

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 639
SENATE BILL 176

AN ACT TO CLARIFY THE AUTHORITIES OF STANLY, IREDELL, NORTHAMPTON, MONTGOMERY, ANSON, BERTIE, DUPLIN, JONES, FORSYTH, HERTFORD AND GATES COUNTIES AND THE MUNICIPALITIES THEREIN TO UNDERTAKE ECONOMIC DEVELOPMENT ACTIVITIES.

Whereas, local governments, with the encouragement of the State of North Carolina, have become active partners in seeking to attract new industrial development to North Carolina; and

Whereas, local governments have frequently undertaken a wide range of economic development activities with the financial assistance of such federal and State programs as Economic Development, Community Development, and General Revenue Sharing; and

Whereas, it is very possible that these federal and State programs of financial assistance will be eliminated or severely reduced during the next fiscal year; and

Whereas, if local governments are to continue these economic development activities, which have proved successful, with local funds, it is important that their authority to do so be quite specific; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 158-7.1 is amended by designating the present section as subsection (a) and by adding new subsections (b), (c), (d), (e), and (f), to read as follows:

"(b) A county or city may undertake the following specific economic development activities. (This listing is not intended to limit by implication or otherwise the grant of authority set out in subsection (a) of this section.) The activities listed in this subsection (b) may be funded by the levy of property taxes pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law.

- (1) A county or city may acquire and develop land for an industrial park, to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use, or similar industrial or commercial purposes. A county may acquire land anywhere in the county, including inside of cities, for an industrial park, while a city may acquire land anywhere in the county or counties in which it is located. A county or city may develop the land by

installing utilities, drainage facilities, street and transportation facilities, street lighting, and similar facilities; may demolish or rehabilitate existing structures; and may prepare the site for industrial or commercial uses. A county or city may convey property located in an industrial park pursuant to subsection (d) of this section.

- (2) A county or city may acquire, assemble, and hold for resale property that is suitable for industrial or commercial use. A county may acquire such property anywhere in the county, including inside of cities, while a city may acquire such property inside the city or, if the property will be used by a business that will provide jobs to city residents, anywhere in the county or counties in which it is located. A county or city may convey property acquired or assembled pursuant to this paragraph pursuant to subsection (d) of this section.
- (3) A county or city may acquire options for the acquisition of property that is suitable for industrial or commercial use. The county or city may assign such an option, following such procedures, for such consideration, and subject to such terms and conditions as the county or city deems desirable.
- (4) A county or city may acquire or construct one or more 'shell buildings', which are structures of flexible design adaptable for use by a variety of industrial or commercial businesses. A county or city may convey or lease a shell building or space in a shell building pursuant to subsection (c) of this section.
- (5) A county or city may extend or may provide for or assist in the extension of utility services to an industrial facility, whether the utility is publicly or privately owned.

(c) Any appropriation or expenditure pursuant to subsection (b) of this section must be approved by the county or city governing body after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held. The notice shall describe the interest to be acquired, the proposed acquisition cost of such interest, the governing body's intention to approve the acquisition, the source of funding for the acquisition and such other information needed to reasonably describe the acquisition.

(d) A county or city may lease or convey interests in real property held or acquired pursuant to subsection (b) of this section in accordance with the procedures of this subsection (d). A county or city may convey or lease interests in property by private negotiation and may subject the property to such covenants, conditions, and restrictions as the county or city deems to be in the public interest or necessary to carry out the purposes of this section. Any such conveyance or lease must be approved by the county or city governing body, after a public hearing. The county or city shall publish notice of the public hearing at least 10 days before the hearing is held; the notice shall describe the interest to be conveyed or leased, the value of the interest, the proposed consideration for the conveyance or lease, and the governing body's intention to approve the conveyance or lease. Before such an interest may be conveyed, the county or city

governing body shall determine the fair market value of the interest, subject to whatever covenants, conditions, and restrictions the county or city proposes to subject it to; the consideration for the conveyance may not be less than the value so determined.

(e) All appropriations and expenditures pursuant to subsections (b) and (c) of this section shall be subject to the provisions of the Local Government Budget and Fiscal Control Acts of the North Carolina General Statutes, respectively, for cities and counties. The budget format for each such governing body shall make such disclosures in such detail as the Local Government Commission may by rule and regulation direct.

(f) All appropriations and expenditures pursuant to subsections (b) and (c) of this section shall be subject to the following limitations: No county or city shall have an aggregate investment outstanding at any one time which exceeds one-half of one percent (0.05%) of the outstanding assessed property tax valuation for the governing body as of January 1 of each year, beginning January 1, 1986."

Sec. 2. G.S. 159-48(b) is amended by adding a new paragraph No. 24 at the end thereof, to read as follows:

"(24) Providing industrial parks, land suitable for industrial or commercial purposes, shell buildings, in order to provide employment opportunities for citizens of the county or city."

Sec. 3. G.S. 159-81(3) is amended by adding a new paragraph "m.", to read as follows:

"m. Economic development projects, including the acquisition and development of industrial parks, the acquisition and resale of land suitable for industrial or commercial purposes, and the construction and lease or sale of shell buildings in order to provide employment opportunities for citizens of the municipality."

Sec. 4. This act shall become effective January 1, 1986, and shall apply only to Stanly, Iredell, Northampton, Montgomery, Anson, Bertie, Duplin, Jones, Forsyth, Hertford and Gates Counties and those municipalities located in those counties.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.