

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 1064
Senate State and Local Government Committee Substitute Adopted 6/20/24
Third Edition Engrossed 6/25/24

Short Title: Various Local Provisions III. (Local)

Sponsors:

Referred to:

May 8, 2024

A BILL TO BE ENTITLED
AN ACT TO MAKE CHANGES TO VARIOUS LOCAL ACTS.
The General Assembly of North Carolina enacts:

BERMUDA RUN CHARTER AMENDMENTS

SECTION 1. The Charter of the Town of Bermuda Run, being Section 2 of S.L. 1999-94, amended by Town Resolution adopted December 9, 2008, Town Ordinance adopted September 13, 2011, and Town Ordinance adopted July 24, 2012, reads as rewritten:

"CHARTER OF THE TOWN OF BERMUDA RUN.

...

"CHAPTER IV.

"ELECTIONS.

"Section 4.1. **Conduct of Town Elections.** ~~Town officers~~ Officers of the Town of Bermuda Run shall be ~~nominated and~~ elected on a nonpartisan basis using the plurality method as provided in ~~G.S. 163-294~~ G.S. 163-292.

...

"CHAPTER V.

"ADMINISTRATION.

...

"Section 5.2. **Officers and Employees.** ~~The Council may appoint such officers and employees as may be necessary, and they shall serve at the pleasure of the Council. The Council shall fix all salaries, prescribe bonds, and require such oaths as they may deem necessary.~~ **Town Manager; officers and employees.** The Town Manager shall have the powers and duties prescribed in G.S. 160A-148 and the provisions of this Charter, including the power to appoint and suspend or remove all Town officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the Town Attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the Town Council may adopt.

"Section 5.3. **Town Clerk.** ~~The Council may~~ Town Manager shall appoint a Town Clerk who shall keep the records of the Town Council and perform other duties as may be required by general law or the Town Council.

...

"CHAPTER VI.

"SPECIAL PROVISIONS.

...



"Section 6.2. **Property Taxes.** The Town of Bermuda Run shall not increase its property tax rates in excess of fifteen cents (\$0.15) per one hundred dollars (\$100.00) of valuation without the affirmative vote or consent of a majority of the ~~residents~~ qualified voters of the Town participating in the referendum. The referendum shall be held in accordance with G.S. 160A-209(f)."

STATESVILLE REGIONAL AIRPORT LEASES

SECTION 2.(a) G.S. 160A-272 reads as rewritten:

"§ 160A-272. Lease or rental of property.

(a) Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 40-35 years (except as otherwise provided in subsection (b1) of this section) and only if the council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included.

...

(b1) Leases for terms of more than 40-35 years shall be treated as a sale of property and may be executed by following any of the procedures authorized for sale of real property.

...."

SECTION 2.(b) This section applies only to the Statesville Regional Airport.

SECTION 2.(c) Chapter 883 of the 1987 Session Laws is repealed.

SECTION 2.(d) S.L. 1998-102 is repealed.

SECTION 2.(e) This section is effective when it becomes law and applies to leases entered into or renewed or extended on or after that date.

SOUTHERN PINES ORDINANCE VOTING REQUIREMENTS

SECTION 3. Section 2.8 of the Charter of the Town of Southern Pines, being Chapter 352 of the 1981 Session Laws, as amended by Town Ordinance No. SP05.502 adopted August 12, 1989, reads as rewritten:

"Sec. 2.8. Voting Requirements; Quorum.—Official action of the Town Council shall, unless otherwise provided by law, be by majority vote, provided that a quorum, consisting of a majority of the actual membership of the Council, is present. Vacant seats are to be subtracted from the normal Council membership to determine the actual membership. All final votes of the Town Council involving an ordinance, ~~resolution~~ resolution, or the expenditure of fifty dollars (\$50.00) or more shall be by ayes and noes and shall be entered on the records. ~~Three~~ At least three affirmative votes ~~at least~~ shall be necessary for the passage of any order, ordinance, or resolution. Notwithstanding the provisions of G.S. 160A-75, an ordinance or any action having the effect of an ordinance may be finally adopted on the date on which it is introduced by the affirmative vote of a majority of the members of the Town Council. For the purposes of this Section on voting requirements, the Mayor of the Town of Southern Pines shall be considered as a voting member of the Council, and that should be taken into consideration in establishing the requirements for a quorum."

WRIGHTSVILLE BEACH INITIATIVES

SECTION 4.(a) Section 6.1 of the Charter of the Town of Wrightsville Beach, being Chapter 611 of the 1989 Session Laws, reads as rewritten:

"Sec. 6.1. **Initiative ordinances generally; petitions.** Any proposed ordinance, which the Board may lawfully adopt, may be submitted to the Board by petition ~~signed by the voters of the Town.~~ If if the petition accompanying the proposed ordinance is signed by voters of the Town equal in number to at least thirty-five percent (35%) of the total number of registered voters voting in residing within the Town at the time of the last ~~preceding~~ regular municipal election

1 and contains a request that such ordinance be submitted to a vote of the people if not passed by
2 the ~~Board, Board. Upon receipt of a proposed ordinance and petition,~~ the Board shall either: (i)
3 ~~within 20 days after the Town Clerk and the New Hanover County Board of Elections have~~
4 ~~certified the sufficiency of the accompanying petition,~~ adopt the ordinance without ~~alteration~~
5 ~~within 20 days after the Town Clerk and the New Hanover County Board of Elections have~~
6 ~~certified the sufficiency of the accompanying petition;~~ alteration or (ii) within 20 days after the
7 Town Clerk and the New Hanover County Board of Elections have certified the sufficiency of
8 the petition, ~~the Board of Aldermen shall call a special an~~ election to be held ~~within six months,~~
9 ~~unless a general election is fixed within six months thereafter. on a date authorized by~~
10 G.S. 163-287(a). At such ~~special or general~~ election the ordinance shall be submitted without
11 alteration to the registered voters of the Town."

12 **SECTION 4.(b)** Section 6.5 of the Charter of the Town of Wrightsville Beach, being
13 Chapter 611 of the 1989 Session Laws, reads as rewritten:

14 "Sec. 6.5. **Sufficiency of petition.** The petition provided for herein shall only be signed by
15 ~~none but legal-registered~~ voters of the Town. Each petition shall contain, in addition to the names
16 of the petitioners, the street and house number at which each petitioner ~~resides, and his or her age~~
17 ~~and length of residence in the Town, resides.~~ It shall also be accompanied by the affidavit of one
18 or more legal-registered voters of the Town, stating that the signers thereof were, at the time of
19 the signing, legal-registered voters of the Town, and stating the number of signers at the time the
20 affidavit was made."

21 **SECTION 4.(c)** This section is effective when it becomes law and applies to
22 petitions submitted on or after that date.
23

24 JACKSON COUNTY BOARD OF EDUCATION ELECTIONS

25 **SECTION 5.(a)** The Jackson County Board of Education shall consist of five
26 members elected from five single-member residency districts to serve staggered four-year terms.
27 One member shall be elected from each residency district by the qualified voters of the entire
28 county. Elections for the Jackson County Board of Education shall be held in even-numbered
29 years at the time of the general election with results determined by the nonpartisan plurality
30 method in accordance with G.S. 163-292. Except as otherwise provided by this section, the
31 election shall be conducted in accordance with the applicable provisions of Chapter 115C and
32 163 of the General Statutes.

33 **SECTION 5.(b)** The five residency districts for the Jackson County Board of
34 Education shall be the same residency districts used in the 2022 and 2024 elections, until
35 modified by the Jackson County Board of Education. Upon return of the 2030 federal decennial
36 census, the Jackson County Board of Education may revise the residency districts, if the board
37 determines modifications to the residency districts advisable.

38 **SECTION 5.(c)** Chapter 314 of the 1961 Session Laws is repealed.

39 **SECTION 5.(d)** Chapter 553 of the 1973 Session Laws is repealed.

40 **SECTION 5.(e)** Chapter 170 of the 1991 Session Laws is repealed.

41 **SECTION 5.(f)** This section is effective the first Monday in December 2026, and
42 the 2026 elections and elections thereafter shall be conducted accordingly.
43

44 JONES COUNTY ABC PROFIT DISTRIBUTIONS

45 **SECTION 6.(a)** G.S. 18B-805 reads as rewritten:

46 "**§ 18B-805. Distribution of revenue.**

47 ...

48 (c) Other Statutory Distributions. – After making the distributions required by subsection
49 (b), a local board shall make the following quarterly-annual distributions from the remaining
50 gross ~~receipts; receipts on September 30 of each year:~~

- (1) Before making any other distribution under this subsection, the local board shall set aside the clear proceeds of the three and one-half percent (3 1/2%) markup provided for in G.S. 18B-804(b)(5) and the charge provided for in G.S. 18B-804(b)(6b), to be distributed as part of the remaining gross receipts under subsection (e) of this section.
- (2) The local board shall spend for law enforcement an amount set by the board which shall be at least five percent (5%) of the gross receipts remaining after the distribution required by subdivision (1). The local board may contract with the ALE Division to provide the law enforcement required by this subdivision. Notwithstanding the provisions of any local act, this provision shall apply to all local boards.
- (3) The local board shall spend, or pay to the county commissioners to spend, for the purposes stated in subsection (h), an amount set by the board which shall be at least seven percent (7%) of the gross receipts remaining after the distribution required by subdivision (1). This provision shall not be applicable to a local board which is subject to a local act setting a different distribution.

...

(e) Other Distributions. – After making the distributions provided in subsections (b), (c), and (d), the local board shall pay ~~each quarter annually, on September 30 of each year,~~ the remaining gross receipts to the general fund of the city or county for which the board is established, unless some other distribution or some other schedule is provided for by law. If the governing body of each city and county receiving revenue from an ABC system agrees, those governing bodies may alter at any time the distribution to be made under this subsection or under any local act. Copies of the governing body resolutions agreeing to a new distribution formula and a copy of the approved new distribution formula shall be submitted to the Commission for review and audit purposes. If any one of the governing bodies later withdraws its consent to the change in distribution, profits shall be distributed according to the original formula, beginning with the next ~~quarter-year~~.

...

(g) ~~Quarterly Annual~~ Distributions. – When this section requires a distribution to be made ~~quarterly, annually,~~ at least ninety percent (90%) of the estimated distribution shall be paid to the recipient by the local board within 30 days of the end of that ~~quarter-year~~. Adjustments in the amount to be distributed resulting from the closing of the books and from audit shall be made with the next ~~quarterly annual~~ payment.

...."

SECTION 6.(b) This section applies to Jones County and to the Jones County Alcoholic Beverage Control Board only.

POLK COUNTY BOARD OF EDUCATION ELECTIONS

SECTION 7.(a) Section 4 of S.L. 2023-32 reads as rewritten:

"**SECTION 4.(a)** Notwithstanding Section 4(i) of the Plan for Merging the Tryon City School Administrative Unit and the Polk County School Administrative Unit adopted by the State Board of Education on June 2, 1988, and validated under Chapter 767 of the 1991 Session Laws (the Polk Merger Plan), the Polk County Board of Education shall consist of seven ~~members,~~ members. Six members shall be elected from residency districts as described in subsection (b) of this section. One member shall be elected from the county at-large. All members shall be elected on a partisan basis for staggered four-year terms at the time of the general election in each even-numbered year as terms expire. Candidates for election to the Polk County Board of Education shall be nominated at the same time and manner as other county officers. Members shall take office on the first Monday in December of the year of election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been

1 elected and qualified. Except as otherwise provided by this section, elections shall be conducted
2 in accordance with Chapters 115C and 163 of the General Statutes. Vacancies on the Polk County
3 Board of Education shall be filled in accordance with G.S. 115C-37.1. Any person appointed to
4 fill a vacancy for a district seat shall be a resident of the district in which the vacancy occurs.

5 **"SECTION 4.(b)** For the purpose of conducting elections for the Polk County Board of
6 Education, the county is divided into six single-member residency districts. ~~No~~ For the district
7 seats, no person shall be eligible to file for, be elected to, or serve on the Polk County Board of
8 Education unless the person is a qualified voter and resident of the district in which the person
9 seeks to be elected. All candidates shall be voted on by all eligible voters in the county. ~~The~~
10 ~~Township of Tryon shall be a two-member district; all other districts shall be single-member~~
11 ~~districts.~~ The districts are as follows:

- 12 (1) The Township of Cooper's Gap.
- 13 (2) The Township of Columbus.
- 14 (3) The Township of Green Creek.
- 15 (4) The Township of Saluda.
- 16 (5) The Township of Tryon.
- 17 (6) The Township of White Oak.

18 ...

19 **"SECTION 4.(e)** To maintain the staggering of terms, members of the Polk County Board
20 of Education shall be elected as follows:

- 21 (1) In 2024 and quadrennially thereafter, one member shall be elected from the
22 Township of Saluda, the Township of Tryon, and the Township of White Oak
23 to serve four-year terms.
- 24 (2) In 2026 and quadrennially thereafter, one member shall be elected from the
25 Township of Cooper's Gap, the Township of Columbus, and the Township of
26 Green Creek, and the Township of Tryon one member shall be elected from
27 the county at-large, each to serve four-year terms.

28"

29 **SECTION 7.(b)** This section is effective when it becomes law and applies to
30 elections held in 2026 and thereafter.

31 **FOOTHILLS REGIONAL AIRPORT AUTHORITY LEASES**

32 **SECTION 8.(a)** Section 5 of S.L. 2000-9 reads as rewritten:

33 "Section 5. Powers. (a) The Airport Authority shall be and constitute a body politic and
34 corporate and as such shall have the following powers and authority:

35 ...

- 36 (12) To operate, own, lease, control, regulate, or to grant to others, for a period not
37 to exceed 20 years, the right to operate on any airport premises restaurants,
38 snack bars, vending machines, food and beverage dispensing outlets, rental
39 car services, catering services, novelty shops, insurance sales, advertising
40 media, merchandising outlets, ~~hotels, motels, barbershops,~~ automobile
41 parking and storage facilities, automobile service establishments, and all other
42 types of facilities as may be directly or indirectly related to aeronautical
43 activities or to the maintenance and furnishing to the general public of a
44 complete air terminal installation.
 - 45 (13) To contract with persons, firms, or corporations for terms not to exceed 20
46 years, for the operation of airline scheduled passenger and freight flights,
47 nonscheduled flights, and any other aeronautical activities, including a
48 fixed-base operator, provided such activities are not inconsistent with grant
49 agreements under which the airport property is held.
- 50

(14) To erect and construct buildings, ~~hangars~~, shops, and other improvements and facilities and to lease those improvements and facilities for term or terms not to exceed 20 years; to borrow money for the use in making and paying for these improvements and facilities, secured by and on the credit only of the lease agreements in respect to these improvements and facilities and to pledge and assign the lease and the lease agreement as security for the authorized loans.

(14a) To erect and construct, operate, own, lease, control, or regulate, or to grant to others, for a period not to exceed 50 years, the right to operate on any airport premises hotels or places of accommodation, industrial or manufacturing facilities, aircraft hangars, aircraft maintenance and repair facilities, and other similar facilities which are directly related to aeronautical activities or to the maintenance or furnishing of air terminal services.

...."

SECTION 8.(b) This section is effective when it becomes law and applies to leases entered into or renewed or extended on or after that date.

MUNICIPALITIES IN FORSYTH COUNTY ELECTIONS

SECTION 9.1.(a) Section X of the Charter of the Town of Bethania, being Chapter 65 of the Private Laws of 1839, as enacted by Chapter 74 of the 1995 Session Laws, reads as rewritten:

"Sec. X. Regular municipal elections in the Town of Bethania shall be held in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Town officers shall be elected on a ~~nonpartisan basis and the results determined by the plurality method as provided by G.S. 163-292.~~ partisan basis, as provided in G.S. 163-291."

SECTION 9.1.(b) This section is effective when it becomes law and applies to elections held in 2025 and thereafter.

SECTION 9.2.(a) Section 4.1 of the Charter of the Village of Clemmons, being Section 7 of Chapter 437 of the 1985 Session Laws, reads as rewritten:

"Sec. 4.1. Procedure. ~~Elections~~ Regular municipal elections in the Village of Clemmons shall be conducted in accordance with Subchapter IX of Chapter 163 of the General Statutes. ~~the uniform municipal election laws of North Carolina.~~"

SECTION 9.2.(b) Section 4.2 of the Charter of the Village of Clemmons, being Section 7 of Chapter 437 of the 1985 Session Laws, reads as rewritten:

"Sec. 4.2. Results of elections. All elections in the Village of Clemmons shall be conducted ~~under the nonpartisan plurality method, and the results determined under G.S. 163-292.~~ on a partisan basis, as provided in G.S. 163-291."

SECTION 9.2.(c) This section is effective when it becomes law and applies to elections held in 2025 and thereafter.

SECTION 9.3.(a) Section 9 of the Charter of the Town of Kernersville, being Chapter 381 of the 1989 Session Laws, reads as rewritten:

"Sec. 9. Candidate for municipal office.

Any qualified elector of the Town of Kernersville may file as a candidate for the offices of Mayor or Alderman. ~~The method of filing shall be as set forth in G.S. 163-294.2. The filing fees therefore shall be in accordance with G.S. 163-294.2, and shall be determined from time to time by ordinance of the Board of Aldermen.~~"

SECTION 9.3.(b) Section 10 of the Charter of the Town of Kernersville, being Chapter 381 of the 1989 Session Laws, reads as rewritten:

"Sec. 10. Election of Mayor and Aldermen.

~~Every voter shall be entitled to vote for one candidate for The Mayor and for a number of candidates for the Board of Aldermen equal to the number of seats to be filled in that election~~

year. The candidate who receives the largest number of votes for Mayor shall be declared elected. In a year when two seats on the Board of Aldermen are to be filled, the two candidates who receive the largest number of votes shall be declared elected. In a year when three seats on the Board of Aldermen are to be filled, the three candidates who receive the largest number of votes shall be declared elected. shall be elected on a partisan basis, as provided in G.S. 163-291."

SECTION 9.3.(c) This section is effective when it becomes law and applies to elections held in 2025 and thereafter.

SECTION 9.4.(a) Section 4-1 of the Charter of the Town of Lewisville, being Chapter 116 of the 1991 Session Laws, reads as rewritten:

"Sec. 4-1. **Conduct of Town Elections.** The governing body is elected at large on a ~~nonpartisan basis and the results are determined by a plurality of votes cast,~~ partisan basis, as provided in ~~G.S. 163-292.~~ G.S. 163-291. The initial Town officers are those individuals named and appointed in this act. All initial Town officers so appointed must meet the qualification requirements set forth in Section 3-7 of this Charter. All initial Town officers shall serve until their successors are elected and qualify. The first municipal election shall be in 1991. Elections Regular municipal elections in the Town of Lewisville shall be conducted by the Forsyth County Board of Elections, unless otherwise provided in accordance with G.S. 163-285 in accordance with the uniform municipal election laws of North Carolina."

SECTION 9.4.(b) This section is effective when it becomes law and applies to elections held in 2025 and thereafter.

SECTION 9.5.(a) Section 4 of the Charter of the Town of Rural Hall, being Chapter 1100 of the 1973 Session Laws, as amended by Section 2(b) of S.L. 2023-31, reads as rewritten:

"Sec. 4. The elections for municipal officers in the Town of Rural Hall shall be conducted ~~using the nonpartisan primary and election method and the results determined in accordance with G.S. 163-294.~~ on a partisan basis, as provided in G.S. 163-291. The elections shall be held and conducted by the Forsyth County Board of Elections, and except as otherwise provided herein, shall be held and conducted in accordance with Chapter 163 of the General Statutes."

SECTION 9.5.(b) This section is effective when it becomes law and applies to elections held in 2025 and thereafter.

SECTION 9.6.(a) Section 6.1 of the Charter of the Village of Tobaccoville, being Chapter 232 of the 1991 Session Laws, reads as rewritten:

"Sec. 6.1. **Type of Election.** The Village officers shall be elected on a ~~nonpartisan basis and the results determined by the plurality method~~ partisan basis, as provided by ~~G.S. 163-292 in~~ G.S. 163-291."

SECTION 9.6.(b) This section is effective when it becomes law and applies to elections held in 2025 and thereafter.

SECTION 9.7.(a) Section 4 of the Charter of the Town of Walkertown, being Chapter 936 of the 1983 Session Laws, reads as rewritten:

"Sec. 4. The elections for municipal officers in the Town of Walkertown shall be conducted ~~under the nonpartisan plurality method, and the results determined under G.S. 163-292.~~ on a partisan basis, as provided in G.S. 163-291. The elections shall be held and conducted by the Forsyth County Board of Elections, and except as otherwise provided herein, shall be held and conducted in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes."

SECTION 9.7.(b) This section is effective when it becomes law and applies to elections held in 2025 and thereafter.

WINSTON-SALEM/FORSYTH BOARD OF EDUCATION VACANCIES

SECTION 10.(a) Section 2(a)(5)(iv) of Chapter 112 of the Session Laws of 1961, as amended by S.L. 2013-249, reads as rewritten:

"(iv) ~~Notwithstanding the provisions of G.S. 115C-37(f), all~~ All vacancies ~~occurring during a term of office shall be filled by appointment by the remaining members of on~~

1 the Winston-Salem/Forsyth County Board of Education for the unexpired term of the vacated
2 seat shall be filled in accordance with G.S. 115C-37.1."

3 **SECTION 10.(b)** G.S. 115C-37.1(d) reads as rewritten:

4 "(d) This section shall apply only in the following counties: Alleghany, Beaufort,
5 Brunswick, Burke, Caldwell, Carteret, Cherokee, Clay, Craven, Dare, Davie, Forsyth, Graham,
6 Harnett, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover, Onslow, Pender, Rutherford,
7 Stanly, Stokes, Surry, Vance, Washington, and Yancey."

8 **SECTION 10.(c)** This section is effective when it becomes law and applies to
9 vacancies occurring on the Winston-Salem/Forsyth County Board of Education on or after that
10 date.

11 12 **MECKLENBURG RAIL LINE ACQUISITIONS**

13 **SECTION 10.5.(a)** Notwithstanding the provisions of G.S. 153A-158,
14 G.S. 160A-240.1, or any other general law or local act conferring the power to acquire real
15 property, no county, or municipality, special district, authority, or other unit of local government
16 located wholly or primarily inside Mecklenburg County, may acquire real property title or
17 interest in any portion of an existing railway line, including right-of-way, track, and appurtenant
18 railroad facilities, located outside of Mecklenburg County without the approval of each county
19 and municipality containing a portion of the railway line being acquired. Notwithstanding the
20 requirements of G.S. 153A-15, for purposes of this section, approval means a majority vote of
21 each board of commissioners of a county and each elected board of a municipality outside of
22 Mecklenburg County containing a portion of the railway line being acquired.

23 **SECTION 10.5.(b)** This section applies to Mecklenburg County; all municipalities
24 located wholly or primarily in Mecklenburg County; and any special district, authority, or other
25 unit of local government located wholly or primarily in Mecklenburg County.

26 **SECTION 10.5.(c)** This section is effective when it becomes law.

27 28 **EFFECTIVE DATE**

29 **SECTION 11.** Except as otherwise provided, this act is effective when it becomes
30 law.