

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 975
SENATE BILL 737

1 AN ACT TO AMEND THE CHARTER OF THE CITY OF GOLDSBORO, NORTH
2 CAROLINA, AS REVISED, REORGANIZED AND AMENDED BY CHAPTER 447 OF
3 THE SESSION LAWS OF 1961, AS AMENDED.
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5 The General Assembly of North Carolina do enact:
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7 **Section 1.** That Chapter 447 of the Session Laws of 1961, as amended, the same
8 being the Charter of the City of Goldsboro, is hereby amended by rewriting Section 1 of Article
9 2 thereof, to read as follows:

10 "ARTICLE 2. CITY ELECTIONS

11 **Section 1.** Regular Municipal Elections. There shall be, at the regular municipal election to
12 be held the first Saturday in May, 1963, and biennially thereafter, elected from among the duly
13 registered and qualified voters of the city a mayor and five aldermen who shall hold their
14 respective offices for a term of two years and until their successors are duly elected and
15 qualified. In such regular municipal election, the candidate receiving the largest number of
16 votes for mayor shall be declared the duly elected mayor for the ensuing term, and the five
17 candidates receiving the largest number of votes for aldermen shall be declared the duly elected
18 aldermen for the next ensuing term. In the event that there should be an equal number of votes
19 for the candidates for the office of mayor, or an equal number of votes for two or more
20 candidates for the offices of aldermen and such tie or ties must be resolved to determine the
21 identity of the five aldermen to be declared elected to such office, then the question and result
22 shall be determined by lot under the supervision of the Chairman of the Wayne County Board
23 of Elections. In such regular municipal election no write-in votes shall be permitted or
24 counted."

25 **Sec. 2.** Chapter 447 of the Session Laws of 1961 is hereby further amended by
26 rewriting Sec. 2 of Article 2, to read as follows:

27 **"Sec. 2.** Municipal Primary Election. The municipal primary election, if one be required,
28 for the nomination of candidates for the offices of mayor and aldermen shall be held on the
29 second Saturday in April, preceding the regular municipal election. Such municipal primary
30 election shall be a nonpartisan primary and all residents of the city who are registered and
31 qualified to vote in the regular municipal election shall be qualified and eligible to vote in the
32 municipal primary election. In such regular primary election no write-in vote shall be permitted
33 or counted."

34 **Sec. 3.** Chapter 447 of the Session Laws of 1961 is hereby further amended by
35 deleting the word "Tuesday" as the same appears in line 2 of Sec. 4 of Article 3 of said Act, and
36 substituting in lieu thereof the word "Friday".

37 **Sec. 4.** Chapter 447 of the Session Laws of 1961 is hereby further amended by
38 rewriting Section 1 of Article 16 of said Act to read as follows:

39 **"Section 1.** Sale of City Property. The board of aldermen may sell or exchange all city
40 property, both real and personal, which in its opinion is not required for municipal purposes.
41 All such sales or exchanges shall except as otherwise authorized in Sections 1.1 and 1.2 be
42 subject to confirmation or rejection by the Board and shall be at public auction after
43 advertisement as hereinafter described, except that where otherwise authorized and provided by

general law such sale or exchange may be made under the authority and provisions of such general law, and that as to the following such sale or exchange may be by private sale or otherwise, as the board may determine to be for the best interest of the city:

- (a) Cemetery lots.
- (b) Real or personal property where the value does not exceed the sum of one thousand dollars (\$1,000.00), or if jointly owned, where the value of the city's interest therein does not exceed such sum.
- (c) Where the city is selling to or exchanging with any other governmental unit or the agency thereof within the United States.
- (d) Where the property has been acquired for delinquent taxes and the sale is being made to the former owner."

Sec. 5. Chapter 447 of the Session Laws of 1961 is hereby further amended by inserting therein a new Section to be designated as Sec. 2 of said Article 16, and to read as follows:

"Sec. 2. Disposal of Surplus Real Property. The board of aldermen shall have power, in addition to the power granted by G.S. 160-59, to sell any real property which the board has declared to be surplus in the following manner:

- (a) Upon receipt of a deposit of five percent (5%) of an offer to purchase any such lot or parcel of land, the board of aldermen may cause a notice to be published once a week for four successive weeks in some newspaper published in the city, describing the property and stating the amount of the offer received therefor, and inviting other and better bids for the property and giving notice that any and all better bids for the property should be filed with the City Manager, with a deposit in the amount of five percent (5%) of each increased offer, on or before twelve o'clock noon on a date to be specified in the notice, which shall not be less than 21 nor more than 31 days next following the first publication of the notice as above provided for. No bid shall be received after twelve o'clock noon of the date so specified unless the board of aldermen shall cause the property to be readvertised and again offered for sale as hereinafter provided.
- (b) At any time after the expiration of the date of the time limited for the receipt of bids as aforesaid, not exceeding 60 days, the board of aldermen shall proceed to consider any and all bona fide offers made for the property, accompanied by the deposit of five percent (5%) of the amount thereof as hereinabove provided, and may thereupon confirm the sale of the property to the party, person or persons so making the highest bona fide offer, with deposit as aforesaid; provided, the board of aldermen shall find that, in its opinion, the price so offered is fair and adequate and all that the property is reasonably worth.
- (c) The board of aldermen, in its discretion, instead of confirming any such sale, shall have the right, power and authority to proceed to readvertise and again offer such property for sale in like manner as in the first instance; or it may discontinue further action in the premises and indefinitely postpone or terminate all negotiations and proposals for the sale of the property.
- (d) Two or more offers for two or more separate lots or parcels of land may be combined and advertised in the same notice.
- (e) The board of aldermen, in their resolution declaring the real property to be surplus, shall direct the City Manager or other appropriate officials whether to follow the procedure set forth under G.S. 160-59 or the alternate procedure set forth in this Article."

1 **Sec. 6.** Chapter 447 of the Session Laws of 1961 is hereby further amended by
2 inserting a new Section therein to be designated as Sec. 3 of said Article 16, and to read as
3 follows:

4 **"Sec. 3.** Disposal of Surplus Personal Property. The board of aldermen shall have power, in
5 addition to the power granted by G.S. 160-59, to sell or to direct any of its officers or
6 employees to sell any personal property which the board of aldermen has declared to be surplus
7 property in the following manner:

8 (a) Without bids or advertisement, at private sale, if the property has a market
9 value of one thousand dollars (\$1,000.00) or less.

10 (b) To the highest bidder upon receipt of informal written bids, with only such
11 advertisement as the board of aldermen may direct, if the property has a
12 market value of more than one thousand dollars (\$1,000.00) but no more
13 than two thousand dollars (\$2,000.00); provided, all such bids received shall
14 be recorded on the minutes of the board of aldermen.

15 (c) To the highest bidder upon receipt of sealed bids after one week's public
16 notice, if the property has a market value in excess of two thousand dollars
17 (\$2,000.00); provided, all such sealed bid proposals shall be opened in
18 public and recorded on the minutes of the board of aldermen."

19 **Sec. 7.** Chapter 447 of the Session Laws of 1961 is hereby further amended by
20 renumbering Secs. 2, 3, 4, and 5 of said Article 16 of said Act as Secs. 4, 5, 6, and 7.

21 **Sec. 8.** All laws and clauses of laws in conflict with the provisions of this Act are
22 hereby repealed.

23 **Sec. 9.** This Act shall be in full force and effect from and after its ratification.

24 In the General Assembly read three times and ratified, this the 23rd day of June,
25 1969.