

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 370
HOUSE BILL 716

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
JAMESTOWN AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Jamestown is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF JAMESTOWN.

"ARTICLE I.

"INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. Incorporation. The Town of Jamestown, North Carolina in the County of Guilford and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the Town of Jamestown, hereinafter at times referred to as the 'Town'.

"Sec. 1.2. Powers. The Town of Jamestown shall have and may exercise all of the powers, duties, rights, privileges and immunities which are now or hereafter may be conferred, either expressly or by implication, upon the Town of Jamestown specifically or upon municipal corporations generally by this Charter, by the State Constitution, or by general or local law.

"Sec. 1.3. Corporate Limits. The corporate limits of the Town shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current Town boundaries, shall be maintained permanently in the office of the Town Clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made.

"ARTICLE II.

"MAYOR AND TOWN COUNCIL.

"Sec. 2.1. Governing Body. The Mayor and Town Council, elected and constituted as herein set forth, shall be the governing body of the Town. On behalf of the Town, and in conformity with applicable laws, the Mayor and Council may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Sec. 2.2. Mayor, Term of Office; Duties. The Mayor shall be elected by and from the qualified voters of the Town for a term of two years, in the manner provided by Article III of this Charter; provided, the Mayor shall serve until his successor is elected and qualified. The Mayor shall be the official head of the Town government, shall preside at all meetings of the Town Council, and shall have the powers and duties of

Mayor as prescribed by this Charter and the General Statutes. The Mayor shall have the right to vote on matters before the Council only where there are an equal number of votes in the affirmative and in the negative.

"Sec. 2.3. Town Council; Terms of Office. The Town Council shall be composed of four members, each of whom shall be elected for terms of two years, in the manner provided by Article III of this Charter; provided Council members shall serve until their successors are elected and qualified.

"Sec. 2.4. Mayor Pro Tempore. In accordance with applicable State laws, the Town Council shall appoint one of its members to act as Mayor pro tempore to 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.

"Sec. 2.5. Meetings of the Council. In accordance with applicable State laws, the Council shall establish a suitable time and place for its regular meetings. Special meetings may held according to applicable provisions of the General Statutes.

"ARTICLE III.

"ELECTIONS.

"Sec. 3.1. Regular Municipal Elections; Conduct. Regular municipal elections shall be held in the Town every two years in odd-numbered years, and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the Council shall be elected according to the nonpartisan primary and election method as specified in G.S. 163-294.

"Sec. 3.2. Election of the Mayor. At the regular municipal election in 1981, and every two years thereafter, there shall be elected a Mayor to serve a term of two years. The Mayor shall be elected by the qualified voters of the Town voting at large.

"Sec. 3.3. Election of Council Members. At the regular municipal election in 1981, and every two years thereafter, there shall be elected four council members to serve terms of two years. The council members shall be elected by the qualified voters of the Town voting at large.

"ARTICLE IV.

"ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. Form of Government. The Town shall operate under the Council-Manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 4.2. Town Manager. The Town Council shall appoint a Town Manager who shall be the administrative head of the Town government, and who shall be responsible to the Council for the proper administration of the affairs of the Town. The Town Manager shall hold office at the pleasure of the Town Council, and shall receive such compensation as the Council shall determine.

"Sec. 4.3. Town Attorney. The Town Council shall appoint a Town Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. It shall be the duty of the Town Attorney to prosecute and defend suits against the Town; to advise the Mayor, Town Council and other Town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the Town; to inspect and

pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend meetings of the Town Council; and to perform other duties required by law or as the Council may direct.

"Sec. 4.4. Town Clerk. The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Council, to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Town Manager may direct.

"Sec. 4.5. Town Finance Officer. The Town Manager shall appoint a Finance Officer to perform the duties of the Finance Officer as required by the Local Government Budget and Fiscal Control Act.

"Sec. 4.6. Town Tax Collector. The Town Council shall appoint a Tax Collector to collect all taxes, licenses, fees and other revenues accruing to the Town, subject to the General Statutes, the provisions of this Charter and the ordinances of the Town. The Tax Collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes and other revenues by municipalities.

"Sec. 4.7. Consolidation of Functions. The Town Council may provide for the consolidation of any two or more positions of Town Manager, Town Clerk, Tax Collector and Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act.

"Sec. 4.8. Other Administrative Officers and Employees. Consistent with applicable State laws, the Manager and Town Council may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town.

"ARTICLE V.

"PUBLIC IMPROVEMENTS.

"Sec. 5.1. Power of Eminent Domain. The procedures provided in Article 9 of Chapter 136 of the General Statutes, as specifically authorized by G.S. 136-66.3(c), shall be applicable to the Town in the case of acquisition of lands, easements, privileges, rights-of-way and other interests in real property for streets, sewer lines, water lines, electric power lines, and other utility lines in the exercise of the power of eminent domain. The Town, when seeking to acquire such property or rights or easements therein or thereto, shall have the right and authority, at its option and election, to use the provisions and procedures as authorized and provided in G.S. 136-66(c) and Article 9 of Chapter 136 of the General Statutes for any of such purposes without being limited to streets constituting a part of the State Highway system; provided, however, that the provisions of this section shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c), unless (1) the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the Town or (2) it is first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation.

"ARTICLE VI.
"SPECIAL PROVISIONS.

"Sec. 6.1. Alcoholic Beverage Control. (a) The Town Council of the Town of Jamestown shall, upon a petition to said Council signed by at least fifteen percent (15%) of the registered and qualified voters of the Town of Jamestown, order an election to be held on the question of whether or not municipal liquor control stores may be operated in the Town of Jamestown, and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for a liquor control store or stores to be established and operated in the Town of Jamestown, but if a majority of the votes cast in said election shall be against the operation of liquor control store or stores, no such store or stores shall be established or operated in the Town of Jamestown under the provisions of this section.

(b) The Town Council of the Town of Jamestown may submit the question hereinabove mentioned and call a special election for the purpose of submitting said question on or after the 3rd day of June, 1961. In the event said special election is called the same shall be held and conducted on the date fixed by the Town Council of the Town of Jamestown. A new registration of voters for such election shall not be necessary, and all qualified voters who are properly registered prior to registration for the election and those who register in said liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, 'For Town Liquor Control Stores', 'Against Town Liquor Control Stores'. Those favoring establishing and operating liquor stores in the Town of Jamestown shall mark in the voting square to the left of the words, 'For Town Liquor Control Stores', printed on the ballot and those opposed to town liquor control stores shall mark in the voting square to the left of the words, 'Against Town Liquor Control Stores'. Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Town Council of the Town of Jamestown, and the cost thereof shall be paid from the General Fund of the Town of Jamestown.

(c) If a subsequent election shall be held and at such election a majority of the votes shall be cast 'Against Town Liquor Control Stores', the town liquor control board shall within three months from the canvassing of such votes and the declaration of the results thereof, close said stores and shall thereafter cease to operate the same, and within said three months the town liquor control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the Town Clerk. Thereafter all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within the Town of Jamestown in force and effect prior to the authorization to operate town liquor stores shall be in full force and effect the same as if such election had not been held and until and unless another election is held under the provisions of this section in which a majority of the votes shall be cast 'For Town Liquor Control Stores'. No election shall be called and held in the Town of Jamestown under the provisions of this section within two years from the holding of the last election thereunder. It shall be the duty of the Town Council of the Town of Jamestown

to order the liquor election therein authorized within sixty (60) days after a petition signed by fifteen percent (15%) of the registered and qualified voters of the Town of Jamestown requesting the same has been presented and filed with the Town Clerk.

(d) If the operation of Town liquor control stores is authorized under the provisions of this section, the Town Council of the Town of Jamestown shall immediately create a Town Board of Alcoholic Control to be composed of a chairman and two other members who shall be well known for their good character, ability and business ability. Said board shall be known and designated as 'The Town of Jamestown Board of Alcoholic Control'. The chairman of said board shall be designated by the Town Council of the Town of Jamestown and shall serve for his first term a period of three years. The other two members of the Board of Alcoholic Control shall be designated by the Town Council of the Town of Jamestown, and one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; all terms shall begin with the date of appointment, and after the said term shall have expired, successors in office shall serve for a period of three years. Their successors shall be named by the Town Council of the Town of Jamestown. Any vacancy shall be filled by the Town Council for the unexpired term. Compensation of the members of said Town of Jamestown Board of Alcoholic Control shall be fixed by the Town Council of the Town of Jamestown.

(e) The said Town of Jamestown Board of Alcoholic Control shall have all of the powers and duties imposed by the General Statutes of North Carolina on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in the General Statutes of North Carolina, except that no liquor control store shall be located in any area zoned as 'residential' as of June 14, 1961. The said Town of Jamestown Board of Alcoholic Control, and the operation of any town liquor store or stores authorized under the provisions of this section shall be subject to and in pursuance of the provisions of Chapter 18A of the General Statutes of North Carolina except to the extent to which the same may be in conflict with the provisions of this section. In said Chapter 18A of the General Statutes, wherever the word 'County' board of alcoholic control appears, it shall be deemed to include the Town of Jamestown Board of Alcoholic Control. The Town of Jamestown Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and to fix their compensation. Any law enforcement officer appointed by said Town of Jamestown Board of Alcoholic Control shall have all of the powers provided for law enforcing officers as set forth in Chapter 18A of the General Statutes of North Carolina.

(f) Out of profit remaining after the payment of all cost, capital expenditures and operating expenses, the Town of Jamestown Board of Alcoholic Control shall expend a sum not less than five percent (5%) nor more than ten percent (10%) of such profit for law enforcement purposes, education as to the effects of the use of alcoholic beverages and for the rehabilitation of alcoholics. Said board shall also retain out of such profit a sufficient and proper working capital, the amount thereof to be determined by said board. Such profit as shall thereafter remain shall, at the end of each quarterly period

following the establishment of liquor control store or stores, be paid out and distributed as follows:

- (1) Thirty percent (30%) shall be allocated and distributed, upon the basis herein provided, to the General Funds of Guilford County and to the general funds of the municipal corporations, other than the Town of Jamestown, located in said county, until they shall establish liquor control stores or unless they shall have established liquor control stores. The amounts distributable to said county and to each of said municipal corporations shall be determined upon the basis of population therein as shown by the latest Federal decennial census; provided, however, the population of said county shall be the entire population of said county exclusive of the population of all of the municipal corporations located therein. Upon the establishing of liquor or alcoholic beverage control store or stores by any municipality located in Guilford County, and in the event any municipal corporation therein has established and in operation alcoholic beverage control stores at the time of the establishment of alcoholic control stores in the Town of Jamestown, other than the Town of Jamestown, the distributive share of such profits which would be payable to such city or town during the period such stores are operated by any such city or town shall be paid by said Town of Jamestown Board of Alcoholic Control to the Town of Jamestown in the same manner and for the same purposes set forth in Subsection (2) of this section.
- (2) Seventy percent (70%) shall be allocated and distributed to the Tax Collector of the Town of Jamestown and may be used by the Town of Jamestown in the operation of the water and sewer system of the Town for debt service, for the general fund, or for any other public purpose."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Jamestown and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

- (a) Any acts concerning the property, affairs, or government of public schools in the Town of Jamestown;
- (b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed:

Chapter 109, Laws of 1816

Chapter 142, Private Laws of 1828-29

Chapter 214, Private Laws of North Carolina, 1858-1859

Chapter 142, Private Laws of North Carolina, 1868-69
Chapter 1014, Public Laws of North Carolina 1907
Chapter 44, Public-Local Laws, Extra Session 1913
Chapter 700, Session Laws of 1947
Chapter 144, Session Laws of 1953
Chapter 847, Session Laws of 1953, as to the Town of Jamestown
Chapter 792, Session Laws of 1961
Chapter 821, Session Laws of 1961
Chapter 776, Session Laws of 1969.

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests, whether public or private:

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law; or

(2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the Town of Jamestown and all existing rules or regulations of departments or agencies of the Town of Jamestown, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature, whether civil or criminal, judicial or administrative, or otherwise, pending at the effective date of this act by or against the Town of Jamestown or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision of application, and to this end the provisions of this act are declared to be severable.

Sec. 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec. 10. City Automobile License Tax. G.S. 20-97(a) is amended by adding immediately after the words "Town of Stoneville" each time they appear the words ", Town of Jamestown".

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1981.