

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-91
HOUSE BILL 1497

AN ACT TO INCORPORATE THE TOWN OF CRANBERRY.

The General Assembly of North Carolina enacts:

Section 1. A Charter for the Town of Cranberry is enacted as follows:

"CHARTER OF TOWN OF CRANBERRY.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Cranberry, which area is described in Section 2.1 of this Charter, are a body corporate and politic under the name 'Town of Cranberry.' Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. **Town Boundaries.** Until modified in accordance with the law, the boundaries of the Town of Cranberry are as follows: A circle with a radius of 4,200 feet as measured from a PK Nail set in a chiseled X located in the walkway of the Cranberry Baptist Church, said nail being located N 80° 18' 49"W 47.31' from the Northwest corner of the Church and N 50° 20' 28"W 47.93' from the Southwest corner of the Church and having NAD 83 Grid Coordinates of N 883,703.1137 and E 1,123,879.3799, except that it does not include any territory within the corporate limits of any other municipality on May 26, 1998.

"CHAPTER III.

"GOVERNING BODY.

"Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Cranberry is the Board of Aldermen, which has five members and the Mayor.

"Sec. 3.2. **Temporary Officers.** Until the organizational meeting after the initial election in 1999 provided for by Section 4.1 of this Charter, Michael Phillip Jones is appointed Mayor and David Turbyfill, Linda T. Brown, Raymond Turbyfill, and J.W. Ollis are appointed members of the Board of Aldermen, and they shall possess and may exercise the powers granted to the Mayor and Board of Aldermen until their successors are elected or appointed and qualify pursuant to this Charter.

"Sec. 3.3. **Manner of Electing Board of Aldermen; Term of Office.** The qualified voters of the entire Town shall elect the members of the Board of Aldermen.

In 1999 and biennially thereafter, five members of the Board of Aldermen are elected for two-year terms.

"Sec. 3.4. **Manner of Electing Mayor; Term of Office.** At its organizational meeting after each election, the Board of Aldermen shall elect one of its members as Mayor to serve at the pleasure of the Board of Aldermen.

"CHAPTER IV.

"ELECTIONS.

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

"CHAPTER V.

"ADMINISTRATION.

"Sec. 5.1. **Town to Operate Under Mayor-Council Plan.** The Town of Cranberry operates under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

Section 2. From and after the effective date of this act, the citizens and property in the Town of Cranberry shall be subject to municipal taxes levied for the year beginning July 1, 1998, and for that purpose the Town shall obtain from Avery County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1998. The Town may adopt a budget ordinance for fiscal year 1998-99 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 1998-99, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 1998.

Section 3. (a) The Avery County Board of Elections shall conduct an election on November 3, 1998, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of the Town of Cranberry the question of whether or not such area shall be incorporated as the Town of Cranberry. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

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

"[] FOR [] AGAINST

Incorporation of the Town of Cranberry".

Section 4. In the election, if a majority of the votes are cast "FOR incorporation of the Town of Cranberry", Sections 1 and 2 of this act become effective on the date of the certification of the results of the election. Otherwise, Sections 1 and 2 of this act have no force and effect.

Section 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 12th day of August, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker

Speaker of the House of Representatives