



SENATE BILL 169: Local Omnibus Changes.

2023-2024 General Assembly

Committee:		Date:	August 16, 2023
Introduced by:	Sen. Jarvis	Prepared by:	Erika Churchill
Analysis of:	Fourth Edition		Staff Attorney

OVERVIEW: *Senate Bill 169 would make various changes for several local governments.*

Davidson County Rezoning.

CURRENT LAW and BILL ANALYSIS:

G.S. 160A-58.1 governs the voluntary municipal annexation of noncontiguous property, also known as satellite annexation. However, S.L. 2022-24 imposed additional satellite annexation requirements upon any *municipality located wholly or partly* in Davidson County seeking to annex satellite *property located wholly within* Davidson County by requiring the satellite annexation to be approved by the Board. If the satellite annexation is approved by the Davidson County Board of Commissioners and the municipality adopts an annexation ordinance, any rezoning of that property must also be approved by the Davidson County Board of Commissioners, as well as the municipality. S.L. 2022-24 does not apply to satellite annexations of property to be used for single-family or multi-family purposes.

Senate Bill 169 would amend S.L. 2022-24, effective when it becomes law and applying to annexations initiated on or after that date, to provide that the Davidson County Board of Commissioners would not be required to approve the rezoning of areas located wholly within Davidson County that were annexed through satellite annexation into the corporate limits of any municipality located wholly or partly in Davidson County if the rezoning occurs within 60 days of adoption of the annexation ordinance. After that period, Davidson County Board of Commissioners approval would be required until any satellite areas become contiguous to the primary corporate limits through annexation of intervening territory under G.S. 160A-58.6.

The municipalities located *wholly* in Davidson County are Denton, Lexington, Midway, and Wallburg. The municipalities located *partly* in Davidson County are High Point and Thomasville. High Point is located partly in Davidson, Forsyth, Guilford, and Randolph counties. Thomasville is located partly in Davidson County and Randolph County.

Carteret County Leases of Educational Property.

CURRENT LAW and BILL ANALYSIS: Article 8 of Chapter 143 of the General Statutes provides requirements for public contracting. Article 12 of Chapter 160A of the General Statutes addresses the sale and disposal of property for local governments. Under G.S. 115C-518, local boards of education are granted the authority to lease property as counties and cities. Leasing of real property by counties and cities is governed by G.S. 160A-272, which specifically states that the governing body must determine

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that the property is not needed by the body for the term of the lease and the term of the lease cannot be for more than 10 years unless the lease is treated as a sale of the real property.

Effective when it becomes law, the bill would allow the Carteret County Board of Commissioners and the Carteret County Board of Education to jointly contract or approve a tenant's contract for the design and construction of buildings located in Carteret County and used by the Carteret County Board of Education used for public school purposes without being subject to public contracting requirements or sale and disposition of property requirements. The two boards would be permitted to award the contract in their sole discretion.

The bill would also provide that any property subject to a contract under this section could be leased to a public or private entity that carries out a public purpose and has a demonstrated history of partnering with the Carteret County Board of Education for similar projects. The period of time would be determined jointly by the Boards. The bill would clarify that Article 12 of Chapter 160A of the General Statutes does not apply the lease described in S.L. 2002-35, which granted the Carteret County Board of Education the ability to lease property on the Morehead Elementary at Camp Glen campus in the Carteret system for up to 30 years, without the Board of Education finding that the Board does not need the property for the term of the lease.

Gastonia City Council Elections.

CURRENT LAW and BILL ANALYSIS: The Gastonia City Council is composed of six members who reside in six respective wards who are elected by all the qualified voters of the City. Members serve staggered four year terms, and continue in office their successors are elected and qualified.

Regular municipal elections must be held in each odd numbered year in accordance with the uniform municipal election laws of North Carolina. Elections are conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

Each Council member must be a resident of the ward he or she represents.

Beginning in 2025, the bill would amend the Charter of the City of Gastonia to provide that the six Council members are elected in single member wards as approved by the Gastonia Council on May 3, 2022. One member would be elected from each of the six wards. Only the qualified voters of residing in the ward would be eligible to vote for the member representing that ward, and each candidate for a ward seat must reside in the ward.

In order to implement the staggering of terms, the following would apply:

- In 2025 and every four years thereafter, the members elected from Districts 1, 2, and 5 would serve a four-year term.
- In 2027 and every four years thereafter, the members elected from Districts 3, 4, and 6 would serve a four-year term.

EFFECTIVE DATE: As noted above.