

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 842
HOUSE BILL 628

AN ACT TO AMEND THE CAROLINA BEACH CHARTER TO PROVIDE FOR
POPULAR ELECTION OF THE MAYOR AND TO CHANGE FROM THE
PLURALITY METHOD TO THE ELECTION AND RUNOFF ELECTION
METHOD.

The General Assembly of North Carolina enacts:

Section 1. Sections 3.1, 3.2, and 3.3 of the Charter of the Town of Carolina Beach, as found in Chapter 376, Session Laws of 1973 are rewritten to read:

"Sec. 3.1. Composition of Town Council. The Town Council shall consist of Mayor and four members to be elected by the qualified voters of the Town voting at large. Elections shall be nonpartisan and decided by majority vote, as provided in G.S. 163-293.

"Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by the qualified voters of the Town and his term shall be for two years. In case of vacancy in the office of the Mayor, the remaining members shall elect his successor for the unexpired term. The duties of the Mayor shall be to preside at all meetings of the Town Council; to be the official Head of the Town for the Service of Process, for ceremonial purposes, and shall be so recognized by the Governor of the State in connection with the Military Law; shall have power to administer oaths and take affidavits; shall sign all written contracts entered into by the Council on behalf of the Town and all other contracts and instruments executed by the Town, which by law require the Mayor's signature. All other contracts shall be made and signed by the Mayor or Town Manager. The Mayor shall have the same power as other members of the Council to vote upon any question, or upon the appointment of officers, but he shall have no power to veto. 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 Town. At its organizational meeting the Council shall elect one of its members, Mayor Pro Tempore, to preside in the absence of the Mayor, and to act as Mayor in the absence of or during the disability of the Mayor. In the event of a vacancy in the Office of the Mayor, the Mayor Pro Tempore shall act as Mayor until a Mayor is elected by the Council pursuant to this section of this Article. The term of office of the Mayor Pro Tempore shall be two years.

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The members of the Town Council shall serve for terms of four years.

(b) Vacancies shall be filled as provided in G.S. 160A-63."

Sec. 2. Section 4.1 of the Charter of the Town of Carolina Beach is amended by rewriting the third sentence to read:

"In the regular election of 1983 and quadrennially thereafter, there shall be elected one councilman to serve a term of four years.", and by adding a new sentence to read: "In the regular election in 1983, and biennially thereafter, a Mayor shall be elected to serve a term of two years."

Sec. 3. Sections 1 and 2 of this act shall become effective only if approved by the voters of the Town of Carolina Beach. The New Hanover County Board of Elections shall hold a referendum on the day of the 1981 municipal election (November 3, 1981) on the question of approval of Sections 1 and 2 of this act. The referendum shall be held in accordance with the provisions of Chapter 163 of the General Statutes, and the form of the ballot shall be:

"[] FOR approval of an act to provide for popular election of the Mayor and to change from the plurality method to the election and runoff election method.

[] AGAINST approval of an act to provide for popular election of the Mayor and to change from the plurality method to the election and runoff election method."

In the event that a majority of votes are cast in favor of the approval of Sections 1 and 2 of this act, then they shall be effective, beginning with the 1983 town election. In the event that less than a majority of the votes are cast in favor of the approval of Sections 1 and 2 of this act, they shall have no force or effect.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of July, 1981.