

**Southern Moore Alliance of Excluded Communities**

PO Box 4602  
Pinehurst, NC 28374-4602

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Dear Legislators:

Southern Moore Alliance of Excluded Communities (SMAEC) has several concerns about North Carolina's annexation laws and believes that further study of its full impact on all communities, including how it operates in practice, would be very helpful. SMAEC supports the formation of a commission to examine North Carolina's annexation laws without any suspension of current laws.

SMAEC is a collaborative of Voices for Justice Inc., which is a Moore County organization devoted to advocating for racial justice and civil rights, and three community associations in southern Moore County:

- ◆ Jackson Hamlet Community Action serves and advocates for Jackson Hamlet, a predominately African-American, low-income community of about 300 residents surrounded by the Town of Aberdeen and the Village of Pinehurst. Jackson Hamlet falls within the extraterritorial jurisdiction (ETJ) of Pinehurst.
- ◆ Midway Community Association serves and advocates for Midway, a predominately African-American, low-income community of about 120 residents within Aberdeen's ETJ. Aberdeen almost completely surrounds Midway.
- ◆ Waynor Road in Action serves and advocates for Waynor Road, a predominately African-American, low-income community of about 75 residents that is sandwiched by the Town of Southern Pines and falls within its ETJ.

North Carolina's annexation laws are designed to foster sound and orderly urban development so as to encourage the continued economic development of the state. A key aspect of this development is the provision of governmental services "for the protection of health, safety, and welfare in areas being intensively used for residential, commercial, industrial, institutional, and government purposes or in areas undergoing such development."<sup>1</sup>

In 1985, the General Assembly enacted legislation authorizing Aberdeen, Pinehurst and Southern Pines to exercise ETJ authority over all property falling within a two-mile radius of their corporate limits, without regard to population.<sup>2</sup> While the current ETJ laws do not require municipalities to annex areas within their ETJ, the laws were

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<sup>1</sup> N.C. Gen. Stat. § 160A-33.

<sup>2</sup> 1985 N.C. Sess. Laws. 308 (1985 Session, Chapter 308 SB 343).

intended to assist municipalities in developing long-term land use planning, including annexation.

Communities within an ETJ frequently are fairly densely populated areas compared to the more rural areas within the county jurisdiction. As such, they have needs for typical municipal services such as public water, sewer, garbage collection, sidewalks, streetlights, and adequate fire and police protection. However, many traditionally low-income or minority neighborhoods do not enjoy such services and are not seen as areas desirable for involuntary annexation. Thus, excluded communities like ours want to be involuntarily annexed and want to enjoy the city services that their neighbors on the other side of the town line enjoy. In addition, areas such as Jackson Hamlet, Midway, and Waynor Road are denied political participation because they cannot vote for the municipal officials who make their zoning and land use decisions.

The disparity of services in low-income, low-density ETJ communities creates an obstacle between these communities and economic prosperity. The lack of essential services constrains property values within these communities, a primary source of wealth accumulation. In addition to long-term economic effects, exclusion also poses a considerable threat to residential health and safety due to threats of septic system failure, well contamination, or sanitation risks caused by lack of trash pickup. Both Jackson Hamlet and Midway receive public water from Moore County, but remain unsewered. Waynor Road lacks public water and sewer infrastructure. **As outlined below, each community is taking steps in partnership with its neighboring municipality to try to remedy this situation.**

In September 2006, Aberdeen received a federal Community Development Block Grant (CDBG) that will provide sewer for the remaining properties in Midway that lack sewer. In spring 2007, Pinehurst received CDBG funds that will provide sewer for about one-third of Jackson Hamlet. In June 2007, Pinehurst passed a resolution to consider annexing Jackson Hamlet and Monroe Town, another predominately African American, low-income community within Pinehurst's ETJ. Also in June 2007, Southern Pines included funding in their 2007-08 budget to provide public water for Waynor Road. Southern Pines has also committed to seek funds to provide Waynor Road with sewer and to accept the voluntary annexation sought by the community.

The likelihood of involuntary annexation for any of the communities in southern Moore County is very low for several reasons. In addition to the current annexation laws giving municipalities the authority to pass over lower-income communities without essential services and absorb higher-income communities, the density requirements stymie the efforts of municipalities' ability to involuntarily annex low-income, low-density communities. For example, Aberdeen has expressed interested in annexing Midway but cannot do so through involuntary annexation because Midway does not meet the density requirements. In North Carolina, the governing body of any municipality with 5,000 or more residents is allowed to extend the corporate limits by annexing surrounding areas that are at least 60 percent developed. Neither Jackson Hamlet, Midway, nor Waynor Road has reached that development threshold, mainly because of lack of resources to

further develop property in their communities. **SMAEC recommends that the NC General Assembly examine whether it is feasible to lower the density requirements for voluntary annexation.**

While the majority of the residents in each of the three communities wants to be annexed, voluntary annexation is a tedious and sometimes costly process for the communities because of tasks such as locating multiple heirs property owners and the cost of surveying the land. Additionally, with voluntary annexation, the current annexation laws do not provide for provision of services. **SMAEC recommends that the General Assembly examine the possibility of requiring that cities and towns provide services in a reasonable period of time for voluntary as well as involuntary annexations.**

Finally, **SMAEC recommends that several representatives of affected low-income and minority communities be appointed to serve on the study commission to examine annexation laws and policies.** Thank you very much for your careful consideration of these comments.

Sincerely,

Voices for Justice

Jackson Hamlet Community Action

Waynor Road in Action

Midway Community Association