

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 31
SENATE BILL 35

AN ACT TO INCORPORATE THE TOWN OF GAMEWELL IN CALDWELL
COUNTY SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. Incorporation. The inhabitants of the Town of Gamewell are a body corporate and politic under the name of "Town of Gamewell". Under that name, they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

Sec. 2. Corporate boundaries. Until modified in accordance with law, the boundaries of the Town of Gamewell are as follows:

"BEGINNING at the center of Highway 18 in a culvert over Greasy Creek on Highway 18 approximately 100 yards South of Lenoir City Limits and 100 feet East of a Shell Service Station on Highway 18 and following Greasy Creek South approximately 500 yards to the intersection of Greasy Creek with Lower Creek; thence East approximately 300 yards to the corner of the Lenoir City Limits and Filter Plant property line then following the Lenoir City Limits Line to the Miller Hill Road, RPR #1146; thence 500 feet East; thence Southwest with a line parallel to the Miller Hill Road and remaining 500 feet from Miller Hill Road approximately 2 1/2 miles to the point 500 feet Southeast of the intersection of the Rocky Road with the Miller Hill Road; thence continuing Southwest to a point in the center of the Calico Road; thence in a Northerly direction with the center of Calico Road to a point in the center of Lower Creek where the Calico Road crosses Lower Creek; thence down and with the meanders of Lower Creek to a point in the center of the creek where Lower Creek intersects with Husband Creek; thence up the meanders of Husband Creek crossing under Highway 18 and the old Morganton Road to a point in the center of Husband Creek the corner of the Joe Phelps property; thence leaving Husband Creek and following the property lines and calls of the Joe Phelps property and with these calls until they again intersect with Husband Creek; thence again following Husband Creek to a point in the center of the Sheely Road, SR #1387; thence due East to the property line of the West Caldwell High School property; thence following the common property line of the West Caldwell High School property and lines South and East to a point in the Greasy Creek; thence with Greasy Creek down the meanders of Greasy Creek in a southerly direction to the point of BEGINNING."

Sec. 3. Elected officers. The elected officers of the town shall be a Board of Commissioners composed of five members and a Mayor elected by the voters of the town. The term of the Mayor shall be two years, and after the initial election as provided

for hereinafter, the terms of members of the Board of Commissioners shall be four years.

At the first municipal election held on the date required by G.S. 163-279(a)(2), the three candidates for commissioner receiving the largest number of votes, shall be elected for four-year terms; the two candidates for commissioner receiving the next largest number of votes shall be elected for two-year terms. At the following municipal election and quadrennially thereafter, two commissioners shall be elected for four-year terms. At the second following municipal election and quadrennially thereafter, three commissioners shall be elected for four-year terms.

Sec. 4. Election method. The officers of the town shall be elected by the nonpartisan plurality method as provided in G.S. 163-292.

Sec. 5. Mayor-council form. The town shall operate under the mayor-council form of government in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

Sec. 6. Election laws. Elections in the Town of Gamewell shall be conducted in accordance with Subchapter IX of Chapter 163 of the General Statutes.

Sec. 7. Interim budget. The Board of Commissioners and Mayor may adopt a budget ordinance for the 1981-82 fiscal year, following their qualification for office, without having to comply with the budget preparation and adoption timetable set out in the Local Government Budget and Fiscal Control Act. If the initial budget is adopted after November 1, 1981, then taxes may be paid at par on face amount within 90 days of adoption of the budget, and thereafter according to the schedule in G.S. 105-360 as if the taxes had been due on September 1, 1981.

Sec. 8. Special election for approval. (a) The Board of Elections in Caldwell County is hereby authorized and directed to call and conduct a special election on a date to be set by the Caldwell County Board of Commissioners, but not earlier than 90 days after ratification of this act and no later than 280 days after ratification of this act for the purpose of submitting to the qualified voters of the area heretofore described as the proposed corporate limits of the Town of Gamewell, the question of whether or not such area shall be incorporated as a municipal corporation known as the Town of Gamewell. In conducting the election required to be held by this act, the Board of Elections of Caldwell County shall follow the procedures contained in G.S. 163-288.2, in this act, and the procedures contained in Chapter 163 of the General Statutes of North Carolina regarding municipal elections, where the same are not in conflict with this act.

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

If the majority of the votes cast in such special election shall be cast "AGAINST Incorporation of the Town of Gamewell" then the provisions of Sections 1 through 7 of Section 9 of this act shall have no force and effect.

If a majority of the votes cast in the special election shall be cast "FOR Incorporation of the Town of Gamewell", then the provisions of this act shall be in full force and effect from and after the date upon which the Caldwell County Board of Elections determines the result of the election.

Sec. 9. Vacancies. The provisions of G.S. 160A-63 shall not apply to the Town of Gamewell until after the first election for Mayor and Board of Commissioners.

Sec. 10. Effective date. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1981.