

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 490\*

Short Title: Burke Local Development.

(Local)

Sponsors: Senator Simpson.

Referred to: Local Government and Regional Affairs.

April 8, 1991

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE AUTHORITIES OF BURKE COUNTY AND THE MUNICIPALITIES THEREIN TO UNDERTAKE LOCAL DEVELOPMENT ACTIVITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 158-7.1 reads as rewritten:

"§ 158-7.1. Local development.

(a) Each county and city in this State is authorized to make appropriations for the purposes of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial and commercial plants in or near such city or in the county; encouraging the building of railroads or other purposes which, in the discretion of the governing body of the city or of the county commissioners of the county, will increase the population, taxable property, agricultural industries and business prospects of any city or county. These appropriations may be funded by levy of property taxes pursuant to G.S. 153A-149 and ~~160A-209~~ and by G.S. 160A-209, by the allocation of general fund and utility fund revenues, and by the allocation of other revenues whose use is not otherwise restricted by law, unless the use of the other revenues for local development purposes has been expressly prohibited by law.

(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 (1) A county or city may acquire and develop land for an industrial park,  
2 to be used for manufacturing, assembly, fabrication, processing,  
3 warehousing, research and development, office use, or similar  
4 industrial or commercial purposes. A county may acquire land  
5 anywhere in the county, including inside of cities, for an industrial  
6 park, while a city may acquire land anywhere in the county or counties  
7 in which it is located. A county or city may develop the land by  
8 installing utilities, drainage facilities, street and transportation  
9 facilities, street lighting, and similar facilities; may demolish or  
10 rehabilitate existing structures; and may prepare the site for industrial  
11 or commercial uses. A county or city may engage in site preparation  
12 for industrial properties or facilities, whether the industrial property or  
13 facility is publicly or privately owned. \_\_\_\_\_ A county or city may  
14 convey property located in an \_\_\_\_\_ industrial park pursuant to  
15 subsection (d) of this \_\_\_\_\_ section.
- 16 (2) A county or city may acquire, assemble, and hold for resale property  
17 that is suitable for industrial or commercial use. A county may acquire  
18 such property anywhere in the county, including inside of cities, while  
19 a city may acquire such property inside the city or, if the property will  
20 be used by a business that will provide jobs to city residents, anywhere  
21 in the county or counties in which it is located. A county or city may  
22 convey property acquired or assembled pursuant to this paragraph  
23 pursuant to subsection (d) of this section.
- 24 (3) A county or city may acquire options for the acquisition of property  
25 that is suitable for industrial or commercial use. The county or city  
26 may assign such an option, following such procedures, for such  
27 consideration, and subject to such terms and conditions as the county  
28 or city deems desirable.
- 29 (4) A county or city may acquire or construct one or more 'shell  
30 buildings', which are structures of flexible design adaptable for use by  
31 a variety of industrial or commercial businesses. A county or city may  
32 convey or lease a shell building or space in a shell building pursuant to  
33 subsection (c) of this section.
- 34 (5) A county or city may extend or may provide for or assist in the  
35 extension of utility services to an industrial facility, whether the utility  
36 is publicly or privately owned.
- 37 (6) A county or city may extend or may provide for or assist in the  
38 extension of water and sewer lines to industrial properties or facilities,  
39 whether the industrial property or facility is publicly or privately  
40 owned.
- 41 (c) Any appropriation or expenditure pursuant to subsection (b) of this section  
42 must be approved by the county or city governing body after a public hearing. The  
43 county or city shall publish notice of the public hearing at least 10 days before the  
44 hearing is held. The notice shall describe the interest to be acquired, the proposed

1 acquisition cost of such interest, the governing body's intention to approve the  
2 acquisition, the source of funding for the acquisition and such other information needed  
3 to reasonably describe the acquisition.

4 (d) A county or city may lease or convey interests in real property held or  
5 acquired pursuant to subsection (b) of this section in accordance with the procedures of  
6 this subsection (d). A county or city may convey or lease interests in property by private  
7 negotiation and may subject the property to such covenants, conditions, and restrictions  
8 as the county or city deems to be in the public interest or necessary to carry out the  
9 purposes of this section. Any such conveyance or lease must be approved by the county  
10 or city governing body, after a public hearing. The county or city shall publish notice of  
11 the public hearing at least 10 days before the hearing is held; the notice shall describe  
12 the interest to be conveyed or leased, the value of the interest, the proposed  
13 consideration for the conveyance or lease, and the governing body's intention to approve  
14 the conveyance or lease. Before such an interest may be conveyed, the county or city  
15 governing body shall determine the fair market value of the interest, subject to whatever  
16 covenants, conditions, and restrictions the county or city proposes to subject it to; the  
17 consideration for the conveyance may not be less than the value so determined.

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

23 (f) All appropriations and expenditures pursuant to subsections (b) and (c) of this  
24 section shall be subject to the following limitations: No county or city shall have an  
25 aggregate investment outstanding at any one time which exceeds one-half of one  
26 percent (0.5%) of the outstanding assessed property tax valuation for the governing  
27 body as of January 1 of each year, beginning January 1, 1986.

28 (g) Repealed by Session Laws 1989, c. 374, s. 1."

29 Sec. 2. This act applies to Burke County and the municipalities therein only.

30 Sec. 3. This act is effective upon ratification.