

SB 1356 A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT. SB 1356 was given a favorable report.

SB 1136

SB 1136 A BILL TO BE ENTITLED AN ACT TO CLARIFY TO DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS. SB 1136 was given a favorable report.

There being no further business before the Committee, the meeting adjourned.

Representative Alma Adams

Chair

Rhonda S. Towns

Committee Assistant

ATTACHMENTS:

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.	
Committee Substitute for S.B. 1355 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.	
With a favorable report.	
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.	l
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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.	
☐ 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) 03/19/03	

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

SENATE BILL 1355

1

Short Title: Goldsboro Notice/Ordinance Violation.		(Local)	
Sponsors:	Senator Kerr.		
Referred to:	State Government, Local Government, and Veterans' Affairs.		
	May 27, 2004		

A BILL TO BE ENTITLED 1 AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL 2 NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS 3 ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR. 4 The General Assembly of North Carolina enacts: 5 **SECTION 1.** Section 2 of S.L. 2003-133 reads as rewritten: "SECTION 2. Section 1 of this act applies to the City of Durham Cities of Durham and Goldsboro only."

SECTION 2. This act is effective when it becomes law.



SENATE BILL 1355: Goldsboro Notice/Ordinance Violation

Date:

Committee: House Local Government II

June 29, 2004

Version: First Edition **Introduced by:** Senator Kerr

Summary by: Kory J. Goldsmith 430

Committee Counsel

SUMMARY: Senate Bill 1355 allows the City of Goldsboro to remove refuse and debris from a landowner's property where the city has notified the landowner at least three times in the prior year that the owner is in violation of Goldsboro's refuse and debris ordinance. The cost of the action becomes a lien against the property and is collected as unpaid taxes.

CURRENT LAW:

G.S. 160A-193 grants to cities the authority to remove or otherwise remedy situations that are dangerous or prejudicial to the public health or public safety. The expense of removal is paid by the property owner or becomes a lien against the property that is collected as unpaid ad valorem taxes.

S.L. 2003-133, Section 1, provides that a municipality may notify a chronic violator of the municipality's refuse and debris ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation.

- The expense of the action becomes a lien upon the violator's property and will be collected as unpaid taxes.
- The initial annual notice is served by registered or certified mail.
- Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the refuse and debris ordinance.

Section 2 of S.L. 2003-133 provides that the act applies only to the City of Durham.

(Note: S.L. 2003-133 has been provided on the reverse side.)

BILL ANALYSIS:

Senate Bill 1355 amends Section 2 of S.L. 2003-133 to provide that the act also applies to the City of Goldsboro.

The act is effective when it becomes law.

S1355-SMRC-002

Theresa Matula, Committee Staff to Senate State/Local Government & Veterans Affairs, substantially contributed to this summary.

S.L. 2003-133 HB 735

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may notify a chronic violator of the municipality's refuse and debris ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the refuse and debris ordinance.

SECTION 2. Section 1 of this act applies to the City of Durham only.

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 4th day of June, 2003.

s/ Beverly E. Perdue President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

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

By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.

_	Committee Substitute for . 1370 A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY.
X	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 the committee substitute bill (#), \square which changes the title, unfavorable as to (the 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.
	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) 03/19/03



Date:

SENATE BILL 1370: Goldsboro Surplus Lot Disposition.

Committee: House Local Government II

June 29, 2004

Version: 2nd Edition

Introduced by: Senator. Kerr

Summary by: Kory J. Goldsmith

Committee Counsel

SUMMARY: This act would provide procedures for the sale of surplus property by the City of Goldsboro or Wayne County.

CURRENT LAW: The procedures for the sale and disposition of real property is set forth in the General Statutes (Article 12 of Chapter 160A).

BILL ANALYSIS: This bill would provides specific procedures for the sale of surplus real property by the City of Goldsboro and Wayne County. The act would apply to both standard or substandard real property. The determination of "standard" or "substandard" would be made by the Planning and Commuity Development Department. Depending on the classification, different notice, sale, and tax provisions would apply.

The City would be required to do the following when selling standard property:

- Notify adjacent property owners who have bid on surplus property in the past
- Notify all local real estate firms
- Place a "for sale" sign on the property
- Place an advertisement in a local newspaper
- Arrange for the broadcast of at least one public service announcement on a local radio station and a designated TV station.

The city must get the concurrence of Wayne County prior to the sale of any lot if the lot is jointly owned by the city and the county.

The act becomes effective on July 1, 2004.

S1370-SMRC-002

Hal Pell, Committee Counsel to Senate State/Local Government and Veteran's Affairs Committee substantially contributed to this summary.

SESSION 2003

S

SENATE BILL 1370

GENERAL ASSEMBLY OF NORTH CAROLINA

State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/16/04

Short Title: Goldsboro/Wayne County Surplus Lot Disposition. (Local		
Sponsors:		
Referred to:		
May 27, 2004		
A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY. The General Assembly of North Carolina enacts: SECTION 1.(a) Notwithstanding the provisions of Article 12 of Chapter		
160A of the General Statutes, the following procedures may be utilized by the City of Goldsboro relative to the sale of surplus real property owned alone by the City or jointly owned by the City and by Wayne County. SECTION 1.(b) Substandard surplus real property may be disposed of under		
the following procedures:		
 (1) The City Clerk will notify the Planning and Community Development Department of the City's receipt of substandard surplus property. (2) The Planning and Community Development Department will identify 		
all contiguous property owners. (3) The Planning and Community Development Department will determine if any of the adjoining parcels are substandard.		
(4) If only one of the adjacent lots is substandard, the owner of that lower will be deeded the City's surplus lot if the owner elects in writing to receive title to the property in return for one dollar (\$1.00).		
(5) If more than one adjoining parcel to the surplus property is substandard, the Planning and Community Development Department will contact these property owners to determine their interest is receiving the substandard lot. If more than one adjoining propert owner elects in writing to receive title to a portion of the substandard lot, the property will be divided in order to create two standards.		

adjoining lots.

- The Planning and Community Development Department will
- If a substandard lot adjoins a standard City surplus lot and the property (4) owner agrees to pay fifty percent (50%) of the tax value of the surplus lot, this lot will be sold to the owner of the substandard lot at this price without soliciting further additional bids.
- (5) If more than one adjoining property is substandard and both property owners are willing to share in the minimum asking price of fifty percent (50%) of the total property tax value of the standard lot, the lot in question will then be subdivided between the two adjoining property owners of substandard lots without soliciting further bids provided this division creates two standard lots. If not accepted by this adjoining owner, then the lot will be awarded to the other adjoining owner.
- (6) When all adjacent lots are standard in nature, the Finance Department will conduct the sale of the standard surplus lot. Standard surplus lots will be offered for sale in accordance with the provisions of G.S. 160A-266, provided however, the minimum sales price will be at least fifty percent (50%) of the property's tax value. No bid for the lot under fifty percent (50%) of the property's tax value may be accepted by the City council.

SECTION 2. When selling standard properties, the City of Goldsboro will at a minimum:

- Notify the adjacent property owners and individuals and entities who (1) have bid on surplus property in the past as well as all local real estate firms.
- Place upon the property a "For Sale" sign. **(2)**
- Place a nonlegal advertisement in a local newspaper. (3)
- Arrange for the broadcast of at least one public service announcement **(4)** on a local radio station and PACC 10 TV.

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SECTION 3. The City of Goldsboro will contact the County of Wayne for its concurrence prior to beginning the sale of substandard and standard lots which are jointly owned by both governmental entities.

SECTION 4. This act becomes effective July 1, 2004.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.		
Committee Substitute for		
S.B. 1209 A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS.		
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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.		
☐ 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 2003

S

SENATE BILL 1209

1

Short Title: Durham Housing Appeals Board. (Local)

Sponsors: Senator Lucas.

Referred to: State Government, Local Government, and Veterans' Affairs.

May 20, 2004

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A BILL TO BE ENTITLED

AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS.

The General Assembly of North Carolina enacts:

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SECTION 1. Section 102(b) of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws as amended by Section 1 of Chapter 756 of the 1987 Session Laws and by S.L. 2003-51, reads as rewritten:

"(b) The city council may, by ordinance, also authorize the Housing Appeals Board to hear and decide, without the necessity of further action by the council, any other cases under Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes, Article 11 Articles 3 and 11 of Chapter VI of this Charter, and G.S. 160A-193 which, in the absence of such ordinance, would or may reach the council for action or decision. If a case is heard by the Housing Appeals Board, the same procedures for the hearing of appeals under subsection (a) herein shall apply, and the decision of the board shall be reviewable in the same manner as decisions under subsection (a) herein."

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SECTION 2. This act is effective when it becomes law.



SENATE BILL 1209: Durham Housing Appeals Board

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Committee: House Local Government II

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Introduced by: Senator Lucas

Date: Version:

June 29, 2004 First Edition Summary by:

Kory J. Goldsmith Committee Counsel

SUMMARY: Senate Bill 1209 allows the Durham city council, by ordinance, to authorize the Housing Appeals Board to hear and decide cases involving shade tree protection, use of public property, suppression of nuisances, fireworks and firearms, Sunday observance, regulation of trash and weeds.

CURRENT LAW:

S.L. 2003-51 amended Section 102(b) of the Charter of the City of Durham to authorize the Housing Appeals Board to hear and decide cases under G.S. 160A-193. G.S. 160A-193 pertains to the abatement of public health nuisances and a city's authority to summarily remove, abate, or remedy everything in the city limits or within one mile thereof, that is dangerous or prejudicial to the public health or public safety.

BILL ANALYSIS:

Senate Bill 1209 allows the Durham city council by ordinance to authorize the Housing Appeals Board to hear and decide cases under Article 3 of Chapter VI of the City of Durham Charter.

Article 3 of Chapter VI pertains to Police Power and authorizes the city council to regulate the following: shade tree protection, use of public property, suppression of nuisances, fireworks and firearms, Sunday observance, regulation of trash and weeds.

This bill is effective when it becomes law.

S1209-SMRC-002

Theresa Matula, Committee Staff to Senate State /Local Govt. & Veterans Affairs, substantially contributed to this summary.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.		
Committee Substitute for S.B. 1356 A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT.		
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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.		
☐ 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) 03/19/03		



SENATE BILL 1356: Gibsonville Whitsett Boundary.

Committee: House Local Government II

Introduced by: Senator Berger

Date: Version: July 7, 2004 1st Edition

Summary by:

R. Erika Churchill Committee Counsel

SUMMARY: The bill would adjust the boundaries of the Towns of Gibsonville and Whitsett as agreed upon by those two towns.

CURRENT LAW: Annexation is a method by which towns and cities grow. The town or city must follow statutorily prescribed steps in order to take in an area to its boundaries. North Carolina law sets forth four (4) basic ways in which a town or city may annex an area: voluntary annexation, nonvoluntary annexation, satellite annexation, and legislative act. The general statutes do not set forth a process by which a town may deannex an area.

BILL ANALYSIS: The bill would remove one eight-acre tract of land from the Town of Gibsonville and place it in the Town of Whitsett. The property is currently in the Town of Gibsonville, but is surrounded on all sides by the Town of Whitsett.

The act is effective June 30, 2004.

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GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

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SENATE BILL 1356

Short Title:	Gibsonville Whitsett Boundary.	(Local)
Sponsors:	Senator Berger.	
Referred to:	Finance.	

May 27, 2004

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A BILL TO BE ENTITLED

AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT. 3 SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Town of Gibsonville and is added to the corporate limits of the Town of Whitsett:

A tract of land in Rock Creek Township, Guilford County, adjoining State Road #3064 and being described as follows:

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BEGINNING at an iron stake in the northern portion of the right of way of N. C. State Rd. #3064 (also known as Whitsett Park Road) and running thence North 84 deg. 52' 30" West 417.50 ft. to an iron pin; thence North 05 deg. 17' East 836.22 ft. to an iron pin; thence South 83 deg. 53' 20" East 418 ft. to an iron pin; thence South 05 deg. 17' 50" West 829.0 ft to the POINT AND PLACE OF THE BEGINNING and containing 7.98 acres more or less as shown on the survey performed by N. Glenn Walker, Surveyor, dated March 11, 1968 and being the same property as conveyed in Deed Book 3826 page 1277.

SECTION 2. Section 1 of this act has no effect upon the validity of any liens of the Town of Gibsonville for ad valorem taxes or special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property was still within the corporate limits of the Town of Gibsonville.

SECTION 3. This act becomes effective June 30, 2004.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Adams (Chair) for the Committee on LOCAL GOVERNMENT II.		
Committee Substitute for S.B. 1136 A BILL TO BE ENTITLED AN ACT TO CLARIFY TO DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS.		
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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.		
☐ 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)		



SENATE BILL 1136: Durham Protest Petitions

BILL ANALYSIS

Committee: House Local Government II

June 7, 2004 Date:

Version: 2nd Edition Introduced by: Senator Hunt Summary by:

Barbara Riley

Committee Counsel

SUMMARY:

Senate Bill 1136 amends the charter of the City of Durham to allow the City to adopt ordinances and guidelines to implement the provisions of G.S. 160A-385 which provides for rezoning of land by municipalities and allows for protest against such rezoning by owners of the lots being rezoned or those adjacent to the area.

CURRENT LAW:

G.S. 160A-385 provides for zoning changes and the right to protest those changes. If a protest petition is filed and signed by (1) the owners of 20% of the area of the lots included in the rezoning, or (2) the owners of 20% of the area of the lots immediately adjacent to the rezoned area extending 100' from the rear and sides or directly opposite extending 100' from the street frontage of the opposite lots, then the rezoning shall not become effective except upon the favorable vote of three-fourths if the members of the city council. The protest provisions do not apply to initial zoning. They also do not apply to rezoning for a special use or conditional use district where the amendment does not change the types of uses permitted, increase the approved density of a residential area, increase the total approved size of nonresidential development or reduce required buffer or screening requirements.

BILL ANALYSIS:

Senate Bill 1136 would allow the City of Durham to adopt ordinances and guidelines under G.S. 160A-385 that define:

- 1. The manner of calculating the number and configuration of the sides of the tracts under consideration for rezoning.
- 2. The method of calculating the area eligible to protest under the 100' standard.
- 3. The manner and procedures by which signers may execute a protest petition or withdraw their name from a protest petition.

The bill would also allow the City to adopt ordinances and guidelines to allow a proposed development plan rezoning to be treated as a proposed rezoning for a special use or conditional use district under G.S. 160A-385. Further the City may exclude from consideration as "opposite" lots, those lots that a separated from the area proposed for rezoning by a State or federal multilane limited access highway.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

SENATE BILL 1136

State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/17/04

Short Title:	Durham Protest Petition.	(Local)
Sponsors:		
Referred to:		

May 18, 2004

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A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 94.4 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as enacted by Chapter 452 of the 1997 Session Laws and recodified as Section 94.5 by the codifier of the Charter of the City of Durham, is amended by placing the letter (a) before the existing paragraph and adding a new subsection to read:

"(b) In addition to the authority given in G.S. 160A-386 to adopt ordinances regarding the submission of protest petitions, the City may adopt ordinances and guidelines to implement the provisions of G.S. 160A-385. Those ordinances and guidelines may define the manner of calculating the number and configuration of the sides of the tract(s) under consideration for rezoning, the method of calculating the area eligible to protest under the 100-foot standard provided in G.S. 160A-385, and the manner and procedures by which signers must execute a protest petition and withdraw their signatures from a protest petition. In addition, the City may adopt ordinances and guidelines to allow proposed development plan rezoning to be treated in the same manner as proposed rezoning to special use or conditional use districts under G.S. 160A-385, and to exclude from consideration as "opposite" lots those lots that are separated from the tract(s) proposed for rezoning by designated State or federal multilane limited access highways."

SECTION 2. This act is effective when it becomes law.

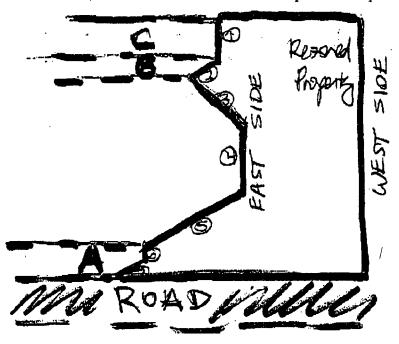
2004 Durham Legislative Program Protest Petition Legislation

The purpose of this bill is to clarify the City's authority to adopt ordinances and guidelines to implement state law regarding protest petitions. State statute, G.S. 160A-385, allows properties involved in rezonings, and property within 100 feet of a rezoning to "protest" the rezoning. If a protest that meets the statute's requirements is filed, then the Council must approve the rezoning by a ¼ majority instead of just a simple majority for it to pass. The statute is ambiguous in many areas, and it doesn't clearly delegate to the City the authority to adopt implementing ordinances and guidelines that would clarify these ambiguities. The City has wrestled with many issues over the years, including:

- How to calculate what is a "side" under the statute
- Whether a protest petition can be withdrawn. (Case law generally allows for withdrawals of most petitions, but the statute is silent on withdrawals of protests.)
- Whether the special rules for protests regarding "conditional use" and "special use" "rezonings are applicable to Durham's equivalent type of rezoning which is called a "development plan rezoning";
- Whether the City can consider areas that are across multi-lane interstate highways to be outside the "zone" of eligible properties affected by a rezoning

The proposed legislation allows the City to adopt ordinances and guidelines that implement the state statute. The proposed special legislation is on the next page.

An example of the ambiguities created by the statute follows. This example illustrates the difficulty of calculating which how many "sides" a property being rezoned has. Under one theory, each of the parcels A, B, and C could submit a valid protest petition if each "angle change" is considered a "side." Under a different theory, the entire east side of the property is the "side" and a number of properties adjacent to that "side" would have to protest for a petition to be valid.



Is each angle change-segments a "side" or are all segments side one

Hous	se Pages
1.	Name: Bradley McPherson
	County: Randolph
	Sponsor: Arlie Culp
2.	Name: 1 John Trebur
	County: WILKES
	Sponsor: TRACY WALKER
3.	Name: Lawra Fox
	County: Wake
	Sponsor: Stan Fax
4.	Name: Hannan HCKNLY
	County: Wakt
	Sponsor: Jamus Black
5.	Name: Margan Thrackmortan
	County: Wake
	Sponsor: Debovah ROSS
•	
Sgt-	At-Arms
1.	Name: JAMES Williams
2.	Name: JAMES WORTH
3	·Name:
4.	Name:

VISITOR REGISTRATION SHEET

House/LOCAL GOVERNMENT II

07/07/04

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY AND ADDRESS
	NICH TENNYSS	HBA or Duryon
	John Phelps	NCLM
	Diese Catotte	Durham City Council
	Karen Sindelan	Dunham City Attorney's Coffic
	Cru Coll- Mashella	
d		on Town of Laborable
	<u>.</u>	Ne Home Pouilders ilssue.
	Lisa Martin Rick Zechini	Ne Associor REALTERS
	with milt	NC Hime Buildus
	Andy Roment	NELM