

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 398

Short Title: High Point Charter Changes.

(Local)

Sponsors: Representatives Jarrell and Jeffus.

Referred to: Local and Regional Government I.

March 8, 1993

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE CITY OF HIGH POINT TO TAKE INTO
2 CONSIDERATION PROSPECTIVE REVENUES GENERATED BY THE
3 DEVELOPMENT IN ARRIVING AT THE AMOUNT OF CONSIDERATION
4 FOR AN ECONOMIC DEVELOPMENT CONVEYANCE, TO ADOPT
5 STORMWATER ORDINANCES, AND TO REWRITE THE CHARTER
6 PROVISIONS CONCERNING EMINENT DOMAIN.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 158-7.1(d1) reads as rewritten:

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

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

19 (2) The governing board of the county or city shall contractually bind the
20 purchaser of the property to construct improvements on the property
21 within a specified period of time, not to exceed 10 years, which
22 improvements are sufficient to generate the tax revenue taken into
23 account in arriving at the consideration. Upon failure to construct the

1 improvements specified in the contract, the purchaser shall reconvey
2 the property back to the county or city.

3 This subsection applies to the Cities of Concord, Conover, High Point, Kannapolis,
4 Mooresville, Mount Airy, St. Pauls, Selma, Smithfield, Statesville, Troutman, and
5 Winston-Salem, and the Counties of Ashe, Cabarrus, Forsyth, Franklin, Iredell, and
6 Johnston."

7 Sec. 2. Article IX of the Charter of the City of High Point, being Chapter 501
8 of the Session Laws of 1979, as amended, is further amended by adding a new section
9 to read:

10 "Sec. 9.9. **Stormwater.** The governing body of the City of High Point may adopt
11 such ordinances as it deems appropriate to regulate stormwater, by requiring the
12 submission of plans in order to control stormwater from the site of any construction,
13 landscaping, clearing projects or any other project which in any manner alters the
14 natural structure of the land mass within said City of High Point and its extraterritorial
15 planning jurisdiction. The governing body of the City may establish by ordinance a
16 program of regulations whereby prior to any land disturbing activity within the City of
17 High Point and its extraterritorial planning jurisdiction, a permit must be obtained in the
18 manner prescribed by the ordinance, and in accordance with the criteria and standards as
19 established by the governing board.

20 The ordinance may provide that in lieu of the required improvements shown on the
21 plan, a developer may be required to provide funds that the City may use for the
22 construction of devices, structures, drainage easements, and impoundments to control
23 stormwater within the drainage basin; these funds may be used to serve more than one
24 site or development within the area. The ordinance may require a combination of
25 partial payment of funds and partial construction when the governing body of the City
26 determines that a combination is in the best interest of the citizens of the area to be
27 served."

28 Sec. 3. Article VII of the Charter of the City of High Point, being Chapter
29 501 of the Session Laws of 1979, as amended, and as modified by G.S. 40A-1, is
30 rewritten to read:

31 **"ARTICLE VII.**

32 **"EMINENT DOMAIN.**

33 "Sec. 7.1. **Condemnation Procedure; Interest Acquired.** The exercise of eminent
34 domain, the procedure for its exercise, and the authority to acquire property is as
35 prescribed by general law.

36 "Sec. 7.2. **Sale or Other Disposition of Land Condemned.** When any property or
37 water condemned by the city is no longer needed for the purpose for which it is
38 condemned, it may be used by the city for any other public purpose or otherwise
39 disposed of."

40 Sec. 4. This act is effective upon ratification.