

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-75
HOUSE BILL 860

AN ACT TO INCORPORATE THE TOWN OF CAROLINA SHORES FROM AN
AREA PREVIOUSLY ANNEXED INTO THE TOWN OF CALABASH.

The General Assembly of North Carolina enacts:

Section 1. (a) The area annexed to the Town of Calabash by Section 1 of Chapter 593 of the Session Laws of 1989 is removed from the corporate limits of the town.

This section shall have no effect upon the validity of any liens of the Town of Calabash for ad valorem taxes or special assessments outstanding before the effective date of this section, and such liens may be collected or foreclosed upon after the effective date of this section as though the property were still within the corporate limits of the Town of Calabash. Notwithstanding the previous sentence, if the Town of Carolina Shores is not incorporated as provided by Sections 2 through 7 of this act, the ad valorem taxes for fiscal year 1998-99 for the area removed from the Town of Calabash by this section are released and the liens shall not attach.

(b) The Brunswick County Board of Elections shall conduct an election on September 15, 1998, for the purpose of submission to the qualified voters of District 1 of the Town of Calabash and to the qualified voters of District 2 of the Town of Calabash the question of whether or not the area described in subsection (a) of this section shall be removed from the corporate limits of the Town of Calabash. Notwithstanding G.S. 163-33(8), notice of the election shall be given at least 14 days prior to the last date to register for the election under G.S. 163-82.6(c)(2).

(c) In the election, the question on the ballot shall be:

"[] FOR [] AGAINST

Removal of Carolina Shores from the corporate limits of the Town of Calabash."

(d) In such election, if a majority of the votes cast in either District 1 or District 2 shall be cast "FOR" the question, then subsection (a) of this section is effective on the date that the Brunswick County Board of Elections determines the result of the election. In such case, from that date until the organizational meeting after the 1999 municipal election, the members of the Board of Commissioners of the Town of Calabash are Sam Bierworth, Forrest King, Keith Hardee, Robert Simmons, Rosemary Raleigh, and John Collins. They shall choose a Mayor from among the members of the Board to serve until the organizational meeting after the 1999 municipal election.

(e) In such election, if a majority of the votes cast in both District 1 and District 2 are not cast "FOR" the question, then subsection (a) of this section shall have no force and effect.

(f) Beginning with the organizational meeting after the 1999 municipal election, the Board of Commissioners of the Town of Calabash consists of four members.

Section 2. A Charter for the Town of Carolina Shores is enacted to read:

"CHARTER OF THE TOWN OF CAROLINA SHORES.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Sec. 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Carolina Shores are a body corporate and politic under the name 'Town of Carolina Shores'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed upon cities by the general law of North Carolina.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Carolina Shores are those annexed to the Town of Calabash by Section 1 of Chapter 593 of the Session Laws of 1989.

"CHAPTER III.

"GOVERNING BODY.

"Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Carolina Shores is the Town Board of Commissioners and the Mayor. The Town Board of Commissioners has five members.

"Sec. 3.2. **Manner of Electing Board.** The qualified voters of the entire Town elect the members of the Board of Commissioners.

"Sec. 3.3. **Term of Office of Board Members.** (a) Alden Craft, George Dale, John Elliott, Robert Lovaty, and Edwin Mugridge are appointed as members of the Board of Commissioners to serve until the organizational meeting after the 1999 municipal election.

(b) In 1999 five members of the Board of Commissioners are elected. The three persons receiving the highest numbers of votes are elected to four-year terms and the two persons receiving the next highest numbers of votes are elected to two-year terms. In 2001 and quadrennially thereafter, two members of the council are elected to four-year terms. In 2003 and quadrennially thereafter, three members of the council are elected to four-year terms.

"Sec. 3.4. **Selection of Mayor; Term of Office.** The qualified voters of the entire Town elect the Mayor. Theodora Altreuter shall serve as Mayor to serve until the organizational meeting after the 1999 municipal election. A Mayor shall be elected in 1999 and quadrennially thereafter for a four-year term.

"CHAPTER IV.

"ELECTIONS.

"Sec. 4.1. **Conduct of Town Elections.** The Town Board of Commissioners shall be elected on a nonpartisan basis and the results determined by the plurality method as provided by G.S. 163-292.

"CHAPTER V.

"ADMINISTRATION.

"Sec. 5.1. **Mayor-Board Plan.** The Town of Carolina Shores operates under the Mayor-Board of Commissioners plan as provided by Part 3 of Article 7 of Chapter 160A of the General Statutes.

"CHAPTER VI.

"PLANNING.

"Sec. 6.1. **Extraterritorial Jurisdiction.** The area to the north of North Carolina Highway 179 and Thomasboro Road which was within the extraterritorial jurisdiction of the Town of Calabash under Article 19 of Chapter 160A of the General Statutes and which is not in the Town limits of the Town of Calabash is placed within the extraterritorial jurisdiction of the Town of Carolina Shores under Article 19 of Chapter 160A of the General Statutes upon the adoption of a zoning ordinance by the Town of Carolina Shores.

"Sec. 6.2. **Applicability of Calabash Planning Ordinances.** Any regulations and powers of enforcement of the Town of Calabash under Article 19 of Chapter 160A of the General Statutes shall remain in effect within the Town of Carolina Shores until the earlier of: (i) the Town of Carolina Shores adopting such regulations, or (ii) 60 days after the incorporation is effective. During this period the Town of Carolina Shores may hold hearings and take any other measures that may be required in order to adopt its regulations for the area under that Article."

Section 3. From and after January 1, 1999, the citizens and property in the Town of Carolina Shores shall be subject to municipal taxes levied for the year beginning January 1, 1999, and for that purpose the Town shall obtain from Brunswick County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1999, and the businesses in the Town shall be liable for privilege license tax from the effective date of the privilege license tax ordinance. The Town of Carolina Shores shall not levy any ad valorem taxes or privilege license taxes for the 1998-99 fiscal year.

Section 4. The boundaries of the Town of Calabash are as follows:
BEGINNING at a point where the North Carolina-South Carolina State line intersects the Northern Right-of-Way of NC Highway 179 (60' R/W); thence with said Right-of-Way, S 88 16' 47"E, 419.92'; S 82 10' 09"E, 1022.11'; N 87 34' 25"E, 619.79'; N 77 30' 00"E, 205.42'; N 76 45' 07"E, 125.12' to a point where said Northern Right-of-Way intersects the Eastern Right-of-Way of SR 1168, Country Club Drive; thence with said eastern right-of-way N 03 49' 49"E, 61.55'; N 04 12' 15"E, 43.00'; N 03 54' 03"E, 218.87' to the Northwest corner of Tract #7, CLA Properties, Inc., as Recorded in Map Cabinet "K", Page 44 of the Brunswick County Register of Deeds; thence with the Northern line of Tract #7, N85 32'33"E, 762.30' to the Northeast corner of said Tract #7; thence with the Boundary lines of CLA Properties, Inc., as shown in Map Cabinet "K", Page 44 the following bearings and distances: N 85 32' 33"E, 250.00'; N 82 04' 15"E,

439.56'; N 87 00' 46"W, 779.48'; N 30 14'30"W, 1506.91'; N 60 36'40"E, 452.61'; N 30 33' 19"W, 1842.10' to the Southwest corner of Saltaire Village; thence with the Southern lines of Saltaire Village; N 60 58' 58"E, 698.43'; N 60 58'01"E, approximately 628.50' to a point in the Eastern Right-of-Way of SR 1167 (60'R/W) thence with said Right-of-Way in a Northerly direction to the Southwest corner of Carolina Shores Acreage Estates as Recorded in Map Book 13, Page 4 of the Brunswick County Register of Deeds; thence with the Southern Boundary line of Carolina Shores Acreage Estates approximately 1230' to a point; thence with the Western Boundary line of Acreage Estates, a common line with Hunters Trace Subdivision as Recorded in Map Cabinet "O", Page 332, a southerly direction to a point projected to the Southern Right-of-way of SR 1165; thence with said Right-of-Way in an Easterly Direction to the Northwest corner of Calabash Acres as recorded in Map Book 9, Page 39 of The Brunswick County Register of Deeds; thence with the Western lines of Calabash Acres in a Southerly direction to a point in the Thread of the Calabash River; thence down said river and along the thread to a point where it intersects the North Carolina-South Carolina State line; thence with said State line N 44 37' 44"W to the Place and Point of BEGINNING. The boundaries also include any areas annexed to the Town of Calabash under Article 4A of Chapter 160A of the General Statutes after December 31, 1996, that might not be included in the description above.

Section 5. (a) The Brunswick County Board of Elections shall conduct an election on the same date as the referendum provided by Section 1 of this act, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of Carolina Shores, the question of whether or not such area shall be incorporated as Carolina Shores. Registration for the election shall be conducted in accordance with G.S. 163-288. Notwithstanding G.S. 163-33(8), notice of the election shall be given at least 14 days prior to the last date to register for the election under G.S. 163-82.6(c)(2).

(b) In the election, the question on the ballot shall be:

"[] FOR [] AGAINST

Incorporation of Carolina Shores".

Section 6. In such election, if either a majority of the votes cast are not cast "FOR Incorporation of Carolina Shores", or if the question proposed by Section 1(c) of this act is not approved as provided by that section, then Sections 2 through 4 of this act shall have no force and effect.

Section 7. In such election, if a majority of the votes cast shall be cast "FOR Incorporation of Carolina Shores", and if the question proposed by Section 1(a) of this act is approved as provided by that section, then Sections 2 through 4 of this act shall become effective on the date that the Brunswick County Board of Elections determines the result of the election.

Section 8. (a) The Board of Commissioners of the Town of Calabash shall, prior to the date of the referendum provided by this act, adopt a fair and equitable plan for the distribution of the assets and liabilities, other than those set aside by subsection (b) of this section, of the Town of Calabash between the Town of Calabash and the Town of Carolina Shores. The plan must be approved by the Local Government

Commission. If the Board of Commissioners of the Town of Calabash fails to adopt such a plan by the deadline provided by this subsection, then the Local Government Commission shall adopt a fair and equitable plan.

The plan adopted under this section shall include among the assets the ad valorem tax levy of the Town of Calabash for the 1998-99 fiscal year and any other shared revenues received by the Town of Calabash during the 1998-99 fiscal year (such as local option sales taxes), such that the proceeds may be divided between the two towns to support their budgets for that fiscal year.

(b) Property owned by the Town of Calabash on June 30, 1989, and the amount of fund balance of the Town of Calabash at the end of the 1988-89 fiscal year are excluded from the plan adopted under subsection (a) of this section.

(c) The plan is effective only if the Town of Carolina Shores is incorporated pursuant to Sections 2 through 7 of this act.

Section 9. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 5th day of August, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives