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Panel: Annexation shouldn't be forced on residents

By GARY D. ROBERTSON Associated Press Writer
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Cities and towns shouldn't be allowed to annex unincorporated areas unless targeted residents first are allowed to vote on the matter, a legislative study committee agreed Thursday despite opposition from a powerful lobbying group and state senator.

The special panel examining changes to North Carolina's municipal annexation laws voted in favor of requiring referenda as a prerequisite for involuntary annexations.

Audience members, many of whom have complained in earlier public hearings that they had little recourse to challenge annexations or get public services in a timely fashion, cheered and clapped after the vote.

"The citizens have no rights in this process," said Doug Aitken with the Fair Annexation Coalition and a committee member following the 14-6 vote by the panel. "The only right that they have right now is to go to court ... The best way for them to have a voice is the right to vote."

The proposal was one of several endorsed by the divided panel, including a moratorium on new involuntary annexations until these and other changes to the laws that it proposed are enacted. The recommendations now go to the full Legislature, which may be less willing to go along with the more dramatic proposals.

The North Carolina League of Municipalities, which has many allies at the General Assembly, adamantly opposes referenda, saying the current annexation law approved in 1959 has generally helped cities and towns manage the state's rapid growth in an orderly fashion.

Municipalities must hold two public meetings, agree to provide emergency and street services to the new citizens and have the money to expand water and sewer mains for hookups. New residents can take sue if promised services don't arrive on time but they have a small window to do so.

The league has offered 20 changes to the current laws that it says would give

citizens more input and time to respond to an annexation proposal. It intends to keep lobbying for them during the session that begins next week, league lobbyist Kelli Kukura said.

"This bill ultimately comes down to a fairness issue between in-town residents and near-town residents," Kukura said. "There are some select concerns in certain communities across the state, and our 20-point proposal has addressed those."

Senate Majority Leader Tony Rand, D-Cumberland, said he doesn't want to see a referendum procedure approved by the Legislature. He said few annexations would be successful because few people want to vote upon themselves additional municipal taxes.

"It materially damages urban areas," said Rand, who is also chairman of the powerful Senate Rules Committee. "The cities wouldn't grow."

At least 28 of the 43 states that have annexation statutes require some kind of election, according to a 2002 University of Georgia study. Although panelists at Thursday's meeting were split about equally between legislators and non-legislators, there was support from both chambers, said Rep. Nelson Dollar, R-Wake, a committee member.

"It's a fundamental issue when government is set to do something with your home and you realize you have no say in the process," Dollar said.

The House approved a nine-month moratorium last summer. The Senate didn't go along with it but agreed to study annexations issues with the House in advance of the new session.

The panel also agreed in principle Thursday to proposals that would:

- direct the state's Local Government Commission to oversee annexations to ensure cities and towns are fiscally able to provide services.
- give new residents up to five years to pay assessments for water and sewer services to reach their property.
- make it easier for areas where many low-income families live to petition a local government requesting that they be annexed.
- raise development density standards before a municipality can begin the annexation process.



