

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 236
HOUSE BILL 463

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FOREST CITY,
CHAPTER 2 OF THE PRIVATE LAWS OF 1925.

The General Assembly of North Carolina do enact:

Section 1. Chapter 2 of the Private Laws of 1925, as amended, is hereby further amended by adding at the end of the first paragraph of Section 5 thereof the following:

"The Board of Commissioners may, in its discretion, install a loose- leaf or card registration book system for use in conducting town elections. Such registration books and cards shall be in such form as the Board may prescribe. The Board may at any time authorize the registrar or registrars to purge the present registration books in the manner authorized by general law and to transfer to the new registration books the names of such qualified voters as remain on the present registration books following such purging."

Sec. 2. Chapter 2 of the Private Laws of 1925 is hereby further amended by inserting in Section 5 thereof a new subsection 7A to read as follows:

"7A. The Board of Commissioners shall appoint a town manager, who shall be the administrative head of the town government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and need not be a resident of the town when appointed. He shall hold office during the pleasure of the Board of Commissioners and shall receive such compensation as it shall determine. The manager shall:

- "(a) be the administrative head of the town government;
- "(b) see that within the town the laws of the State and the ordinances, resolutions, and regulations of the Board of Commissioners are faithfully executed;
- "(c) attend all meetings of the Board, and recommend for adoption such measures as he shall deem expedient;
- "(d) make reports to the Board from time to time upon the affairs of the town, keep the Board fully advised of the town's financial condition and its future financial needs;
- "(e) appoint and remove all heads of departments, superintendents, and other town employees, except the town attorney. Such municipal officers and employees as the Board of Commissioners shall determine are necessary for the proper administration of the town shall be appointed by the manager, and any such officer or employee may be removed by him; but the manager shall report every such appointment and removal to the Board at the next meeting thereof following any such appointment or removal. The

officers and employees of the municipality shall perform such duties as may be required of them by the manager, under general regulations of the Board of Commissioners."

Sec. 3. Chapter 2 of the Private Laws of 1925 is further amended by inserting therein, between Sections 8 and 9, a new Section 8A to read as follows:

"Sec. 8A. Cable television. The town shall have authority to grant franchises for cable television service pursuant to G. S. 160-2(6a), or in lieu of granting franchises, shall have authority to acquire, construct, own, and operate a cable television system as defined in G.S. 160-2(6a) within the town and within the areas served by the town's electric distribution system, to make reasonable installation and service charges for cable television service, and to make reasonable rules and regulations regarding the operation and use of such system. The town may appropriate funds for the acquisition, construction, and operation of such system, and may issue its bonds and notes for the same pursuant to and in accordance with Article 28 of Chapter 160 of the General Statutes."

Sec. 4. (a) Subject to approval of the voters as hereinafter provided, Chapter 2 of the Private Laws of 1925 is hereby further amended by rewriting the first paragraph of Section 5 thereof to read as follows:

"Sec. 5. Officers. All powers conferred on the Town of Forest City and the administration of the government of said town shall be exercised by and vested in a principal officer styled the mayor, and five commissioners. Regular town elections shall be held biennially in the odd-numbered years. In the regular election in 1969, there shall be elected a mayor and five commissioners, and the candidate for mayor and the two candidates for commissioner who receive the largest number of votes shall be declared elected for terms of four years, and the three candidates for commissioner who receive the next largest number of votes shall be declared elected for terms of two years. In the regular election in 1971, and quadrennially thereafter, there shall be elected three commissioners to serve for terms of four years. In the regular election in 1973, and quadrennially thereafter, there shall be elected a mayor and two commissioners to serve for terms of four years. Any vacancy in the office of mayor or commissioner shall be filled by the Board of Commissioners for the remainder of the unexpired term. Except as otherwise provided herein, regular Town elections shall be conducted in accordance with the general laws relating to municipal elections. The Board of Commissioners shall have the power to make all necessary rules and regulations concerning elections and the manner and method of holding the same. Such regulations, however, shall be in keeping with the provisions of this Act, and in harmony with the Constitution and laws of the United States and the Constitution of North Carolina, and in the absence of the exercise of this power by the Board of Commissioners, all elections shall be held in accordance with the provisions of the general laws of the State for the holding of elections by municipalities. The Board of Commissioners may, in its discretion, install a loose-leaf or card registration book system for use in conducting town elections. Such registration books and cards shall be in such form as the board may prescribe. The Board may at any time authorize the registrar or registrars to purge the present registration books in the manner authorized by general law and to transfer to the new registration books the

names of such qualified voters as remain on the present registration books following such purging."

(b) The Board of Commissioners of the Town of Forest City shall call and conduct, on the day of the regular town election in 1969, a special election upon the charter amendment specified in subsection (a) of this Section. No new registration of voters shall be required for such special election, and all qualified voters who are registered prior to the regular registration period for the regular 1969 town election, and all who register during such period, shall be entitled to vote in the special election. The special election shall be conducted in accordance with the provisions of law relating to regular town elections, except that the Board of Commissioners shall cause a notice of such special election to be published once at least fifteen days prior to the day of election in some newspaper published in or having general circulation in the town, in lieu of the notices required by G.S. 160-51 and G.S. 160-365, or any other notice required by law. At such special election, ballots shall be provided which contain the words "For Four-Year Terms for Mayor and Commissioners" and "Against Four-Year Terms for Mayor and Commissioners", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

(c) If a majority of the votes cast in such special election shall be cast "For Four-Year Terms for Mayor and Commissioners", then subsection (a) of this Section shall become effective immediately. If a majority of the votes cast in such special election shall be cast "Against Four-Year Terms for Mayor and Commissioners", then subsection (a) of this Section shall have no force and effect.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. Except as provided in subsection (c) of Section 4 hereof, this Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1969.