

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 109
HOUSE BILL 315

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
ELON COLLEGE.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Elon College is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF ELON COLLEGE

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES

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

"Sec. 1.2. Powers. The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Elon College specifically by this Charter or upon municipal corporations by general law. The term 'general law' is employed herein as defined in G.S. 160A-1.

"Sec. 1.3. Corporate Limits. The corporate limits 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 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, and copies shall be filed in the offices of the Secretary of State, the Alamance County Register of Deeds and the appropriate board of elections.

"ARTICLE II. MAYOR AND BOARD OF ALDERMEN

"Sec. 2.1. Governing Body. The Mayor and Board of Aldermen shall be the governing body of the Town.

"Sec. 2.2. Board of Aldermen; Composition; Terms of Office. The Board of Aldermen, hereinafter referred to at times as the 'Board', shall be composed of five members elected for staggered terms of four years, or until their successors are elected and qualified.

"Sec. 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected for a term of four years, or until his or her successor is elected and qualified; shall be the official head of the Town government and preside at meetings of the Board; shall have the right to

vote only when there is an equal division on any question or matter before the Board; and shall exercise the powers and duties conferred by law or as directed by the Board.

"Sec. 2.4. Mayor Pro Tempore. The Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the other members of the Board.

"Sec. 2.5. Meetings of the Board. In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Sec. 2.6. Quorum. A majority of members elected to the Board shall constitute a quorum to do business.

"Sec. 2.7. Ordinances and Resolutions. The adoption, amendment, repeal, pleading and proving of Town ordinances and resolutions shall be in accordance with general law, except as otherwise provided in this Charter. All ordinances and resolutions shall be effective upon adoption unless otherwise provided.

"Sec. 2.8. Voting Requirements. Official actions of the Board and all votes shall be taken in accordance with applicable voting provisions of general law, except as otherwise provided in this Charter. Notwithstanding the provisions of G.S. 160A-75, however, an ordinance or resolution may be finally adopted on the date on which it is introduced by an affirmative vote equal to a majority of all the members of the Board not excused from voting on the question.

"Sec. 2.9. Compensation; Qualifications for Office; Vacancies. The compensation and qualifications of the Mayor and Aldermen shall be in accordance with general law. Vacancies that occur in any elective office of the Town shall be filled by appointment of the Board for the remainder of the unexpired term.

"Article III. ELECTIONS

"Sec. 3.1. Regular Municipal Elections. Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. The Mayor and Aldermen shall be elected by the voters of the Town on an at-large basis, by the nonpartisan plurality method of election.

"Sec. 3.2. Election of the Aldermen. The Aldermen serving on the date of ratification of this Charter may continue to serve until expiration of their terms, or until their successors are elected and qualified. In the regular municipal election in 1985, and every four years thereafter, there shall be elected two Aldermen to serve as provided in Article II of this Charter. In the regular municipal election in 1987, and every four years thereafter, there shall be elected three Aldermen to serve as provided in Article II.

"Sec. 3.3. Election of the Mayor. The Mayor serving on the date of ratification of this Charter may continue to serve until the expiration of his or her term, or until a successor is elected and qualified. At the regular municipal election in 1985 and every four years thereafter, there shall be elected a Mayor to serve as provided in Article II.

"Sec. 3.4. Special Elections and Referendums. Special elections and referendums may be held only as provided by general law or applicable local acts of the General Assembly.

"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 G.S. Chapter 160A, Article 7, Part 2.

"Sec. 4.2. Town Manager. The Board shall appoint a Town Manager who shall be responsible for the administration of all departments of the Town government. The Town Manager shall have all the powers and duties contained in G.S. Chapter 160A, Article 7, Part 2, except as expressly limited by the provisions of this Charter; shall hold office at the pleasure of the Board and shall receive such compensation as approved by the Board; shall perform the duties of the budget officer under the Local Government Budget and Fiscal control Act; and shall either personally perform the duties of the finance officer or appoint another officer or employee of the Town to perform such duties, as determined by the Board, pursuant to the requirements of the Local Government Budget and Fiscal Control Act.

"Sec. 4.3. Town Clerk. The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Board; to maintain in a safe place all records and documents concerning the affairs of the Town; to give notice of meetings of the Board; and to perform such other duties required by law or as the Board may direct.

"Sec. 4.4. Town Tax Collector. The Board shall appoint a Tax Collector to collect all taxes, licenses, fees and other monies owed to the Town, subject to general law, this Charter and town ordinances.

"Sec. 4.5. Town Attorney. The Board of Alderman shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town in matters of litigation; to advise Town officials with respect to the affairs of the Town; to draft legal documents relating to the affairs of the Town; to review agreements, contracts, franchises and other instruments concerning the Town; to attend meetings of the Board as requested; and to perform other duties required by law or as the Board may direct.

"Sec. 4.6. Other Administrative Officers and Employees. The Town Manager may appoint other officers and employees as authorized by the Board.

"ARTICLE V. SPECIAL ASSESSMENT PROVISIONS

"Sec. 5.1. Assessments for Street Improvement; Petition Unnecessary. (a) In addition to any authority granted by general law, the Board is hereby authorized to order street improvements and to assess the costs thereof against abutting property in accordance with the provisions of this Article.

(b) The Board may order street improvements and assess the total costs thereof against abutting property, 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 General Statutes without the necessity of a petition, upon the following findings of 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 improvements; 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 a 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 Town's thoroughfare or major street plan, as applied to the particular street or part thereof.

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

"Sec. 5.2. Assessment for Sidewalk Improvements; Petition Unnecessary. In addition to any authority granted by general law, the Board is hereby authorized, without the necessity of petition, to order sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total costs thereof against abutting property, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes; provided that regardless of the assessment basis or bases employed, the Board may order the costs of sidewalk improvements made only on one side of a street to be assessed against property abutting both sides of such street.

"Sec. 5.3. Procedure; Effect of Assessments. In ordering street and sidewalk improvements without a petition and assessing the costs thereof under authority of this Article, the Board shall comply with the procedures required by Article 10 of Chapter 160A of the General Statutes, except those provisions relating to petitions of property owners and sufficiency thereof. The effect of the act of levying assessments under authority of this Article shall be the same as if 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 Town of Elon College 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 expressly consolidated into this act, so that all rights and liabilities which have accrued are preserved and may be enforced.

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

- (1) Any acts concerning the property, affairs or government of public schools.
- (2) 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 324, Session Laws of 1961, except that Section 36 of that act is not repealed.

Chapter 18, Session Laws of 1963. Sections 1 and 2 of Chapter 250, Session Laws of 1967. Chapter 156, Session Laws of 1969.

Sec. 5. No provision of this act is intended nor shall be construed to affect 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 previously taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law previously repealed expressly or by implication, and no law granting authority which has been exhausted, shall be construed to be revived by any provision of this act.

Sec. 7. All existing ordinances and resolutions of the Town of Elon College and all existing rules or regulations of departments or agencies of the Town 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 on the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by the ratification of this act.

Sec. 9. If any provision 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, superseded or recodified, 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, superseded or recodified.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1985.