

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

3

SENATE BILL 767
Second Edition Engrossed 5/13/93
House Committee Substitute Favorable 6/7/93

Short Title: Charlotte/Mecklenburg Development.

(Local)

Sponsors:

Referred to:

April 8, 1993

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE AUTHORITY OF MECKLENBURG COUNTY AND
THE CITY OF CHARLOTTE 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 the allocation of other revenues whose use is not otherwise restricted 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.

1 160A-209 and by the allocation of other revenues whose use is not otherwise restricted
2 by law.

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

1 (c) Any appropriation or expenditure pursuant to subsection (b) of this section
2 must be approved by the county or city governing body after a public hearing. The
3 county or city shall publish notice of the public hearing at least 10 days before the
4 hearing is held. ~~The~~If the appropriation or expenditure is for the acquisition of an
5 interest in real property, the notice shall describe the interest to be acquired, the
6 proposed acquisition cost of such interest, the governing body's intention to approve the
7 acquisition, the source of funding for the acquisition and such other information needed
8 to reasonably describe the acquisition. If the appropriation or expenditure is for the
9 improvement of privately owned property by site preparation or by the extension of
10 water and sewer lines to the property, the notice shall describe the improvements to be
11 made, the proposed cost of making the improvements, the source of funding for the
12 improvements, the public benefit to be derived from making the improvements, and any
13 other information needed to reasonably describe the improvements and their purpose.

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

28 (d1) In arriving at the amount of consideration that it receives, the Board may take
29 into account prospective tax revenues from improvements to be constructed on the
30 property, prospective sales tax revenues to be generated in the area, as well as any other
31 prospective tax revenues or income coming to the county or city over the next 10 years
32 as a result of the conveyance or lease provided the following conditions are met:

33 (1) The governing board of the county or city shall determine that the
34 conveyance of the property will stimulate the local economy, promote
35 business, and result in the creation of a substantial number of jobs in
36 the county or city.

37 (2) The governing board of the county or city shall contractually bind the
38 purchaser of the property to construct improvements on the property
39 within a specified period of time, not to exceed 10 years, which
40 improvements are sufficient to generate the tax revenue taken into
41 account in arriving at the consideration. Upon failure to construct the
42 improvements specified in the contract, the purchaser shall reconvey
43 the property back to the county or city.

1 This subsection applies to the Cities of Charlotte, Concord, Conover, Kannapolis,
2 Mocksville, Mooresville, Mount Airy, St. Pauls, Selma, Smithfield, Statesville,
3 Troutman, and Winston-Salem, and the Counties of Alleghany, Ashe, Cabarrus, Davie,
4 Forsyth, Franklin, Iredell, Johnston, Mecklenburg, and Rockingham.

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

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

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

16 Sec. 2. This act applies only to Mecklenburg County and the City of
17 Charlotte.

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