

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 667
SENATE BILL 464

AN ACT TO AUTHORIZE AN ELECTION ON THE QUESTION OF
INCORPORATING THE CITY OF ARCHDALE-TRINITY IN RANDOLPH
COUNTY AND REPEALING THE CHARTERS OF THE TOWNS OF
ARCHDALE AND TRINITY.

The General Assembly of North Carolina do enact:

Section 1. (a) The Board of Elections of Randolph County shall conduct a special election on Tuesday, July 8, 1969 for the purpose of submitting to the qualified voters of the area hereinafter described as the proposed corporate limits of the City of Archdale-Trinity the question whether or not such area shall be incorporated as the City of Archdale-Trinity, as provided in this Act. On such day, the polls shall be open from 6:30 a.m. until 6:30 p.m. Except as otherwise provided in this Section, such special election shall be conducted in accordance with the provisions of law applicable to county elections.

(b) A new registration of all qualified voters in the described area shall be conducted for the purpose of registering the names of those who desire to vote in such special election, and in the first election of City officials in the event the special election results in incorporation. The registration books for such new registration shall be open from Saturday, June 21, 1969, through Saturday, June 28, 1969, excluding Sunday, and shall remain open on each day from 9:00 a.m. until 5:00 p.m. On the Saturdays of June 21 and June 28, the books shall be kept at the polling places. On other days during the registration period, they may be kept at the home or place of business of the respective registrars, or at the polling places, as designated in the notice hereinafter required. Saturday, July 5, 1969, shall be Challenge Day.

(c) The Board of Elections of Randolph County shall, not later than Friday, June 13, 1969, establish two precincts for the special registration and election, appoint a registrar and two judges for each precinct, and designate a polling place for each precinct. One precinct shall consist of that part of the territory hereinafter described as the proposed corporate limits of the City of Archdale- Trinity which lies to the north and east of the center line of the right of way of the Carolina and Northwestern Railroad, and shall be hereinafter referred to as the Archdale Precinct. One precinct shall consist of that part of the territory described as the proposed corporate limits of the City of Archdale-Trinity which lies to the south and west of the center line of the right of way of the Carolina and Northwestern Railroad, and shall be hereinafter referred to as the Trinity Precinct.

(d) Not later than Friday, June 13, 1969, the Board of Elections of Randolph County shall cause to be posted at two public places in the Archdale Precinct and at two public places in the Trinity Precinct a notice stating the time, the polling places, and the purpose of the special election; the names of the registrars and judges of election; the dates, hours, and places of registration; the date, time, and places for challenges; that the registration is a complete new registration for the special election and for election of City officers if the special election results in incorporation; that, subject to a favorable vote upon the question of incorporation, the election of City officers will be conducted on Tuesday, November 4, 1969; and that, subject to a favorable vote upon the question of incorporation, candidates for election to City offices on November 4, 1969, must file with the Board notice of candidacy not earlier than Friday, October 3, 1969, and not later than 5:00 p.m. on Friday, October 17, 1969. The Board of Elections may, in its discretion, also cause such notice to be published one or more times in a newspaper having general circulation in the Archdale-Trinity community.

(e) In the special election, those voters who favor the incorporation of the City of Archdale-Trinity as provided in this Act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of Archdale-Trinity", and those voters who are opposed to the incorporation of the City of Archdale-Trinity as provided in this Act shall vote a ballot upon which shall be printed the words "AGAINST Incorporation of Archdale-Trinity".

Sec. 2. In such special election, if a majority of the votes cast in both the Archdale Precinct and the Trinity Precinct shall be cast "AGAINST" Incorporation of Archdale-Trinity", then Sections 3 through 10 of this Act shall have no force and effect.

Sec. 3. (a) In such special election if a majority of the votes cast in both the Archdale-Precinct and the Trinity Precinct shall be cast "FOR Incorporation of Archdale-Trinity", then

(1) The City of Archdale-Trinity is hereby incorporated effective July 8, 1969, and Section 6 of this Act shall constitute the Charter of the City of Archdale-Trinity;

(2) subsections (b) and (c) of this Section shall have no force and effect and Sections 4 through 10 of this Act shall be in full force and effect from and after July 8, 1969;

(3) Francis E. White, Thomas S. Boulding, Jr., William Tucker, Joel E. Williams, Doris B. Spencer, and Howard J. Younts are hereby appointed as the City Council of the City of Archdale-Trinity to serve until their successors are elected and qualify.

(4) The City of Archdale-Trinity shall be divided into four wards for the purpose of electing City Councilmen, and the City Council shall, after the initial terms of members appointed hereby, consist of eight members two of whom shall reside in each ward.

(b) In such special election, if a majority of the votes cast in the Archdale Precinct shall be cast "FOR Incorporation of Archdale- Trinity" and a majority of the

votes cast in the Trinity Precinct shall be cast "AGAINST Incorporation of Archdale-Trinity", then

(1) the City of Archdale is hereby incorporated effective July 8, 1969, and Section 6 of this Act shall constitute the charter of the City of Archdale;

(2) Subsections (a) and (c) of this Section shall have no force and effect and Sections 4 through 10 of this Act shall be in full force and effect from and after July 8, 1969;

(3) William Tucker, Joel E. Williams, and Doris B. Spencer are hereby appointed as the City Council of the City of Archdale to serve until their successors are elected and qualify.

(4) The City of Archdale shall be divided into three wards for the purpose of electing City Councilmen, and the City Council shall, after the initial terms of members appointed hereby, consist of six members, two of whom shall reside in each ward.

(c) In such special election, if a majority of the votes cast in the Trinity Precinct shall be cast "FOR Incorporation of Archdale- Trinity" and a majority of the votes cast in the Archdale Precinct shall be cast "AGAINST Incorporation of Archdale-Trinity", then:

(1) The City of Trinity is hereby incorporated effective July 8, 1969, and Section 6 of this Act shall constitute the Charter of the City of Trinity;

(2) Subsections (a) and (b) of this Section shall have no force and effect and Sections 4 through 10 of this Act shall be in full force and effect from and after July 8, 1969;

(3) Francis E. White, Thomas S. Bouldin, Jr., and Howard J. Younts are hereby appointed as the City Council of the City of Trinity to serve until their successors are elected and qualify;

(4) The City of Trinity shall be divided into two wards for the purpose of electing City Councilmen, and the City Council, after the initial terms of members appointed hereby, shall consist of four members, two of whom shall reside in each ward.

Sec. 4. The City Council appointed pursuant to the preceding Section shall possess and may exercise all the powers granted to the City incorporated by the preceding Section and to its City Council by this Act and by the general laws of North Carolina, which powers shall be exercised in accordance with the provisions of the Charter of the City. They shall select from among their members a Chairman, to exercise the powers of Mayor until a Mayor is elected and qualifies as provided in Section 5 of this Act. The Chairman so selected shall vote as a member of the Council, but shall not vote again when there is an equal division among the other members on a question.

(b) The City Council shall, not later than September 1, 1969, establish boundaries for the wards of the City as specified by the preceding Section, for the purpose of elections of City Councilmen. Such wards shall be established in a manner so that the population of each is as nearly equal to the population of the others as is

practicable. Adequate descriptions of the ward boundaries shall be furnished to the Board of Elections of Randolph County not later than September 15, 1969.

Sec. 5. (a) The Board of Elections of Randolph County shall, on Tuesday, November 4, 1969, conduct an election for the purpose of electing a Mayor and the specified number of City Councilmen for the City incorporated by the preceding Section. Such election shall be conducted within the area herein established as the corporate limits of such City. On election day, the polls shall be open from 6:30 a.m. until 6:30 p.m. Except as otherwise provided in this Section, such election shall be conducted in accordance with the provisions of law applicable to county elections.

(b) The registration books used for the special election on the question of incorporation shall be used for the election of officers for the City, and a new registration of all voters shall not be necessary; provided, however, that the registration books shall be open between the hours of 9:00 a.m. and 5:00 p.m. from Saturday, October 18, 1969 through Saturday, October 25, 1969, excluding Sunday, for the purpose of registering any qualified voters who are not then registered. On the Saturdays of October 18 and October 25, 1969, the books shall be kept at the polling place or places. On other days during the registration period, it may be kept at the home or place of business of the registrar or registrars, or at the polling place or places as designated in the notice hereinafter required. Saturday, November 1, 1969, shall be Challenge Day.

(c) The precinct or precincts, the registrar or registrars and judges of election, the place or places of registration, and the polling place or places for the election of City officers shall be the same as those for the special election on the question of incorporation.

(d) Any qualified voter who would offer himself as a candidate for Mayor or City Councilman in such election shall file with the Chairman or Clerk of the Board of Elections of Randolph County a written statement giving notice of his candidacy. Such notice shall be filed not earlier than Wednesday, October 1, 1969, and not later than 5:00 p.m. on Friday, October 17, 1969, and shall be substantially in the following form: "I _____, do hereby give notice that I am a candidate for election to the office of (Mayor) (Councilman, Ward _____), City of (Name of City), to be voted on at the election to be held on November 4, 1969, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the City, residing at _____, in Ward _____.

_____(Date)_____ (Signature)_____."

(e) Not later than Friday, October 3, 1969, the Board of Elections of Randolph County shall cause to be posted at three public places in the area herein established as the corporate limits of the City a notice stating the time, the polling place or places, and the purpose of said election; the names of the registrar or registrars and judges of election; the dates, hours, and place or places of registration; the date and time for challenges; that electors who registered for the special election on the question of incorporation of the City of Archdale-Trinity need not register again to vote in the election for City offices; and that candidates for election to City offices in said election

must file with the Board notice of candidacy not later than 5:00 p.m. on Friday, October 17, 1969. The Board of Elections may, in its discretion, also cause such notice to be published one or more times in a newspaper having general circulation in the Archdale-Trinity community.

(f) In such election, each qualified registered voter shall be entitled to vote for one candidate for Mayor and for two candidates for City Councilman from each ward. The candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of two (2) years or until his successor is elected and qualifies. The candidate for City Councilman from each ward who receives the largest number of votes cast for Councilman from such ward shall be declared elected for a term of four (4) years or until his successor is elected and qualifies, and the candidate for City Councilman from each ward who receives the next largest number of votes cast for City Councilman from such ward shall be declared elected for a term of two (2) years or until his successor is elected and qualified. In case of a tie between opposing candidates, the Board of Elections shall determine the result by lot.

(g) The Chairman of the Board of Elections shall notify the persons elected as Mayor and City Councilmen, and shall designate some qualified officer to administer to them the oath of office, which shall be done as soon as practicable following their election, but in no event later than November 15, 1969.

Sec. 6. The following provisions of law shall constitute the Charter of the City incorporated by Section 3 of this Act:

"ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The inhabitants of the area incorporated pursuant to Section 3 of this Act shall be and constitute a body politic and corporate under the name specified in Section 3 of this Act, and shall be vested with all property which may be acquired by the City, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the City Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which,

under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES

"Section 2.1. Corporate Boundaries. (a) In the event the City of Archdale-Trinity is incorporated pursuant to this Act, its corporate boundaries shall be as follows until changed in accordance with law:

BEGINNING at a point on the Randolph-Guilford County line, said point being about 250' East of the centerline of Longview Drive thence in a westerly direction with the Randolph-Guilford County Line to a point on the County Line about 150' East of the centerline of Surret Drive, thence in a southerly direction with the High Point City Limits about 160' to a point; thence in a westerly direction with the High Point City Limits about 70' to a point; thence in a southerly direction with the High Point City Limits about 1400' to a point; thence in a westerly direction with the High Point City Limits about 790' to a point; thence in a southerly direction with the High Point City Limits about 680' to a point; thence in a westerly direction with the High Point City Limits about 700' to a point; thence in a northerly direction with the High Point City Limits about 870' to a point; thence in a westerly direction with the High Point City Limits about 300' to a point; thence in a southerly direction with the High Point City Limits about 310' to a point; thence in a westerly direction with the High Point City Limits about 390' to a point; thence in a northerly direction with the High Point City Limits about 270' to a point; thence in a westerly direction with the High Point City Limits about 90' to a point; thence in a northerly direction with the High Point City Limits about 1650' to a point, said point being on the Randolph-Guilford County line; thence in a westerly direction with the Randolph-Guilford County line to a point 250' West of the centerline of Uwharrie Road; thence in a southerly direction with a line 250' West of and parallel to the centerline of Uwharrie Road to a point 250' of the center line of Uwharrie Road; thence in a southerly direction with a line 250' West of and parallel to the center line of Uwharrie Road to a point 250' South of the center line of Mendenhall Road; thence in an easterly direction with a line 250' South of and parallel to the center line of Mendenhall Road to a point 250' West of Surret Drive; thence in a southerly direction with a line 250' West of and parallel to Surret Drive about 4800 feet to a point; thence in a southeasterly direction about 5350 feet to a point in the centerline of Meadowbrook Road said point being 250 feet South of the intersection of Meadowbrook Road and Ronniedale Road; thence in a northeasterly direction about 10,100 feet to a point said point being the intersection of the centerlines of Trinity Road and Archdale Road; thence in an easterly direction about 5500 feet to a point on the Carolina and Northwestern Railroad, said point being 250' East of the extended centerline of Linda Street; thence in a northerly direction along a line 250 feet East of and parallel to Linda Street about 1100 feet to a point; thence in a northeasterly direction along a line 250' East of and parallel to the extended centerline of Shean Drive to a point, said point being 250 feet North of the centerline of U. S. Highway 311; thence in a northwesterly direction with a line 250 feet North of and parallel to U. S. Highway 311 to a point, said point being 250' southeast of the centerline of Tarheel Drive; thence in a northerly direction with a line 250 feet East of and parallel to the

center lines of Tarheel Drive to a point said point being 250 feet North of the extended centerline of Knollwood Drive; thence in a westerly direction with a line 250 feet North of and parallel to the centerline of Knollwood Drive to a point, said point being 250 feet East of Aldridge Road; thence in a northerly direction with a line 250 feet East of and parallel to the centerline of Aldridge Road to a point, said point being 250 feet East of Longview Drive; thence in a northerly direction with a line 250 feet East of and parallel to Longview Drive to a point on the Randolph-Guilford County Line, said point being the point of BEGINNING.

(b) In the event the City of Archdale is incorporated pursuant to this Act, its corporate boundaries shall include that part of the territory described in subsection (a) of this Section which lies to the north and east of the southwestern boundary of the right of way of the Carolina and Northwestern Railroad.

(c) In the event the City of Trinity is incorporated pursuant to this Act, its corporate boundaries shall include that part of the territory described in subsection (a) of this Section which lies to the south and west of the northeastern boundary of the right of way of the Carolina and Northwestern Railroad.

"ARTICLE III. MAYOR AND CITY COUNCIL

"Section 3.1. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the City voting at large in the manner provided in Article IV. The Mayor shall be the official head of the City government and shall preside at all meetings of the City Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the City. The City Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Section 3.2. Composition of City Council. The City Council shall consist of the number of members specified in Section 3 of this Act, two (2) of whom shall reside in each of the wards of the City, and all of which shall be elected by all of the voters of the City voting at large in the manner provided in Article IV.

"Section 3.3. Terms; Qualifications; Vacancies. (a) After the initial terms of office hereinbefore specified, the Mayor shall serve for a term of two (2) years and the members of the City Council shall serve for terms of four (4) years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

"(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the City Council, or to serve in such capacity, unless he is a resident and a qualified voter of the City.

"(c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Councilman after election and qualification,

the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

"Section 3.4. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the City Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The City Council may establish and from time to time change the salaries of its members.

"Section 3.5. Organization of Council; Oaths of Office. The City Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and Laws of North Carolina not inconsistent therewith and that I will faithfully perform the duties of the office of _____, on which I am about to enter, according to my best skill and ability; so help me, God."

"Section 3.6. Meetings of Council. (a) The City Council shall fix suitable times for its regular meetings, which shall be as often as once monthly, and shall publicize the date, place, and time of such regular meetings when established, and any change of regular meetings from time to time. Special meetings may be held on the call of the Mayor or a majority of the Councilmen, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

"(b) All meetings of the City Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Section 3.7. Quorum; Votes. (a) A majority of the members elected to the City Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) The affirmative vote of a majority of the members of the City Council shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Section 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clause of all ordinances shall be: 'Be it ordained by the City Council of the City of (Name of City)'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.

"ARTICLE IV. ELECTION PROCEDURE

"Section 4.1. Regular Municipal Elections. Following the initial election hereinbefore provided for, regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd- numbered year, beginning in 1971. In the regular 1971 election and biennially thereafter, there shall be elected by the qualified voters of the City voting at large one Councilman from each ward, to serve for a term of four (4) years, or until his successor is elected and qualifies, and a Mayor to serve for a term of two (2) years, or until his successor is elected and qualifies.

"Section 4.2. Voting. In the regular 1971 election and biennially thereafter, each voter shall be entitled to vote for one (1) candidate for Mayor and for one (1) candidate for Councilman from each ward, and the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected and the candidate for Councilman from each ward who receives the largest number of votes cast for Councilman from his ward shall be declared elected. In case of a tie between opposing candidates, the election officials shall determine the result by lot.

"Section 4.3. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or City Councilman shall file with the City Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than the eighth Friday nor later than five o'clock p.m. on the third Friday prior to the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars (\$5.00), shall be signed in the presence of the City Clerk, and shall be substantially in the following form:

I, _____, do hereby give notice that I am a candidate for election to the office of (Mayor) (Councilman, Ward _____), City of (Name of City), to be voted on at the election to be held on _____, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the City, residing at _____, Ward _____.

_____ (Date) _____ (Signature) _____.

"Section 4.4. Wards. The City Council may from time to time alter the boundaries of the wards of the City, but any such alteration shall be performed in a manner so that the population of each ward is as nearly equal to the population of the other wards as is practicable.

"Section 4.5. Regulation of Elections. All municipal elections shall be conducted in accordance with Article 3, Chapter 160, of the General Statutes of North Carolina, except as otherwise herein provided.

"ARTICLE V. CITY ATTORNEY

"Section 5.1. Appointment; Qualifications; Term; Compensation. The City Council shall appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the City during his tenure. The City Attorney shall serve at the pleasure of the City Council and shall receive such compensation as the Council shall determine.

"Section 5.2. Duties of City Attorney. It shall be the duty of the City Attorney to prosecute and defend suits for and against the City; to advise the Mayor, City Council, and other City officials with respect to the affairs of the City; to draw all legal documents relating to the affairs of the City; to draw proposed ordinances when

requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend all meetings of the City Council; and to perform such other duties as may be required of him by virtue of his position as City Attorney.

"ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Section 6.1. City Manager. The City Council may, in its discretion, appoint a City Manager, who shall be the administrative head of the City 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 City when appointed. He shall hold office during the pleasure of the City Council and shall receive such compensation as it shall determine. The City Manager shall:

"(a) be the administrative head of the City government;

"(b) see that within the City the laws of the State and the ordinances, resolutions, and regulations of the City Council are faithfully executed;

"(c) attend all meetings of the Council, and recommend for adoption such measures as he shall deem expedient;

"(d) make reports to the Council from time to time upon the affairs of the City, and keep the Council fully advised of the City's financial condition and its future financial needs;

"(e) appoint and remove all heads of departments and other City employees, except the City Attorney. Such officers and employees as the City Council shall determine are necessary for the proper administration of the City shall be appointed by the Manager, and any such officer or employee may be removed by him; but the Manager shall report every appointment or removal of a department head to the Council at the next meeting thereof following any such appointment or removal. The officers and employees of the City shall perform such duties as may be required of them by the City Manager, under general regulations of the City Council.

"Section 6.2. City Clerk. The City Council shall appoint a City Clerk to keep a journal of the proceedings of the Council and to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the Council may direct.

"Section 6.3. City Tax Collector. The City Council may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the City, subject to the provisions of this Charter and the ordinances of the City, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Section 6.4. City Accountant. The City Council may appoint a City Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

"Section 6.5. Consolidation of Functions. The City Council may, in its discretion, consolidate the functions of any two or more of the positions of City Clerk, City Tax Collector, and City Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Council may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 6.6. Other Employees. The City Council may create and fill by appointment such other positions as it deems advisable to insure the efficient administration of the affairs of the City.

"ARTICLE VII. FINANCE

"Section 7.1. Custody of City Money. All moneys received by the City for or in connection with the business of the City government shall be paid promptly into the City depository. Such institution shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the City shall accrue to the benefit of the City. All moneys belonging to the City shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Section 7.2. Issuance of Bonds. The City may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

"Section 7.3. Purchases and Contracts. Purchases of apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

"Section 7.4. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the City government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the City or of any of its officers. The City Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the City, and may be published if so ordered by the City Council.

"Section 7.5. Taxation. The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the City for the fiscal year 1969-70 and subsequent years. The City may obtain from Randolph County, and the County Tax Supervisor shall provide upon request, a record of all property, and the names of the owners and the valuation thereof, within the corporate limits which was listed for taxation as of January 1, 1969.

"ARTICLE VIII. CLAIMS AGAINST THE CITY

"Section 8.1. Tort Claims. All claims or demands against the City arising in tort shall be presented to the City Council in writing, signed by the claimant or his attorney or agent, within ninety (90) days after such claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim or demand within thirty (30) days or after the expiration of twelve (12) months from the time such claim or demand is presented. Unless the said claim or demand is so presented within ninety (90) days, and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred."

Sec. 7. The following acts, constituting the charters and amendments thereto of the Town of Archdale and the Town of Trinity are hereby repealed: c. 121, Private Laws of 1869; c. 89, Private Laws of 1881; c. 267, Public-Local Laws of 1913, Extra

Session; c. 119, Private Laws of 1921, Extra Session; c. 7, Private Laws of 1923; c. 103, Private Laws of 1873-74; Section 2 of c. 335, Public Laws of 1887; c. 103, Private Laws of 1889.

Sec. 8. Notwithstanding any other provision of law, the City incorporated pursuant to this Act may merge with and become a part of the City of High Point by the following procedure:

(a) The City Council of the City incorporated pursuant to this Act shall adopt a resolution proposing merger of the City with the City of High Point, and calling for a special election submitting the question of such merger to the qualified voters of the City incorporated pursuant to this Act. Such resolution may be adopted on the Council's own motion, and shall be adopted at the next regular meeting following receipt of a petition signed by qualified voters equal in number to fifteen percent (15%) of the whole number of registered voters of the City.

(b) The special election may be held on the day of any other regular or special City election, or on the day of any State primary or general election, or on any other day. A new registration of all voters shall not be necessary for the special election, and the special election shall be conducted in accordance with the provisions of law applicable to regular City elections.

(c) In the special election, ballots shall be provided which contain the words "For merger with High Point and assumption of proportionate share of the obligations of the City of High Point" and "Against merger with High Point", with appropriate squares so that each voter may by his cross (X) mark indicate his preference.

(d) If a majority of the votes cast in the special election shall be cast "Against merger with High Point", then the City Council of the City incorporated pursuant to this Act, shall take no further action under this Section, except that it may, on its own motion and shall upon petition as provided in (a) of this Section, call subsequent special elections upon the same question, but no subsequent special election shall be held within one year of a prior special election upon the question. In any special election held hereunder, a vote for merger with the City of High Point shall be deemed a vote to assume the obligations of the City of High Point.

(e) If a majority of the votes cast in the special election shall be cast "For merger with High Point", then the City Council of the City incorporated pursuant to this Act shall within ten (10) days, adopt a resolution certifying the results of such election and requesting the City Council of the City of High Point to take action in accordance with this Section to effect such merger, and shall transmit by registered mail copies of such resolution to the City Council of the City of High Point and to the Secretary of State of North Carolina.

(f) Upon receipt of any such resolution, the City Council of the City of High Point shall cause a copy thereof to be spread upon its minute book, certified as received by its City Clerk. At any time subsequent to the receipt of any such resolution, the City Council of the City of High Point may effect the merger of the City incorporated pursuant to this Act with the City of High Point by the procedure prescribed in subsections (g) through (i) of this Section.

(g) The City Council of the City of High Point shall call and conduct a public hearing on the proposed merger, giving at least ten days' public notice thereof in a newspaper having general circulation in the City of High Point. Following such public hearing, the City Council may adopt a resolution merging the City incorporated pursuant to this Act with the City of High Point; provided, in the event the City incorporated pursuant to this Act has at the time any general obligation debt outstanding, then the City Council of the City of High Point shall not adopt any such resolution until the question of the merger has been approved by a majority of the qualified voters of the City of High Point who vote thereon at a special election called and conducted in accordance with the provisions of law governing elections in the City. The City Council is hereby authorized to call a special election for that purpose, and shall, if such election is called, provide a ballot which contains the words "For merger with (Name of City incorporated pursuant to this Act) and assumption of all obligations of the City of (Name of City incorporated pursuant to this Act)" and "Against merger with (Name of City incorporated pursuant to this Act)", so that each voter may by his cross (X) mark indicate his preference. In any special election held hereunder, a vote for merger with the City incorporated pursuant to this Act shall be deemed a vote to assume the obligations of such City. The City Council shall transmit by registered mail to the City Council of the City incorporated pursuant to this Act and to the Secretary of State of North Carolina certified copies of any resolution adopted under authority of this Section.

(h) On July 1 next following the adoption of a resolution by the City Council of the City of High Point under authority of this Section:

- (1) the City incorporated pursuant to this Act shall cease to exist as a municipal corporation and the territory within such City shall become a part of the City of High Point;
- (2) all property, real and personal and mixed, belonging to the City incorporated pursuant to this Act shall vest in, belong to, and be the property of the City of High Point;
- (3) all judgments, liens, rights of liens, and causes of action of any nature in favor of the City incorporated pursuant to this Act shall remain, vest in, and inure to the benefit of the City of High Point;
- (4) all taxes, assessments, water or sewer charges, and any other charges or fees, owing to the City incorporated pursuant to this Act shall be owed to and collected by the City of High Point;
- (5) any actions, suits, and proceedings pending against, or having been instituted by, the City incorporated pursuant to this Act shall not be abated by such merger, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and the City of High Point shall be a party to all such actions, suits, and proceedings in the place and stead of the City incorporated pursuant to this Act and shall pay or cause to be paid any judgments rendered against the City incorporated pursuant to this Act

in any such actions, suits, or proceedings, and no new process need be served in any such action, suit, or proceeding;

- (6) all obligations of the City incorporated pursuant to this Act, including outstanding indebtedness, shall be assumed by the City of High Point, and all such obligations and outstanding indebtedness shall be constituted obligations and indebtedness of the City of High Point, and the full faith and credit of the City of High Point shall be deemed to be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond or tax anticipation notes of the City incorporated pursuant to this Act, and all the taxable property within the City of High Point, as well as that formerly located within the City incorporated pursuant to this Act, shall be and remain subject to taxation for such payment;
- (7) all franchises theretofore granted by the City incorporated pursuant to this Act which are then still in force shall continue as valid franchises of the City of High Point for the purposes granted, but only within the area formerly comprising the City incorporated pursuant to this Act; and
- (8) all ordinances of the City incorporated pursuant to this Act shall continue in full force and effect within the area to which they apply on such date as ordinances of the City of High Point, until repealed or amended by the City Council of the City of High Point.

(i) Following the adoption of a resolution by the City of High Point under authority of this section, and prior to July 1 next following such adoption, the City Council of the City of High Point and the City Council of the City incorporated pursuant to this Act are hereby authorized to take such actions and to execute such documents as will carry into effect the provisions and the intent of this Section.

Sec. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. Subject to the provisions of Sections 1 through 3 hereof, this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1969.