

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 317
HOUSE BILL 472

AN ACT TO INCORPORATE THE CITY OF HIGH SHOALS IN GASTON
COUNTY SUBJECT TO AN ELECTION.

The General Assembly of North Carolina enacts:

Section 1. (a) The Board of Elections in Gaston County is hereby authorized to call and conduct a special election on such date as it shall determine for the purpose of submitting to the qualified voters for the area hereinafter described as the proposed corporate limits of the City of High Shoals, the question whether or not such area shall be incorporated as a municipal corporation known as the City of High Shoals. On the election day, the polls shall be open from 6:30 a.m. until 7:30 p.m. The Board of Elections of Gaston County in conducting the election required to be held herein shall follow the procedure as outlined in this act and Articles 23 and 24 of the General Statutes of North Carolina relating to municipal elections where not in conflict with this act.

(b) Not later than thirty (30) days prior to the date on which the registration books are required to be closed, the Board of Elections of Gaston County shall cause to be posted at the High Shoals Post Office, and at such other public places as the Board may choose, a notice stating the time, the polling place, and the purpose of the special elections; the names of the registrar and judges of election, the dates, hours, and place or places of registration. 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 High Shoals Community.

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

Sec. 2. If a majority of the votes cast in such special election shall be cast "AGAINST Incorporation of the City of High Shoals", then "the Charter of the City of High Shoals" of this act shall have no force and effect.

Sec. 3. If a majority of the votes cast in such special election shall be cast "FOR Incorporation of the City of High Shoals", then "the Charter of the City of High Shoals" of this act shall be in full force and effect from and after the date upon which a certificate of election shall have been issued by the Chairman of the Gaston County Board of Elections in accordance with G.S. 163-301.

Sec. 4. The following provisions of law shall constitute the Charter of the City of High Shoals in Gaston County.

"THE CHARTER OF THE CITY OF HIGH SHOALS.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and General Powers. The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate under the name of the 'City of High Shoals' and shall be vested with all property which may be acquired by the City, and shall have and may exercise in conformity with this Charter all powers, functions, duties, rights, privileges, and immunities of every name and nature conferred on cities generally by the laws of North Carolina and of the United States.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Corporate Boundaries. The corporate boundaries of the City of High Shoals, until changed in accordance with law are as follows:

BEGINNING at a stone, marked 'H.S.' on the South bank of the South Fork of the Catawba River, and a corner of the lands of John Abernethy, and runs thence South 2 degrees 40 minutes East 4070 feet to a stone marked 'H.S.' and pointers, a corner of the lands of James Abernethy; thence South 1 degree 30 minutes West 318.2 feet to a stake; thence North 87 degrees 49 minutes East 100 feet to a stake; thence North 1 degree 30 minutes East 200 feet to a stake, a corner of N.C. Highway 1605; thence South 87 degrees 49 minutes West 100 feet to a stake; thence North 87 degrees 30 minutes West 200 feet to a stake, the corner of N.C. Highway 1605 and U.S. Highway 321; thence South 1 degree 35 minutes West 279 feet to a concrete marker; thence South 38 degrees 15 minutes East across U.S. Highway 321, 750 feet to a stone, marked 'H.S.', a corner of the lands of C.P. Abernethy; thence South 68 degrees 7 minutes East 1642 feet to a stone, marked 'H.S.' in the line of the lands of C.P. Abernethy; thence North 62 degrees 32 minutes East 2425 feet to a stone, marked 'H.S.' on the South bank of the Catawba River; thence, North 66 degrees 15 minutes East 199 feet across the Catawba River in the line of the lands formerly known as the Black lands; thence North 20 degrees 12 minutes East 810 feet to a stone marked, 'H.S.', a corner of the lands formerly known as Black lands; thence North 87 degrees 30 minutes East 1242 feet to a stone, marked 'H.S.'; thence North 31 degrees 25 minutes East 2382 feet to a stone, marked 'H.S.'; thence North 82 degrees 5 minutes West 1497 feet to a stone, marked 'H.S.'; thence North 1 degree West 769 feet, crossing a branch to a stone, marked 'H.S.'; thence North 56 degrees 45 minutes East 688 feet to a stone, marked 'H.S.', a corner of the O. D. Carpenter lands; thence North 25 degrees 30 minutes East 1085 feet to a stone marked 'H.S.', a corner of the O. D. Carpenter lands; thence North 57 degrees 45 minutes West 1365 feet to a stone, marked 'H.S.'; thence North 33! East 220 feet to a stone, not marked; thence North 33 degrees 20 minutes East 1397 feet to a stone, marked 'H.S.', Garrison's Corner; thence North 76 degrees 25 minutes West 3165 feet to a stone, marked 'H.S.', a corner of the lands of Harry Robinson; thence North 76 degrees 45 minutes West 817 feet to a stone, marked 'H.S.', another corner of the lands of Harry Robinson; thence South 67 degrees 30 minutes West 1965 feet crossing a branch to a

stone, marked 'H.S.', a corner of the Yarborough lands; thence South 55 degrees 33 minutes West 999 feet to a stone marked 'H.S.'; thence South 43 degrees 15 minutes West 1684 feet to the North bank of the South Fork of the Catawba River; thence in a southeasterly direction along the North bank of the South Fork of the Catawba River, approximately 1035 feet to a stone, marked 'H.S.', thence South 50 degrees 20 minutes West 190 feet across the river to the beginning.

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS.

"Section 3.1. Temporary Officers. Until the initial election provided for by Section 4.1 of this Charter, Jack Whitener is hereby appointed Mayor, and Ray Metcalf, Bill Wehunt, Charles Alexander, Mae Moore, Gerald Waycaster, and Bobby Rice, are hereby appointed Councilmen of the City of High Shoals, and they shall possess and may exercise the powers granted to the Mayor and City Council until their successors are elected and qualify pursuant to this Charter.

"Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by the City Council from its own members, and he shall hold office for two (2) years. In case of a vacancy in the office of Mayor, the remaining members of the City Council shall choose from their own number his successor for the unexpired term. 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 by the Council upon any question (including the appointment of officers), 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 members 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 3.3. Composition of City Council. The City Council shall consist of seven members to be elected by and from the qualified voters of the City voting at large in a nonpartisan election in the manner provided by Article IV.

"Section 3.4. Terms. Except for the terms of office as specified in Section 3.1 and Section 4.1 herein, the members of the City Council shall serve for terms of four (4) years.

"Section 3.5. Meetings of Council. The City Council shall hold a regular meeting at least monthly.

"Section 3.6. Quorum. A majority of the members elected to the City Council (including the Mayor) constitute a quorum for the conduct of business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"Section 3.7. Enacting Clause. The enacting clause of all city ordinances shall be: 'Be it ordained by the City Council of the City of High Shoals.'

"ARTICLE IV. ELECTIONS.

"Section 4.1. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise provided herein.

"Section 4.2. Determining the Results of City Elections. All elections for members of the City Council shall be conducted on a nonpartisan basis and decided by a plurality of the votes cast as provided by Section 163-292 of the General Statutes of North Carolina.

"Section 4.3. Staggered Terms. In the regular municipal election to be held in 1973, there shall be elected seven (7) councilmen. The four (4) candidates receiving the highest number of votes shall be elected for terms of four (4) years and the three (3) candidates receiving the next highest number of votes shall be elected for terms of two (2) years. Beginning in the regular municipal election in 1975, and biennially thereafter, terms shall be for four (4) years.

"ARTICLE V. ADMINISTRATION.

"Section 5.1. Form of Government. Until otherwise provided, the City of High Shoals shall operate under the mayor-council form of government as provided in Article 7, Part 3, Chapter 160A of the General Statutes of North Carolina. The City Council may at any time by ordinance adopt the council-manager form of government as provided in Article 7, Part 2, Chapter 160 A of the General Statutes of North Carolina.

"ARTICLE VI. FINANCE.

"Section 6.1. 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 1973-74 and subsequent years.

"ARTICLE VII. CLAIMS AGAINST THE CITY.

"Section 7.1. 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.

"ARTICLE VIII. ANNEXATION.

"Section 8.1. Annexation. No ordinance of annexation adopted by the governing body of the City of High Shoals pursuant to G.S. 160-445 shall become effective until the governing body has called a simultaneous election in the area to be annexed and within the City of High Shoals on the question of the proposed annexation and there has been a favorable majority vote for annexation in that election.

"Section 8.2. The annexation provisions contained in Parts 2 and 3 of Article 36 of Chapter 160 of the General Statutes shall not be applicable to the City of High Shoals in Gaston County."

Sec. 5. 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 application 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. 6. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 7. 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 4th day of May, 1973.