

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 288
House Committee Substitute Favorable 7/15/13

Short Title: Wake Comm Vacancy & Aberdeen Zoning. (Local)

Sponsors:

Referred to:

March 14, 2013

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING FILLING OF VACANCIES ON THE BOARD OF
3 COMMISSIONERS OF WAKE COUNTY AND ESTABLISHING A DOMESTIC
4 VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM IN
5 WAKE COUNTY AND TO PERMIT MULTIFAMILY DEVELOPMENT ON CERTAIN
6 PARCELS IN THE TOWN OF ABERDEEN.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 4 of Chapter 153A of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 153A-27.2. Vacancies on the board of commissioners in certain counties.**

11 (a) This section applies to Wake County only, which is not subject to G.S. 153A-27.

12 (b) If a vacancy occurs on the board of commissioners, the remaining members of the
13 board shall appoint a qualified person to fill the vacancy. If the vacating member was elected as
14 the nominee of a political party, the board of commissioners shall consult the county executive
15 committee of that party before filling the vacancy. The board shall vote on that nomination
16 within 30 days of its submission, and, if it is not approved, the board shall request that county
17 executive committee to submit another name. The board shall vote on that second nomination
18 within 30 days of its submission, and, if it is not approved, the board may appoint any person
19 eligible under subsection (d) of this section. If the remaining board members are unable to fill
20 the vacancy within 30 days of the failure to approve the second nomination and the vacating
21 member was elected as the nominee of a political party, a special primary election shall be
22 called under subsection (e) of this section.

23 (c) If the vacancy occurs later than 90 days before the general election held after the
24 first two years of the term, the appointment to fill the vacancy is for the remainder of the
25 unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the
26 first Monday in December next following the first general election held more than 90 days after
27 the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated
28 for the remainder of the unexpired term.

29 (d) To be eligible for appointment to fill a vacancy, a person must (i) be a member of
30 the same political party as the member being replaced if that member was elected as the
31 nominee of a political party and (ii) be a resident of the same district as the member being
32 replaced if the county is divided into electoral districts.

33 (e) If a special primary election is required under subsection (b) of this section, the
34 county board of commissioners shall call that special primary election for the purpose of
35 allowing the members of the party with which the vacating member was affiliated when elected
36 to make a recommendation. The special primary election shall be conducted in accordance with



1 Article 10 of Chapter 163 of the General Statutes, except that the county board of elections
2 may, with the approval of the State Board of Elections, set deadlines for filing notices of
3 candidacy and for absentee voting in the special primary election. The date of the special
4 primary election shall be set by the county board of commissioners, but the date shall be
5 governed by G.S. 163-287. Only persons who are affiliated with the party may vote, except that
6 if the party has allowed unaffiliated voters to participate in primary elections of that party under
7 G.S. 163-119 then unaffiliated voters may also participate. No such special primary shall be
8 held, however, if (i) less than 120 days remain in the term of office or (ii) if the vacancy is
9 being filled for the remainder of the term at the mid-term election under subsection (c) of this
10 section and less than 120 days remain until the date of that election. The county board of
11 commissioners shall immediately upon the certification of the primary returns appoint the
12 winner to serve until the first Monday in December following the next general election which
13 occurs after the date of the vacancy. This subsection applies only if the vacating member was
14 elected as the nominee of a political party.

15 (f) If the number of vacancies on the board is such that a quorum of the board cannot
16 be obtained for any action under this section, the chairman of the board shall appoint enough
17 members to make up a quorum. If the number of vacancies on the board is such that a quorum
18 of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court
19 of the county shall fill the vacancies upon the request of any remaining member of the board or
20 upon the petition of any registered voters of the county."

21 **SECTION 2.(a)** Section 5 of S.L. 2009-52, as amended by S.L. 2013-70, reads as
22 rewritten:

23 **"SECTION 5.** This act applies to Alamance County, Pitt County, ~~and~~ Mecklenburg
24 ~~County~~ County, and Wake County."

25 **SECTION 2.(b)** Section 5 of S.L. 2013-70 reads as rewritten:

26 **"SECTION 5.** This act applies to the following counties: Alamance, Pitt, ~~and~~
27 ~~Mecklenburg~~ Mecklenburg, and Wake."

28 **SECTION 3.(a)** Notwithstanding Article 19 of Chapter 160A of the General
29 Statutes or any zoning, occupancy, or other ordinance or statute to the contrary, multifamily
30 development, including apartments, is permitted on the following described properties in the
31 Town of Aberdeen:

32 TRACT I: lying and being in Sandhills Township, Moore County, North Carolina,
33 and BEING all of that lot, tract, or parcel of land, containing 4.25 acres, as recorded in Deed
34 Book 1059, at Page 267, in the Moore County Registry, reference to which is hereby made for
35 a more complete and accurate description of the aforesaid tract.

36 TRACT II: lying and being in Sandhills Township, Moore County, North Carolina,
37 and BEING all of that lot, tract, or parcel of land, containing 0.49 acres, as recorded in Deed
38 Book 980, at Page 295, in the Moore County Registry, reference to which is hereby made for a
39 more complete and accurate description of the aforesaid tract.

40 TRACT III: lying and being in Sandhills Township, Moore County, North Carolina,
41 and BEING all of that lot, tract, or parcel of land, containing 2.67 acres, as recorded in Deed
42 Book 3109, at Page 467, in the Moore County Registry, reference to which is hereby made for
43 a more complete and accurate description of the aforesaid tract.

44 **SECTION 3.(b)** Multifamily development on the above described property shall be
45 subject to the zoning, development, and other land-use plans, laws, and regulations of the Town
46 of Aberdeen in existence and effective for the properties zoned R-10 on March 1, 1989.

47 **SECTION 3.(c)** This section applies to the Town of Aberdeen only.

48 **SECTION 4.** Section 1 of this act is effective when it becomes law but only
49 applies to vacancies occurring on or after that date. The remainder of this act is effective when
50 it becomes law.