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Cities group pushes for annexation law change

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The group that represents North Carolina's cities and towns has proposed changes to state annexation laws to ease the burden on residents in a city's sights.

Calling the proposals "substantial changes" to the state's annexation rules, The N.C. League of Municipalities presented its proposals Wednesday to a General Assembly committee studying involuntary annexation, or a city's ability to absorb nearby unincorporated areas.

It's a hot topic here, with Wilmington set to decide in February whether it wants to gobble up 821 acres in the Monkey Junction area and add more than 3,000 residents to the tax rolls.

It's not clear when – or even if – the General Assembly will vote to revise the state's decades-old annexation laws. Earlier this year, the House passed a bill that would have imposed a one-year moratorium on involuntary annexation while the joint committee studies the issue, but it gained no traction in the Senate.

Annexation opponents often argue that a city's unchecked right to absorb nearby unincorporated areas is simply taxation without representation. Cities are required to provide basic services – such as water and sewer utilities and police and fire protection – but opponents say tax collections begin long before all services are provided. Or, in cases like Monkey Junction, many of the services are already provided by the county.

City officials counter that county residents regularly use city services and amenities without paying for them. And city residents pay county taxes, which are used to provide services in the unincorporated areas.

The league of municipalities favors annexation rights. But on Wednesday, the group offered 20 proposals that, if enacted, would give residents in targeted areas more information about annexation, more time to mount a legal challenge, longer period

to pay water and sewer impact fees.

Kelli Kukura, the league's director of government affairs, said the league developed the proposals after listening to concerns from city and town leaders and regular citizens.

"We recognize there is a need for meaningful change," she said.

One of the league's proposals would require cities to file a report with the Local Government Commission on whether they met the deadlines for providing services.

According to the recommendations, this report could be used by property owners looking to challenge the annexation on the grounds that the city failed to provide services.

Other suggestions include stiffening the qualifications for towns that want to annex and providing cities incentive to annex poor areas that actually need services.

"We do think this is a good step in the right direction," said Kim Hibbard, an attorney for the league.

But annexation foes want a leap, not a step. Cathy Heath, chair of StopNC Annexation, said the proposals still don't give residents a say in whether they should be annexed, either through a voter referendum or approval from the county commissioners.

"I think the legislators should adopt every single one of those recommendations," Heath said of the league's proposals. "The problem is it doesn't go far enough."

Here in Wilmington, residents and businesses in Monkey Junction are waiting to see what happens in February.

While possible annexation of the area is more than a year away, residents and businesses will eventually have to start paying city property taxes and an initial fee to tap into city sewer and water.

Mayor Bill Saffo said he had not seen the league's proposals, but he's familiar with the issues. He said it's important that Wilmington provides residents in annexation areas enough information about the process.

"All the information the city has should be disseminated to the people," Saffo said.

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