

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 659
HOUSE BILL 620

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
SOUTHPORT AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF SOUTHPORT.

"ARTICLE I.

"INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

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

"Sec. 1.2. Powers. The City of Southport 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 City of Southport, 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 City of Southport shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the City, and as the same may be altered from time to time in accordance with law. An official map or description showing the current City boundaries shall be maintained permanently in the office of the city 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 or description of the City shall be made.

"ARTICLE II.

"MAYOR AND BOARD OF ALDERMEN.

"Sec. 2.1. Governing Body. The Mayor and Board of Aldermen, elected and constituted as herein set forth, shall be the governing body of the City. On behalf of the City, and in conformity with applicable laws, the Mayor and Board of Aldermen, hereinafter at times referred to as the 'Board', may provide for the exercise of all municipal powers, and shall be charged with the general government of the City.

"Sec. 2.2. Board of Aldermen; Composition; Terms of Office.
The Board shall be composed of six members, each of whom shall be elected for a term of four years in the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified.

"Sec. 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected in the manner provided by Article III of this Charter to serve for a term of two years, or until his successor is elected and qualified. The Mayor shall be the official head of the City government and shall preside at all meetings of the Board. He shall have the right to vote only when there are an equal number of votes in the affirmative and the negative on any motion before the Board. The Mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred upon him by the General Statutes of North Carolina, by this Charter, and by the ordinances of the City.

"Sec. 2.4. Mayor Pro Tempore. In accordance with applicable State laws, the Board 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 Board.

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

"Sec. 2.6. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of City ordinances and resolutions shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all City ordinances shall be: 'Be it ordained by the Board of Aldermen of the City of Southport'.

"Sec. 2.7. Voting Requirements; Quorum. Official action of the Board shall be, except as provided otherwise by law, by majority vote, provided that a quorum, consisting of a majority of the actual membership of the Board, is present. Vacant seats are to be subtracted from the normal Board membership to determine the actual membership.

"Sec. 2.8. Qualifications for Office; Vacancies; Compensation. The compensation of Board members, the filling of vacancies on the Board, and the qualifications of Board members shall be in accordance with applicable provisions of the General Statutes.

"ARTICLE III.

"ELECTIONS.

"Sec. 3.1. Regular Municipal Elections; Conduct and Method of Election. Regular municipal elections shall be held in the City 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 Board shall be elected according to the nonpartisan plurality method of election.

"Sec. 3.2. Wards. The City of Southport shall be divided into two wards as follows:

Ward No. 1 shall be that portion of the City lying to the eastward of the center line of Howe Street from the point where this line, projected, intersects the channel of the Cape Fear River, to the intersection of said Howe Street with the northern line of the limits of the City of Southport.

Ward No. 2 shall be all that portion of the City lying to the westward of the above described line.

"Sec. 3.3. Election of Board Members. Three aldermen shall be elected from each of the two wards of the City and the person, or persons, filing as a candidate from either ward shall be a resident and qualified elector of such ward. The members of the Board shall be voted upon in the general municipal election by the qualified electors of the City as a whole and not by just the qualified electors of the ward from which the candidate has filed. The candidates for the Board from each ward who received the highest number of votes in the City at large shall be declared duly elected to the office for which such candidate has filed. At the municipal election to be held in November, 1983, two members of the Board shall be elected for a term of 4 years from Ward No. 2, as described in Section 3.2 above, and 1 member from Ward No. 1, as above described, shall be elected for a term of 4 years. Biennially thereafter, 1 member of said Board from one ward and 2 members from the other ward shall be elected, alternately, for terms of 4 years each.

"Sec. 3.4. Voter Registration Books. The Board of Aldermen shall prepare, or cause to be prepared under its supervision, and thereafter maintain voter registration books for each of the two wards above described.

"Sec. 3.5. Election of the Mayor. At the regular municipal election in 1983, and biennially thereafter, there shall be elected a Mayor to serve a term of 2 years. The Mayor shall be elected by the voters of the City voting at large.

"ARTICLE IV.

"ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. Form of Government. The City 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. City Manager. The Board of Aldermen shall appoint a City Manager who shall be the administrative head of the City government and shall be responsible for the administration of all departments of the City government. He shall be appointed with regard to merit only, and he need not be a resident of the City when appointed. He shall hold office during the pleasure of the Board and shall receive such compensation as it shall fix by ordinance.

The City Manager so appointed shall (1) be the administrative head of the City government, and direct and supervise the administration of all departments, offices and agencies of the City; (2) see that within the City the laws of the State and the ordinances, resolutions, and regulations of the Board are faithfully executed; (3) attend all meetings of the Board and recommend for adoption such measures as he shall deem expedient; (4) make reports to the Board from time to time upon affairs of the City, keep the Board fully advised of the City's financial condition and its future financial needs; (5) appoint, suspend and remove all heads of departments and other employees of the City, except the City Attorney, the City Tax Collector and the Clerk, who shall be appointed by the Board; (6) perform any other duties that may be required and authorized by the Board; and (7) prepare and submit the annual budget and capital program to the Board.

"Sec. 4.3. City Attorney. The Board shall appoint a City 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 City Attorney to prosecute and defend suits against the City; to advise the Mayor, Board and other City officials with respect to the affairs of the City; to draft all legal documents relating to the affairs of the City; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend meetings of the Board and to perform other duties required by law or as the Board may direct.

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

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

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

"Sec. 4.7. Consolidation of Functions. The Board may consolidate any two or more positions of City Manager, City Clerk, City Tax Collector and City 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 and the Machinery Act.

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

"ARTICLE V.

"SPECIAL PROVISIONS.

"Sec. 5.1. Assessments for Street and Sidewalk Improvements; Petition Unnecessary. A. In addition to any authority which is now or may hereafter be granted by general law to the City for making street improvements, the Board is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this section.

B. The Board may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes without the necessity of a petition, upon the finding by the Board as a fact:

- (1) That the street improvement project does not exceed 1,200 linear feet, and

- (2) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement, or
- (3) That it is in the public interest to connect two streets, or portions of a street already improved, or
- (4) That it is in the public interest to widen a street, or part thereof, which is already improved, provided, that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the City's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

C. For the purposes of this Article, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters, and street drainage facilities.

D. In addition to any authority which is now or may hereinafter be granted by general law to the City for making sidewalk improvements, the Board is hereby authorized without the necessity of a petition, to make or order to be made sidewalk improvements or repairs according to standards and specifications of the City, and to assess the total cost thereof against abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes; provided, however, that regardless of the assessment basis or bases employed, the Board may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.

E. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the Board shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

F. The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes."

Sec. 2. The purpose of this act is to revise the Charter of the City of Southport and to consolidate herein certain acts concerning the property, affairs, and government of the City. 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 City of Southport.

(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 345, Private Laws of 1909 Chapter 40, Private Laws of 1911 Chapter 299, Private Laws of 1911 Chapter 1144, Public-Local Laws of 1913 Chapter 536, Public-Local Laws of 1913 Chapter 79, Private Laws of 1913 Chapter 21, Public-Local Laws of 1915 Chapter 77, Private Laws of 1915 Chapter 94, Private Laws of 1915 Chapter 333, Public-Local Laws of 1923 Chapter 13, Private Laws of 1925 Chapter 36, Private Laws of 1927 Chapter 169, Private Laws of 1927 Chapter 466, Public-Local Laws of 1931 Chapter 76, Private Laws of 1933 Chapter 234, Private Laws of 1933 Chapter 32, Public-Local Laws of 1935 Chapter 185, Public-Local Laws of 1935 Chapter 263, Public-Local Laws of 1935 Chapter 478, Public-Local Laws of 1935 Chapter 76, Public-Local Laws of 1937 Chapter 37, Public-Local Laws of 1939 Chapter 39, Public-Local Laws of 1939 Chapter 523, Public-Local Laws of 1939 Chapter 340, Public-Local Laws of 1941 Chapter 412, Public-Local Laws of 1941 Chapter 237, Session Laws of 1951 Chapter 860, Session Laws of 1951 Chapter 379, Session Laws of 1955 Chapter 900, Session Laws of 1957 Chapter 278, Session Laws of 1959 Chapter 674, Session Laws of 1959 Chapter 56, Session Laws of 1961 Chapter 588, Session Laws of 1963 Chapter 974, Session Laws of 1965 Chapter 1216, Session Laws of 1967

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):

(a) 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.

(b) 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:

(a) The repeal herein of any act repealing such law, or

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

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

Sec. 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act or against the City of Southport or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 9. If any of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications 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. 10. 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. 11. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 12. This act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1983.