

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 579
SENATE BILL 429

AN ACT TO REVISE THE CHARTER OF THE TOWN OF LIBERTY.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Liberty in Randolph County is hereby rewritten to read as follows:

"THE CHARTER OF THE TOWN OF LIBERTY.

"Section 1. Incorporation. The Town of Liberty, heretofore incorporated by the General Assembly, shall continue to operate as a body politic and corporate under the name and style of the 'Town of Liberty'.

"Sec. 2. Corporate Boundaries. The corporate boundaries of the Town of Liberty shall be those boundaries established by Chapter 37 of the Public-Local and Private Laws of 1935 as amended by annexations conducted since the effective date of that act.

"Sec. 3. Corporate Powers. The Town of Liberty and its officers and employees shall operate and conduct the business of the town subject to the provisions set forth in Chapter 160A of the North Carolina General Statutes and other 'general law,' except as otherwise provided in the town 'Charter'. (As the terms in quotations are defined in G.S. 160A-1).

"Sec. 4. Mayor and Council. (a) In the Town of Liberty there shall be a Council composed of five members and a mayor elected by the voters of the entire town as herein provided. The mayor shall be elected for a term of two years, and the council members shall be elected for staggered terms of four years.

(b) The municipal elections in Liberty shall be nonpartisan and decided by a simple plurality. No primary elections shall be held. The municipal elections shall be held and conducted pursuant to the applicable provisions of Chapter 163 of the General Statutes, particularly Articles 23 and 24 thereof.

(c) In the municipal elections to be held on Tuesday after the first Monday in November, 1981, and every two years thereafter, the mayor shall be elected for a term of two years. In this election and the municipal elections held every four years thereafter, three council members shall be elected to succeed the council members whose terms expire in 1981. In the municipal elections to be held in November, 1983, and every four years thereafter, two council members shall be elected to succeed the two council members whose terms expire in 1983.

"Sec. 5. Council/Manager Form of Government. (a) The Town of Liberty shall operate under the council/manager form of government in accordance with Part 2 of Article 7 of Chapter 160A of the North Carolina General Statutes and any charter provisions not in conflict therewith.

(b) The manager shall be appointed to serve at the pleasure of the Council.

"Sec. 6. Attorney, Clerk, and Tax Collector. (a) The Council shall appoint a town attorney to serve at its pleasure and to be its legal advisor.

(b) The town clerk shall be appointed by the manager.

(c) As provided in G.S. 105-349, the Council shall either appoint a tax collector or confer the duties of tax collector upon a qualified employee appointed by the manager.

"Sec. 7. Contracts and Documents. (a) Unless otherwise provided by law, no contract shall be binding upon the Town of Liberty unless it is either:

- (1) Made by or pursuant to an ordinance or resolution that authorizes the town to enter into a contract for an identified purpose;
- (2) Reduced to writing and approved by the Council; or
- (3) Authorized by ordinance or resolution referring generally to a class of contracts (which classification may be on the basis of amount, subject matter, or other basis) that may be executed by designated officials on behalf of the town.

(b) Unless otherwise provided by ordinance or resolution or by general law, no contract or deed shall be binding upon the town unless signed by the town manager and attested by the town clerk.

(c) Unless otherwise provided by ordinance or resolution or by general law, the manager or his designee shall have authority to sign on behalf of the town all licenses or permits issued by the town or other official documents except contracts and deeds.

"Sec. 8. Leasing of Town Owned Property. Any property owned by the Town of Liberty, whether originally acquired for governmental or other purposes, may be leased by the town council for a term not to exceed 10 years if, in the opinion of the Council, the property will not be needed by the city during the period of the lease. A lease may be made by the Council after notice has been given in the manner and for the length of time prescribed by the Council. In any case where the lessee enters into a binding obligation to erect, upon property owned by the city, improvements to cost not less than one hundred thousand dollars (\$100,000), the Council may rent or lease that property for a term not to exceed 40 years upon such terms as in the judgment of the Council will promote the best interests of the town. Any property or portion thereof owned by the town may be reasonably improved and renovated by the town either at its own expense or by mutual joint arrangement with other parties.

"Sec. 9. Assessments for Street Improvements. (a) In addition to the authority that may now or hereafter be granted by general law to the Town of Liberty for making street improvements and providing for the assessment of costs thereof against abutting property owners, the town council is authorized to make street improvements and assess the cost thereof in accordance with the requirements of this section.

(b) Whenever a majority of the owners owning a majority of the lineal footage of property abutting a street which is not more than six blocks in length or a maximum total distance of 3,000 linear feet, are unwilling or fail to petition for a needed street improvement, the town council may order such improvement without petition, and may assess the total cost, or any part thereof, less the cost at street intersections, against the

abutting property owners at an equal rate per front foot; provided, no street improvement without petition shall be ordered or undertaken and the cost thereof assessed to abutting property owners as authorized herein unless and until the town council finds as a fact:

- (1) that the street improvement project does not exceed six blocks in length or a maximum total distance of 3,000 linear feet; and
- (2) that such street or part thereof is unsafe for vehicular traffic and it is in the best public interest to make such improvement; or
- (3) that it is in the best public interest and for the welfare of the citizens of the town to connect two streets already paved.

(c) Street improvements authorized by this section shall include grading, regrading, surfacing or resurfacing, widening, and the construction or reconstruction of curbs, gutters and street drainage facilities.

(d) In ordering street improvements and levying assessments for the cost thereof under the authority granted by this section, the town council shall pass and publish a resolution in substantial compliances with G.S. 160A-223, levy the assessments and prepare an assessment roll in compliance with G.S. 160A-227 and G.S. 160A-228 and advertise and conduct a public hearing in compliance with G.S. 160A-224 and G.S. 160A-225; provided, no improvement authorized herein or the procedure authorized hereby shall be applicable or permit assessments for sidewalk or utility improvements. In addition, the provisions of G.S. 160A-229 through G.S. 160A-238 shall be applicable when the authority authorized by this act is exercised.

(e) The authority granted to the Town of Liberty by this section shall not be exercised by the town council unless four of the five members of the town council who are present and voting at a regular or special meeting cast their vote in favor of the use of this method for improving a street or part of a street in accordance with the requirements of this section."

Sec. 2. Except as provided in this section, all previous local acts dealing with the incorporation and powers of the Town of Liberty and all other laws and clauses of laws in conflict with this act are repealed. Without diminishing the generality of the foregoing, Chapter 972 of the Session Laws of 1973 (2nd Session, 1974), dealing with the establishment of an ABC store in the Town of Liberty, is not repealed.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1981.