

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 213
HOUSE BILL 634

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO AS REVISED AND REORGANIZED BY CHAPTER 1137 OF THE SESSION LAWS OF 1959, AND AS AMENDED; AND TO EXEMPT CITY OF GREENSBORO FROM PROVISIONS OF GENERAL STATUTES RELATING TO THE RECORDATION OF CERTAIN ORDINANCES IN THE OFFICE OF THE REGISTER OF DEEDS.

The General Assembly of North Carolina enacts:

Section 1. Section 2.21 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, as amended, is amended by rewriting the entire section to read as follows:

"Section 2.21. Candidates for City Council and Conduct of Municipal Elections. All candidates for City Council shall file notice of candidacy in accordance with Article 24 of Chapter 163 of the General Statutes of North Carolina concerning municipal elections. Elections for Mayor and City Council shall be by the nonpartisan primary and election method set out in North Carolina General Statute 163-294. All such municipal elections shall be held and conducted as provided by Articles 23 and 24 of Chapter 163 of the General Statutes. Unless provided otherwise in this Charter, Chapter 163 of the General Statutes shall govern all City elections, and the Guilford County Board of Elections shall exercise all the functions and duties established therein."

Sec. 2. Section 2.41 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, as amended by Section 2 of Chapter 686, Session Laws of 1961, is hereby amended by rewriting the section to read as follows:

"Section 2.41. Time of Regular Municipal Elections and Mode of Election. Municipal elections for Mayor and City Council shall be biennially beginning on Tuesday after the first Monday in November, 1973. The municipal primary election, if one is required for the nomination of candidates for the office of Mayor and City Council, shall be held on the fourth Tuesday, preceding the regular municipal election.

All candidates for City Council shall be nominated and elected at large by all of the qualified voters of the City. In addition, a mayor shall be elected separately and at large by all the qualified voters of the City."

Sec. 3. Section 2.42 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is amended by rewriting the section to read as follows:

"Section 2.42. Guilford County Board of Elections to Conduct Municipal Elections. All municipal primary elections, regular municipal elections and special elections of the City of Greensboro shall be held, conducted, supervised and canvassed by the Guilford County Board of Elections as provided for in the general laws of the State. Voting machines of any type approved by the State Board of Elections shall be used in all municipal primaries and elections. The City of Greensboro is authorized, by agreement, to reimburse the County Board of Elections for the actual costs involved in the registration of voters and the conduct of municipal elections."

Sec. 4. Section 2.43 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is hereby repealed in its entirety.

Sec. 5. Section 2.46 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, as amended by Section 3, Chapter 686 of the Session Laws of 1961 is hereby repealed in its entirety.

Sec. 6. Section 2.61 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is amended by rewriting the section to read as follows:

"Section 2.61. Special Elections. The Council shall have the power to call at any time any special election for any purpose expressly authorized by law. The procedure for calling a special election shall be in accordance with North Carolina General Statute 163-287, except as otherwise provided by the City Charter or general law. All bond elections shall be called in accordance with the provisions of general law and such elections shall be held and conducted under the authority of the Local Government Finance Act. Initiative, referendum and recall elections shall be governed by Article 2 of this Subchapter."

Sec. 7. Section 3.01 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959 is amended by rewriting the section to read as follows:

"Section 3.01. Composition and Term of the Mayor and City Council. The City Council shall consist of six members, who shall be elected for a term of two years in the manner provided by Chapter II. In addition, there shall be a mayor who shall be elected for a term of two years in the manner provided by Chapter II."

Sec. 8. Section 3.02 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is amended by rewriting the heading thereof to read as follows:

"Section 3.02. Qualifications and Term of Mayor and Council; Vacancies."

Sec. 9. Section 3.02(a) of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is amended by adding a new sentence at the end thereof to read as follows:

"The Mayor shall continue to serve until his successor is elected and qualified."

Sec. 10. Section 3.02(c) of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is amended by adding a new sentence at the end thereof to read as follows:

"Any vacancy occurring in the office of Mayor shall be filled by appointment made by the City Council for the remainder of the unexpired term."

Sec. 11. Section 3.03 of the Charter of the City of Greensboro, as originally set forth in Section 1, Chapter 1137 of the Session Laws of 1959 and as further amended by subsequent Session Laws, is amended by rewriting the section to read as follows:

"Section 3.03. Compensation of Mayor and Council. The City Council may fix its own compensation and the compensation of the Mayor in such sums as may be just and reasonable. Adjustments in the compensation of the Mayor and City Council members may be made effective at such time as the Council directs, but the salary of an elected official shall not be reduced during the then current term of office unless he shall agree thereto."

Sec. 12. Section 3.21 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is amended by rewriting the section to read as follows:

"Section 3.21. Oath of Office; Organizational Meetings. The organizational meeting of the Council shall be the first regular meeting in December after the regular City election. At the organizational meeting, the newly elected Mayor and Councilmen shall qualify by taking the oath of office prescribed in Article VI, Section 7 of the Constitution. The Council shall organize by the choice from its members of a Mayor Pro Tem who shall hold his office at the pleasure of the Council. The organization of the Council shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or non-election of one or more members, but at least a quorum of the members must be present."

Sec. 13. Section 3.23(b) of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is amended by rewriting the first paragraph contained therein to read as follows:

"(b) The Mayor shall be considered and given the same status as a member of the Council for the purpose of determining a quorum of the City Council and for the purpose of voting. A majority of the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members by ordering them to be taken into custody. The affirmative vote of a majority of the members of the Council shall be necessary to adopt any ordinance. All other matters voted upon shall be by majority vote of the Council members present but no ordinance shall be adopted on the same day it is introduced unless five affirmative votes are received in favor of it. No member shall be excused from voting except on matters involving the consideration of his own official conduct or involving his financial interest."

Sec. 14. Section 4.51 of the Charter of the City of Greensboro, as set forth in Section 8, Chapter 686 of the Session Laws of 1961, is amended by repealing the word "five" as it appears in the first sentence thereof and by substituting in lieu thereof the word "three".

Sec. 15. Section 4.63 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is amended by repealing the statutory reference "G.S. 105-385(c) through (g)" contained therein and by substituting in lieu thereof a new statutory reference as follows: "G.S. 105-367 and 368."

Sec. 16. Section 4.64 of the Charter of the City of Greensboro, as set forth in Section 9, Chapter 686 of the Session Laws of 1961, is amended by repealing the statutory reference "G.S. 18-135" contained therein and by substituting in lieu thereof a new statutory reference as follows: "G.S. 105-113.79 and G.S. 105-113.82."

Sec. 17. Section 4.111 of the Charter of the City of Greensboro, as originally set forth in Section 1, Chapter 1137 of the Session Laws of 1959 and as further amended by subsequent Session Laws, is amended by adding a new sentence following the third sentence contained therein, said new sentence to read as follows:

"A contract for construction or demolition may be approved, awarded and executed by the City Manager on behalf of the City when the amount of such contract does not exceed twenty-five thousand dollars (\$25,000); provided that the City Council shall have approved a sufficient appropriation in the Annual Budget for the current fiscal year for the general purposes specified under the contract."

Sec. 18. Section 4.125(c) of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959 and as further amended by Section 8, Chapter 74 of the Session Laws of 1967, is amended by rewriting the subsection to read as follows:

"The City Manager shall have the authority, under rules and regulations approved by the City Council, to lease, privately or publicly, any vacant land or any structure owned by the City for a period of not exceeding three years and at a rental to be determined by the City Manager to be the fair rental value of the property."

Sec. 19. Section 5.22 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, is amended by first, repealing the statutory reference "Section 18-45" as contained in the first sentence thereof and by substituting in lieu thereof a new statutory reference as follows: "Section 18A-17"; secondly, by repealing the statutory reference "Section 18-39" as contained in the first sentence and by substituting in lieu thereof a new statutory reference as follows: "Section 18A-15"; thirdly, by repealing the statutory reference "Article 3 of Chapter 18" as the same appears in the second sentence and by substituting in lieu thereof a new statutory reference to read as follows: "Article 2 of Chapter 18A"; and finally, by repealing the statutory reference "Section 18-4(o)" as the same appears in the last sentence and by substituting in lieu thereof a new statutory reference to read as follows: "Section 18A-20".

Sec. 20. Section 5.23 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959, and as further amended by Section 1, Chapter 769 of the Session Laws of 1963, is amended by rewriting the first sentence as follows:

"The Board of Alcoholic Control is authorized, in its discretion, to expend for law enforcement not more than ten percent (10%) of the profits remaining after the payment of all other costs and operating expenses, to be determined by quarterly audits."

Sec. 21. Section 5.62(b) of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137 of the Session Laws of 1959 and as further amended by Section 11, Chapter 74 of the Session Laws of 1967, is amended by rewriting the first sentence thereof to read as follows:

"One but not more than three members of the Greensboro Planning Board, authorized by G.S. 160A-361, may be citizens and residents of the territory beyond the corporate limits of Greensboro and within one mile thereof."

Sec. 22. Section 5.62(g) of the Charter of the City of Greensboro, as set forth in Section 12, Chapter 74 of the Session Laws of 1967, is amended by rewriting the first sentence thereof to read as follows:

"One but not more than three members of the Greensboro Zoning Commission, authorized by G.S. 160A-387, may be citizens and residents of the territory beyond the corporate limits of Greensboro and within one mile thereof."

Sec. 23. Section 5.64 of the Charter of the City of Greensboro, as set forth in Section 10, Chapter 142 of the Session Laws of 1969, is amended by adding a new paragraph following the first paragraph thereof to read as follows:

"The City Council may establish conditional use zoning districts to coincide and correlate with the issuance of conditional use permits. Such districts shall be established and amended under rules, regulations and guidelines as may be established by the City Council."

Sec. 24. Section 7.03 of the Charter of the City of Greensboro, as set forth in Section 23, Chapter 686 of the Session Laws of 1961 and as further amended by Section 12, Chapter 55 of the Session Laws of 1963, is amended by striking out the words and figures "one thousand dollars (\$1,000.00)" as the same appears twice therein and by substituting in lieu thereof the words and figures "five thousand dollars (\$5,000)" in both places.

Sec. 25. All extensions and purported extensions of the corporate limits of the City of Greensboro are hereby declared to be approved and validated.

Sec. 26. All proceedings of the City Council of the City of Greensboro and all work performed relative to local improvements, including street paving, sidewalk construction, water and sanitary sewer construction, including water and sanitary sewer mains, lines and laterals, and all work incidental to such local improvements and the assessments levied and assessed therefor, are hereby in all respects approved and validated; provided, this section shall not apply to either pending litigation or pending claims filed with the City of Greensboro.

Sec. 27. The City of Greensboro is hereby exempted from the provision in G.S. 160A-364 relating to the recordation of ordinances in the Office of the Register of Deeds of the county and such provision is hereby no longer applicable to the City of Greensboro; provided, however, the remainder of the provisions of G.S. 160A-364 shall remain applicable to the City of Greensboro.

Sec. 28. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 29. 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 17th day of April, 1973.