





**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

**SESSION LAW 2004-41  
HOUSE BILL 1484**

AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Cleveland County Board of Education consists of nine members elected at large in nonpartisan, plurality elections.

**SECTION 2.** The composition, terms and method of electing the Board of Education is set by the Plan for the Merger of the Cleveland County, Kings Mountain District, and Shelby City Schools adopted by the Cleveland County Board of Commissioners on April 18, 2000, amended by the Board of Commissioners on May 2, 2000, and adopted by the State Board of Education on September 13, 2000. Although the merger of the three school units was scheduled to take effect on July 1, 2000, it was delayed by litigation and preclearance under Section 5 of the federal Voting Rights Act, and the merger did not occur until January 13, 2004.

**SECTION 3.** Of the nine members originally appointed to the Board of Education, two each were members of the former Cleveland County, Kings Mountain and Shelby school boards, and three were selected without regard to former board membership, as provided in the merger plan. The merger plan provided for successors to those initial appointed members to be elected in November 2001 and November 2003. In 2001 successors were to be elected for those three at-large members appointed without regard to membership on the previous school boards, and in 2003 successors were to be elected for the six members appointed from the previous school boards. All members elected in 2001 and 2003 were to serve four-year terms.

**SECTION 4.** Because of the postponement of the merger from 2000 to 2004, the elections scheduled for 2001 and 2003 were not held, and the merged board did not take office until January 2004. During that time, the previous boards for Cleveland County, Kings Mountain and Shelby continued to function and conducted elections.

**SECTION 5.** Having considered the merger plan and the rescheduling of the postponed elections, the State Board of Elections has recommended that the election originally scheduled for November 2001 be rescheduled for November 2005, and that the election originally scheduled for November 2003 be rescheduled for November 2007. Such a schedule is consistent with the intent of the merger plan and recognizes the four-year delay in the implementation of merger.

**SECTION 6.** Three members of the Cleveland County Board of Education shall be elected on Tuesday after the first Monday in November 2005, and every four years thereafter. The three members elected in November 2005 shall replace the three members of the board originally appointed at large without regard to membership on the previous boards for the Cleveland County, Kings Mountain and Shelby school units.

**SECTION 7.** Six members of the Cleveland County Board of Education shall be elected on Tuesday after the first Monday in November 2007, and every four years thereafter. The six members elected in November 2007 shall replace the six members of the board, or their successors, originally appointed from the previous boards for the Cleveland County, Kings Mountain and Shelby school units.

**SECTION 8.** Pursuant to Sections 4.B.5. and 6.A.4. of the merger plan, an election also shall be held in November 2005 to elect a successor to any board member who has been appointed to fill a vacancy in one of the six seats designated for members of the former boards for the Cleveland County, Kings Mountain and Shelby school units. The election in November 2005 shall be to fill the remaining two years of the unexpired term for that seat.

**SECTION 9.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 30<sup>th</sup> day of June, 2004.

s/ Beverly E. Perdue  
President of the Senate

s/ Richard T. Morgan  
Speaker of the House of Representatives

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

**SESSION LAW 2004-68  
HOUSE BILL 1529**

**AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT.**

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 66-58 or any other provision of law, the Moore County Board of Education may enter into a contract, under terms and conditions set by the Moore County Board of Education, that permits public school activity buses to be used from June 12, 2005, through June 20, 2005, for activities related to the U.S. Open Golf Tournament to be held in Moore County.

State funds shall not be used for the use and operation of buses under this act.

Neither the State of North Carolina nor the Moore County Schools shall incur any liability for any damages resulting from the use and operation of buses under this act. Pinehurst, Inc., shall carry liability insurance covering the use and operation of buses under this act.

**SECTION 2.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 8<sup>th</sup> day of July, 2004.

s/ Beverly E. Perdue  
President of the Senate

s/ Richard T. Morgan  
Speaker of the House of Representatives



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

**SESSION LAW 2004-16  
HOUSE BILL 1640**

AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO  
CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR  
TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 66-58, G.S. 115C-518, or any other provision of law, the Dare County Board of Education may enter into a lease, partnership, joint venture, or similar arrangement with the Outer Banks Community Development Corporation, Inc., The Affordable Housing Group of North Carolina, Inc., and/or other governmental and nonprofit entities interested in providing affordable housing, to construct and provide affordable housing on property owned or leased by the Dare County Board of Education. The affordable housing program shall include a priority for teachers. The projects may contain a mixture of below-market and at-market rental units.

**SECTION 2.** This act shall not exempt any affordable housing project constructed pursuant to this act from compliance with applicable building codes, zoning ordinances, and other health and safety statutes, rules, and regulations.

**SECTION 3.** This act authorizes up to three affordable housing projects, one on the beach area of Dare County north of Oregon Inlet, one on Hatteras Island, and one on the Roanoke Island/mainland section of Dare County.

**SECTION 4.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 22<sup>nd</sup> day of June, 2004.

s/ Beverly E. Perdue  
President of the Senate

s/ Richard T. Morgan  
Speaker of the House of Representatives



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

**SESSION LAW 2004-69  
HOUSE BILL 1669**

AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO  
CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE  
SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Clinton City Board of Education may convey by private negotiation and sale to the Sampson High School Alumni Association, Incorporated, a nonprofit corporation, with or without monetary consideration, and upon such terms as the Clinton City Board of Education deems appropriate, any or all of its right, title, and interest in the following described property:

A lot containing .81 acres more or less and a one story brick and block building located on Mckoy Street in the City of Clinton, North Clinton Township, North Carolina, being adjacent to and adjoining a tract of land purchased by the Sampson High School Alumni Association in Deed Book 1045 page 247 on the north side and adjacent to and adjoining property owned by Olivet Institutional Baptist Church, in Deed Book 1119 Page 819 on the south side. The said .81 acre tract being all of lot one (1) of land surveyed by Millard T. Owen, III, and recorded in Map Book 35 Page 79 of the Sampson County Registry.

**SECTION 2.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 8<sup>th</sup> day of July, 2004.

s/ Beverly E. Perdue  
President of the Senate

s/ Richard T. Morgan  
Speaker of the House of Representatives



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

**SESSION LAW 2004-27  
SENATE BILL 1122**

**AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-381(d), as it applies under S.L. 2003-237 to the Town of Chapel Hill and that area where the Town of Chapel Hill exercises territorial planning jurisdiction, including any area under that Town's jurisdiction pursuant to a Joint Planning Agreement with Orange County, reads as rewritten:

"(d) An ordinance enacted under the authority of this Part may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the council or the planning agency. In order for this authorization to become effective, before approving such plans the council or planning agency and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Prior to the adoption of such plans (or of any amendment to such plans) affecting areas reserved for schools, the owner of that parcel of land reserved for schools or proposed to be reserved for schools, or any portion thereof, as shown on the county tax records, and the owners of all parcels of land abutting that parcel, as shown on the county tax records, shall be mailed a notice of the proposed plans or amendment to plans by first class mail at the addresses shown on such county tax records. Whenever a special use permit or site plan development is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning agency shall immediately notify the board of education and the board shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning agency and no site shall be reserved. If the board does wish to reserve the site, the special use permit or site plan development shall not be approved without such reservation. The board of education shall then have ~~42~~ 18 months beginning on the date of final approval of the special use permit or site plan development within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within ~~42~~ 18 months, the owner and applicant for the special use permit or site plan development may treat the land as freed of the reservation."

**SECTION 2.** This act is effective when it becomes law and applies to special use permits and site plan developments approved on or after that date.  
In the General Assembly read three times and ratified this the 28<sup>th</sup> day of June, 2004.

s/ Beverly E. Perdue  
President of the Senate

s/ Richard T. Morgan  
Speaker of the House of Representatives