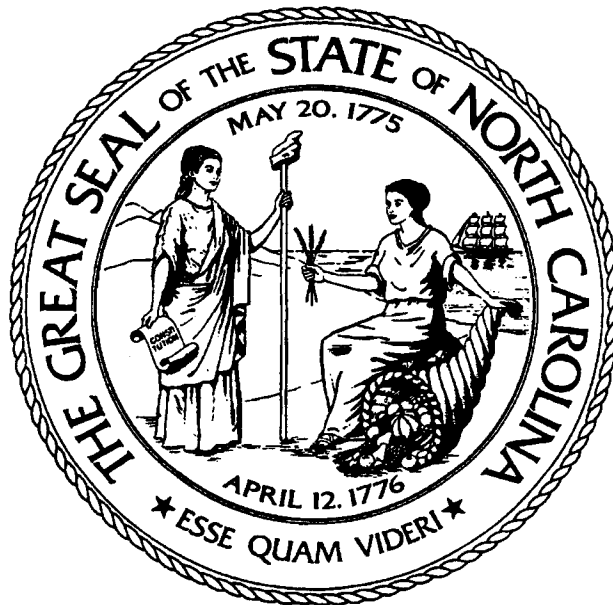


**JOINT LEGISLATIVE COMMISSION  
ON MUNICIPAL INCORPORATIONS**



**REPORT TO THE  
GENERAL ASSEMBLY  
OF NORTH CAROLINA**

**Town of St. James**

**March 25, 1999**

REPORT TO THE GENERAL ASSEMBLY  
PROPOSED INCORPORATION OF THE  
TOWN OF ST. JAMES  
MARCH 25, 1998

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

The criteria includes specifics as to community support, (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

During the current review cycle, the Commission on September 23, 1998 received a petition proposing the incorporation of the Town of St. James in Brunswick County. A copy of the petition is attached as Appendix C.

Upon receiving the petition, the Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-161. The Division made the evaluation (a copy of which is attached as Appendix D), and based on that evaluation, the Commission on January 28, 1999 found that the preliminary requirements of G.S. 120-163 and G.S. 120-164 had been met, except the proposed Town had not provided information on the degree of land development.

The Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-167 through G.S. 120-170 upon receiving from the proposed Town the degree of land development. Upon receipt of the missing information, the Division made the evaluation (a copy of which is attached as Appendix E), and found that the statutory requirements had been met.

On March 18, 1999, the Commission held a public hearing on the incorporation of St. James in Wilmington, North Carolina. Six persons spoke in favor of incorporation and one spoke in opposition.

**The Commission finds that the proposed Town of St. James meets the standards required by Article 20 of Chapter 160A of the General Statutes and recommends incorporation of the area as the Town of St. James.**

APPENDIX A

JOINT LEGISLATIVE COMMISSION ON  
MUNICIPAL INCORPORATIONS  
1997-1999  
Membership

**Pro Tem's Appointments**

The Honorable Wib Gulley  
PO Box 3573  
Durham, NC 27702

The Honorable Fletcher L. Hartsell, Jr.  
PO Box 368  
Concord, NC 28026

Mr. Ronald R. Kimble, Manager  
City of Greenville  
PO Box 7207  
Greenville, NC 27835

**Staff**

Gerry Cohen  
Bill Drafting Division  
(919) 733-6660

Gayle Moses  
Bill Drafting Division  
(919) 733-6660

**Speaker's Appointments**

The Honorable Cary D. Allred  
4307 Sartin Road  
Burlington, NC 27217

The Honorable J. Samuel Ellis  
3513 Auburn-Knightdale Road  
Raleigh, NC 27610

Mr. Jerry Ayscue  
Vance County Manager  
Vance County Courthouse  
Young Street  
Henderson, NC 27536

**Clerk**

Carol Resar  
408 LOB  
(919) 715-3036

## APPENDIX B

### ARTICLE 20.

#### Joint Legislative Commission on Municipal Incorporations. Part 1. Organization.

##### § 120-158. Creation of Commission.

(a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as "Commission".

(b) The Commission shall consist of six members, appointed as follows:

- (1) Two Senators appointed by the President Pro Tempore of the Senate;
- (2) Two House members appointed by the Speaker;
- (3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and
- (4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.

##### §120-159. Terms.

Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term.

##### §120-160. Compensation.

Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

##### § 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be

provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.

§120-162. Reserved for future codification purposes.

## PART 2. Procedure for Incorporation Review.

### §120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session.

§120-164. Notification.

(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;
- (2) All cities within that county or counties; and
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.

#### **§120-165. Initial inquiry.**

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part.

#### **\*\*\* § 120-166. Additional criteria; nearness to another municipality.**

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by

the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;

- (3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.

\*\*\* The 1998 amendment, effective November 1, 1998, rewrote subdivision (b)(3), which formerly read "The nearby municipality by resolution expresses its approval of the incorporation; or". The amendment is applicable to annexations for which the resolution of intent is adopted on or after November 1, 1998, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that effective date.

**§120-167. Additional criteria; population.**

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100.

**§120-168. Additional criteria; development.**

Except when the entire proposed municipality is within two miles of the Atlantic Ocean, Albemarle Sound, or Pamlico Sound, the Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.

**§120-169. Additional criteria; area unincorporated.**

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1).

**\*\*\* § 120-169.1. Additional criteria; level of development, services.**

(a) Level of Development. -- The Commission may not make a positive recommendation unless the entire area proposed for incorporation meets the applicable criteria for development under G.S. 160A-36(c) or G.S. 160A-48(c).

(b) Services. -- The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. To meet the requirements of this subsection, the persons submitting the plan for incorporation must propose to provide at least two of the following services:

- (1) Police protection.
- (2) Fire protection.
- (3) Garbage and refuse collection or disposal.
- (4) Water distribution.
- (5) Sewer collection or disposal.
- (6) Street maintenance, construction, or right-of-way acquisition.
- (7) Street lighting.
- (8) Adoption of citywide planning and zoning.

**\*\*\*** This section becomes effective November 1, 1998, is applicable to annexations for which the resolution of intent is adopted on or after that date, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that date.

**§120-170. Findings as to services.**

The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided.

**§120-171. Procedures if findings made.**

(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly. The report to the General Assembly shall list the grounds on which a negative recommendation is made, along



with specific findings. If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly.

#### **§120-172. Referendum.**

Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum.

#### **§120-173. Modification of petition.**

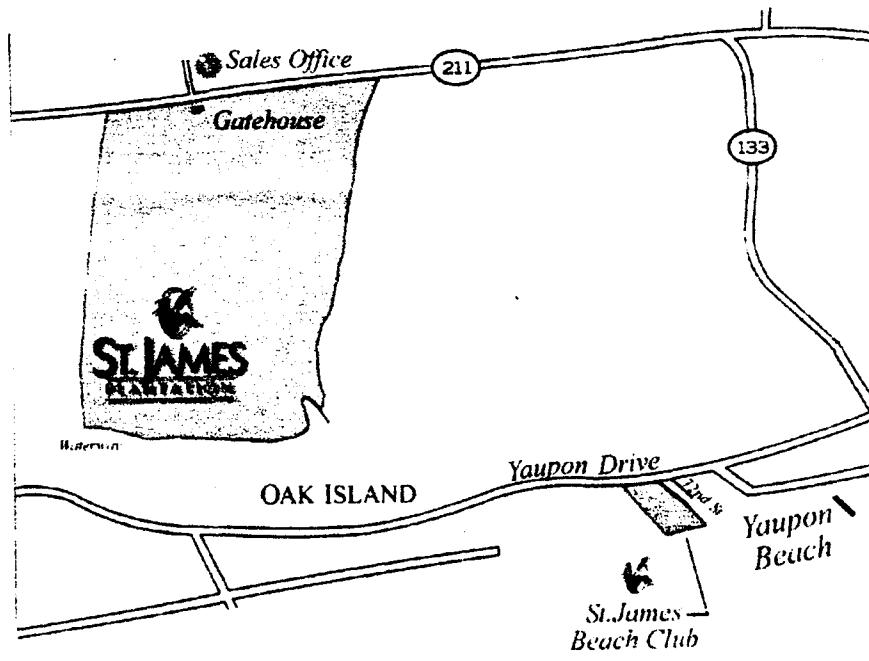
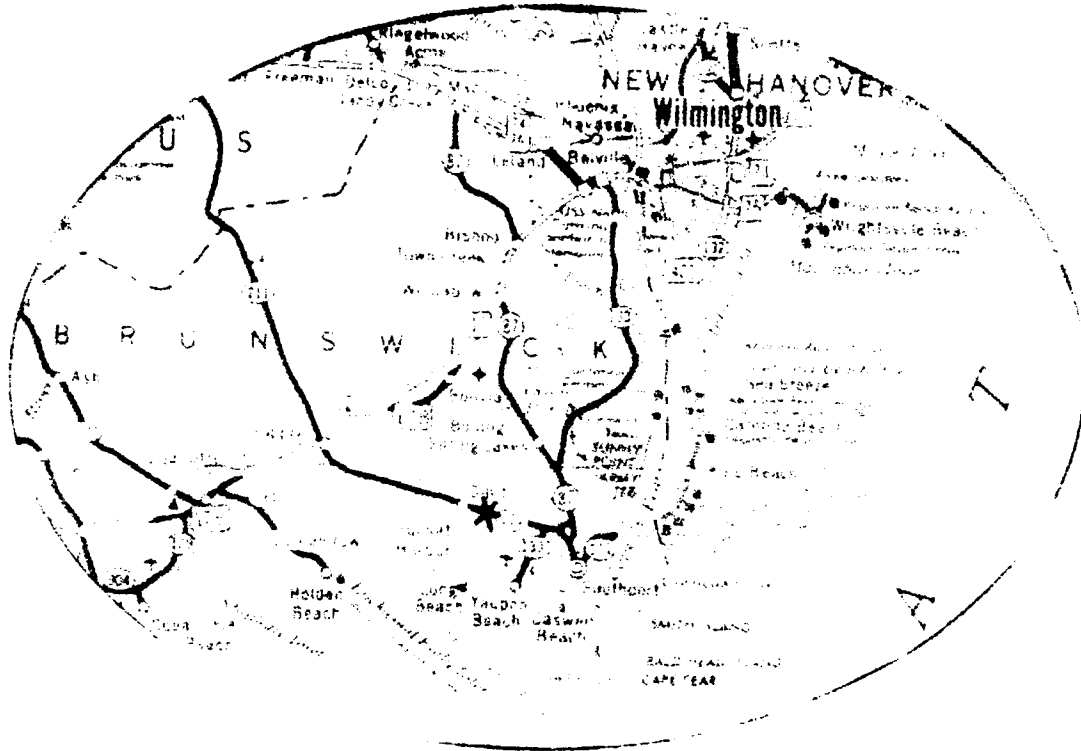
With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas.

#### **§120-174. Deadline for recommendations.**

If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition.

**§120-175 through 120-179: Reserved for future codification purposes.**

# St. James Plantation



Making It Official

## CONTENTS

- I. Rationale and Objectives
- II. Statistics
- III. Statement of Services
- IV. Map/Boundaries
- V. Charter
- VI. Budget
- VII. Notifications to County Officials
- VIII. Affidavit of Newspaper Notices
- IX. Verification of Petition Signatures
- X. Signed Petitions (or Samples Thereof)

## **RATIONALE AND OBJECTIVES**

**The following documents are presented to the distinguished members of our North Carolina Legislature in a spirit of cooperation with that body as well as with the many members of this community who have enthusiastically and overwhelmingly endorsed this endeavor. Some factors entering into the decision to seek The Legislature's approval for incorporation of *The Town of St. James* include the following:**

- ◆ **It is the community's desire to preserve its identity and have control of some of its own destiny.**
- ◆ **The very rapid community growth as well as the planned and potential development of surrounding undeveloped land indicates an official identity and say in this growth to maintain the area's currently high "livability" and property values.**
- ◆ **Due to the uniqueness of this community and the infrastructure that is in place, joining with any of the surrounding municipalities is impractical.**
- ◆ **This community's population includes many well educated, professionally experienced individuals with significant leadership talents. A number of these individuals have studied this area, the demographics and the needs of this community in depth and agree that incorporation as an independent municipality is not only appropriate, but, essentially, a necessity.**
- ◆ **Possibly, the more important consideration is that over 85% of the residents in St. James is solidly for making this community a legally incorporated town.**

**TOWN OF ST. JAMES  
STATEMENT OF STATISTICS  
SEPTEMBER 20, 1998**

<b>Total Residential/Commercial Acreage :</b>	<b>2700</b>
<b>Population:</b>	<b>660</b>
<b>Population Density:</b>	<b>0.24/acre</b>
<b>Total Number of Dwellings:</b>	<b>386</b>
<b>Dwellings Under Construction:</b>	<b>116</b>
<b>Assessed Valuation: (1)</b>	<b>\$133,400,000</b>
<b>Estimated Growth Rate (Residents/Year)</b>	<b>336</b>

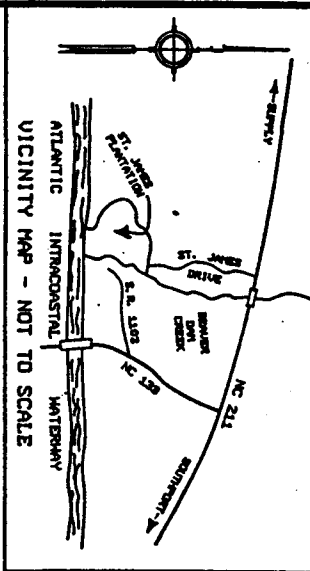
**(1) Assessed valuation based on information from Brunswick County Tax Office**

## **Town of St. James Statement of Services**

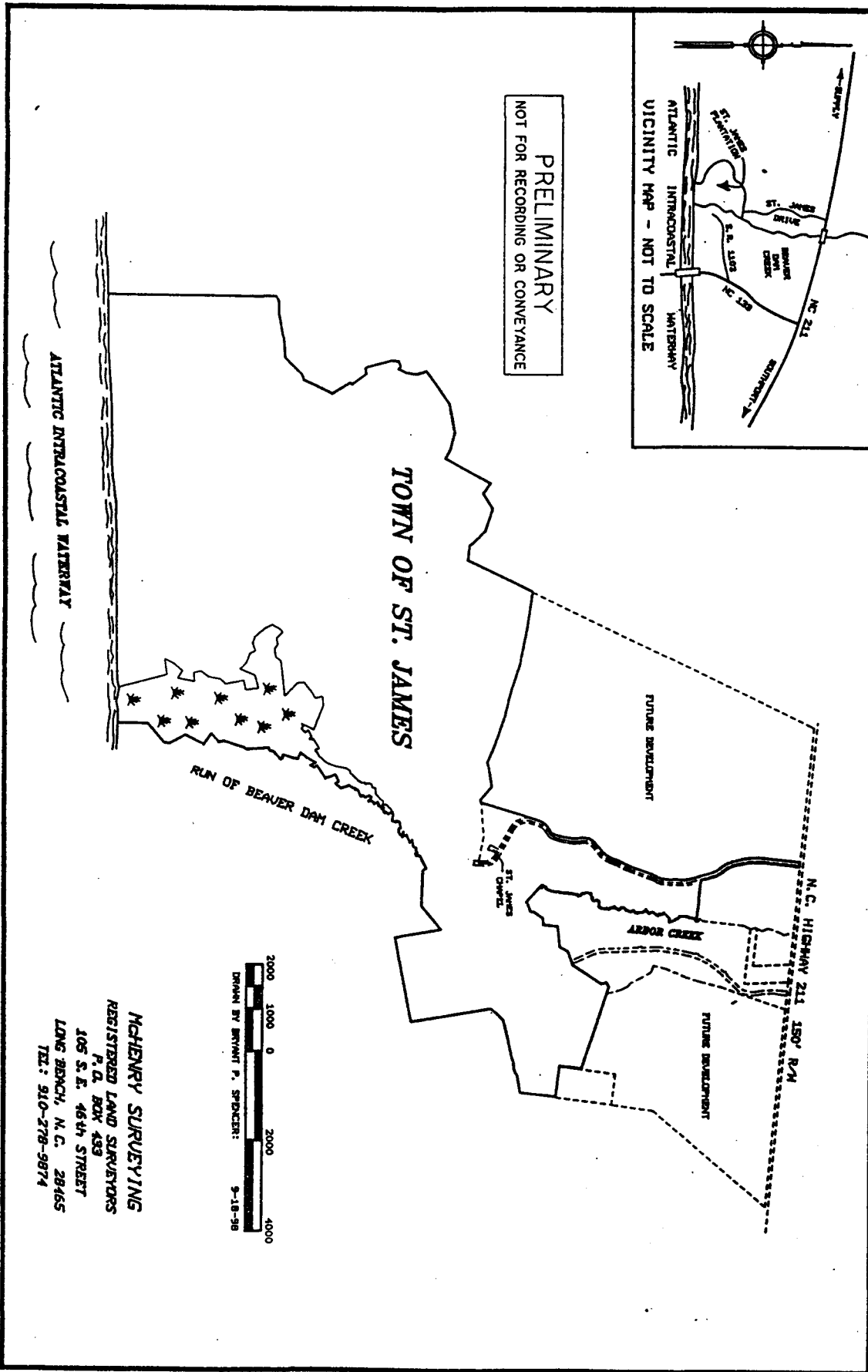
**Many of the essential core services are currently provided through the County system and with their agreement , St. James, at least initially, until a taxing/revenue base is stabilized, plans to limit additional services. This is clearly the desire of the residents of this community.**

**Soon after incorporation, efforts will be made to financially support a volunteer fire department until our ad valorem tax commences. The fire and rescue department ( a private corporation ) will be located within the town boundaries and will provide quicker response time and more affordable insurance rates to the residents. The town will contract fire and rescue services from the private corporation.**

**Other service areas which may be addressed in response to citizen interest involve quality-of-life issues, recreational services for the largely senior population and services that are currently under the Property Owners Association that could be transitioned to the town.**



PRELIMINARY  
NOT FOR RECORDING OR CONVEYANCE



MCHEERY SURVEYING  
REGISTERED LAND SURVEYORS  
P. O. BOX 493  
105 S.E. 46th STREET  
LONG BEACH, N.C. 28465  
TEL.: 910-278-9874

REDUCED COPY  
SCALE NOT PRECISE

## **CHARTER FOR ST. JAMES**

In 1990, Homer Wright and John Atkinson began developing the land which shall comprise St. James, North Carolina. Their vision of a place where the residents can fully enjoy the amenities of coastal North Carolina has resulted in a single community which is unsurpassed in its ability to provide gracious living to the residents. The community has grown far more quickly than expected. As a consequence the need for an incorporated governing body has become apparent to assure that the town will continue to grow in the manner originally envisioned by the developers, and to assure that the residents are provided all the services which they need at a reasonable cost. St. James is a primarily residential community located in Brunswick County, North Carolina. Its unique location separates it from all other villages, towns and cities, and its residents have determined that they wish to become an incorporated town. The Legislature has determined that such incorporation is desirable. Thus, this Charter is issued to read as follows:



## **ARTICLE I - INCORPORATION, CORPORATE POWERS AND BOUNDARIES**

**Section 1.1. Incorporation.** The Town of St. James, North Carolina, located in Brunswick County, and the inhabitants thereof shall be a municipal body politic and corporate, under the name of the "Town of St. James", hereinafter at times referred to as the "Town".

**Section 1.2. Powers.** The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of St. James specifically by this Charter except as may otherwise be provided in this Charter or upon municipal corporations by general law. The term "general law" is employed herein in accordance with the definition contained in G.S. 160A-1,

**Section 1.3. Corporate Boundaries.** Until changed in accordance with law the corporate boundaries are as follows:

**Town of St. James**  
**Legal Description**

Beginning at a point in the southern right of way  
of N.C. Highway 211 (150' right of way) where it intersects  
the eastern right of way of St. James Drive (60' right of way),  
said point having the following NCGS (NAD 1983)

coordinates: (N) 78344.141

(E) 2276451.136

and being located N 77°16'46"W 2,027.09' from  
NCGS Monument "System" having NCGS (NAD 1983)

coordinates: (N) 77897.789

(E) 2278428.469

thence from said beginning point and with  
the SOUTHERN right of way of N.C. Highway 211  
N 74°25'16" W a distance of 99.99' to a point;  
thence leaving the right of way of N.C. 211 S 15°34'51" W  
a distance of 800.35' to a point;

thence with a curve

turning to the left

with an arc length of 587.75',

with a radius of 1680.00',

with a chord bearing of S 05°33'29" W,

with a chord length of 584.76' to a point,

thence S 04°27'52" E a distance of 148.27' to a point;

thence with a curve

turning to the left

with an arc length of 236.19',

with a radius of 550.00',

with a chord bearing of S 16°46'00" E,

with a chord length of 234.38' to a point,

thence S 29°04'08" E a distance of 66.08' to a point;

thence with a curve

turning to the right

with an arc length of 182.71',

with a radius of 450.00',

with a chord bearing of S 17°26'15" E,

with a chord length of 181.46' to a point,

thence S 05°48'21" E a distance of 527.02' to a point;

thence with a curve

turning to the right

with an arc length of 207.11',

with a radius of 600.00',

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**McHENRY SURVEYING**  
**REGISTERED LAND SURVEYOR**  
105 S.E. 48th ST.  
P.O. BOX 433  
LONG BEACH, N.C. 28465

with a chord bearing of  $S 04^{\circ}04'59'' W$ ,  
with a chord length of 206.09' to a point,  
thence  $S 13^{\circ}57'20'' W$  a distance of 402.85' to a point;  
thence with a curve  
turning to the right  
with an arc length of 148.95',  
with a radius of 300.00',  
with a chord bearing of  $S 28^{\circ}10'45'' W$ ,  
with a chord length of 147.42' to a point,  
thence  $S 42^{\circ}24'10'' W$  a distance of 12.48' to a point;  
thence with a curve  
turning to the left  
with an arc length of 90.86',  
with a radius of 400.00',  
with a chord bearing of  $S 35^{\circ}53'45'' W$ ,  
with a chord length of 90.66' to a point,  
thence  $S 29^{\circ}23'19'' W$  a distance of 517.06' to a point;  
thence with a curve  
turning to the right  
with an arc length of 42.51',  
with a radius of 450.00',  
with a chord bearing of  $S 32^{\circ}05'42'' W$ ,  
with a chord length of 42.50' to a point,  
thence  $S 34^{\circ}48'06'' W$  a distance of 237.35' to a point;  
thence with a curve  
turning to the left  
with an arc length of 32.93',  
with a radius of 550.00',  
with a chord bearing of  $S 33^{\circ}05'11'' W$ ,  
with a chord length of 32.93' to a point,  
thence  $S 31^{\circ}22'15'' W$  a distance of 183.56' to a point;  
thence with a curve  
turning to the right  
with an arc length of 215.42',  
with a radius of 450.00',  
with a chord bearing of  $S 45^{\circ}05'06'' W$ ,  
with a chord length of 213.37' to a point,  
thence  $S 58^{\circ}47'57'' W$  a distance of 260.77' to a point;  
thence with a curve  
turning to the left  
with an arc length of 314.67',  
with a radius of 328.00',  
with a chord bearing of  $S 31^{\circ}18'57'' W$ ,  
with a chord length of 302.74' to a point,  
thence  $S 03^{\circ}49'57'' W$  a distance of 147.44' to a point;

thence with a curve  
turning to the right  
with an arc length of 124.44',  
with a radius of 450.00',  
with a chord bearing of S 11°45'04" W,  
with a chord length of 124.05' to a point,  
thence S 19°40'24" W a distance of 170.28' to a point;  
thence with a curve  
turning to the right  
with an arc length of 60.46',  
with a radius of 450.00',  
with a chord bearing of S 23°31'17" W,  
with a chord length of 60.42' to a point,  
thence S 27°22'15" W a distance of 138.07' to a point;  
thence with a curve  
turning to the right  
with an arc length of 83.11',  
with a radius of 125.00',  
with a chord bearing of S 46°25'01" W,  
with a chord length of 81.58' to a point,  
thence S 65°27'48" W a distance of 123.95' to a point;  
thence with a curve  
turning to the left  
with an arc length of 243.93',  
with a radius of 360.00',  
with a chord bearing of S 46°03'06" W,  
with a chord length of 239.29' to a point,  
thence leaving the western right of way of St. James Drive  
S 26°38'25" W a distance of 1361.82' to a point;  
thence N 83°47'32" W a distance of 76.07' to a point;  
thence N 40°40'56" W a distance of 389.99' to a point;  
thence S 89°54'30" W a distance of 595.97' to a point;  
thence N 57°29'54" W a distance of 381.45' to a point;  
thence N 61°14'54" W a distance of 748.22' to a point;  
thence N 67°14'54" W a distance of 498.86' to a point;  
thence N 61°59'54" W a distance of 698.34' to a point;  
thence N 68°59'54" W a distance of 868.05' to a point;  
thence N 71°44'54" W a distance of 798.25' to a point;  
thence S 35°45'39" W a distance of 1597.66' to a point;  
thence N 72°33'51" W a distance of 334.89' to a point;  
thence N 22°03'26" W a distance of 63.98' to a point;  
thence N 34°28'38" W a distance of 406.82' to a point;  
thence N 61°10'21" W a distance of 529.33' to a point;  
thence S 68°51'52" W a distance of 404.85' to a point;  
thence N 45°42'34" W a distance of 286.92' to a point;

thence S 39°00'35" W a distance of 1149.41' to a point;  
thence N 52°51'07" W a distance of 245.46' to a point;  
thence N 66°04'17" W a distance of 387.18' to a point;  
thence S 88°51'54" W a distance of 641.57' to a point;  
thence S 64°35'37" W a distance of 888.62' to a point;  
thence S 08°35'12" E a distance of 162.83' to a point;  
thence S 14°40'07" E a distance of 51.93' to a point;  
thence S 16°48'58" W a distance of 172.04' to a point;  
thence S 14°59'46" W a distance of 60.34' to a point;  
thence S 35°15'21" W a distance of 213.23' to a point;  
thence N 39°03'27" W a distance of 74.23' to a point;  
thence S 82°56'36" W a distance of 129.24' to a point;  
thence S 16°00'33" W a distance of 157.32' to a point;  
thence S 05°00'25" E a distance of 573.17' to a point;  
thence S 26°37'19" E a distance of 69.25' to a point;  
thence N 88°50'46" E a distance of 127.72' to a point;  
thence S 26°26'11" E a distance of 379.07' to a point;  
thence S 29°18'59" W a distance of 70.19' to a point;  
thence S 21°44'24" E a distance of 460.72' to a point;  
thence S 35°06'09" W a distance of 693.95' to a point;  
thence S 80°09'13" W a distance of 138.01' to a point;  
thence S 54°51'56" W a distance of 523.31' to a point;  
thence N 83°48'10" W a distance of 374.97' to a point;  
thence S 89°20'38" W a distance of 632.24' to a point;  
thence N 81°36'14" W a distance of 267.30' to a point;  
thence S 73°37'12" W a distance of 120.84' to a point;  
thence S 10°29'33" W a distance of 1059.23' to a point;  
thence S 10°26'52" W a distance of 2270.42' to a point;  
thence S 10°38'39" W a distance of 435.51' to the high  
water line of the Atlantic Intracoastal Waterway; thence  
along the high water line of said waterway S 81°26'39" E  
approximately 9626' to a point where said high water  
line intersects the centerline of Beaver Dam Creek; thence  
up the run of said creek the following courses and distances;  
thence N 10°39'50" E a distance of 664.72' to a point;  
thence N 18°40'49" E a distance of 1432.05' to a point;  
thence N 22°15'28" E a distance of 2039.03' to a point;  
thence N 43°48'33" E a distance of 948.32' to a point;  
thence N 42°52'26" E a distance of 1522.17' to a point;  
thence N 68°08'26" E a distance of 1452.60' to a point;  
thence leaving Beaver Dam Creek runs S 23°10'45" E  
a distance of 88.75' to a point;  
thence S 78°14'49" E a distance of 797.09' to a point;  
thence N 59°31'41" E a distance of 662.46' to a point;  
thence S 00°15'02" E a distance of 1047.01' to a point;

thence N 89°03'59" E a distance of 210.00' to a point;  
thence N 88°56'40" E a distance of 873.45' to a point;  
thence N 89°04'29" E a distance of 867.18' to a point;  
thence N 00°18'37" W a distance of 1803.88' to a point

in the run of Potter's Branch; thence up the run  
of Potter's Branch the following courses and distances;

N 50°49'02" E a distance of 190.05' to a point;  
thence N 56°42'21" E a distance of 188.26' to a point;  
thence N 84°44'46" E a distance of 208.46' to a point;  
thence N 86°28'01" E a distance of 187.48' to a point;  
thence N 88°55'48" E a distance of 380.47' to a point;  
thence N 85°06'54" E a distance of 251.03' to a point;  
thence S 86°26'56" E a distance of 183.19' to a point;  
thence N 70°06'46" E a distance of 137.97' to a point;  
thence S 89°02'13" E a distance of 382.85' to a point;

thence leaving the run of Potter's Branch runs

N 16°54'14" E a distance of 806.35' to a point;  
thence N 73°02'44" W a distance of 700.00' to a point;  
thence N 17°09'58" E a distance of 491.73' to a point;  
thence N 62°34'11" W a distance of 2005.89' to a point;  
thence S 71°20'44" W a distance of 114.00' to a point;  
thence S 08°08'11" E a distance of 120.00' to a point;  
thence S 43°22'41" W a distance of 760.00' to a point;  
thence S 80°45'54" W a distance of 330.00' to a point;  
thence S 38°31'29" W a distance of 210.00' to a point;  
thence N 85°44'21" W a distance of 461.62' to a point;  
thence S 15°16'24" W a distance of 320.00' to a point;  
thence N 83°33'24" W a distance of 140.00' to a point;  
thence S 44°52'03" W a distance of 260.00' to a point;  
thence S 15°24'13" W a distance of 80.83' to a point;  
thence S 80°18'26" W a distance of 229.77' to a point;  
thence N 37°25'39" W a distance of 464.86' to a point

in the centerline of Beaver Dam Creek; thence up the  
run of said creek the following courses and distances;

N 38°32'50" W a distance of 42.26' to a point;  
thence N 07°42'45" E a distance of 26.22' to a point;  
thence N 19°15'32" E a distance of 972.45' to a point;  
thence N 19°35'28" E a distance of 120.47' to a point;  
thence N 25°52'47" E a distance of 1255.95' to a point;  
thence N 21°13'23" E a distance of 409.89' to a point;  
thence N 19°25'25" E a distance of 518.51' to a point;  
thence N 34°12'30" E a distance of 59.41' to a point;  
thence N 22°57'53" E a distance of 137.07' to a point;  
thence N 75°17'57" E a distance of 53.72' to a point;  
thence N 10°34'41" E a distance of 9.60' to a point;

thence leaving Beaver Dam Creek runs N 72°56'48" W a  
distance of 899.70' to a point in the eastern right  
of way of St. James Drive (60' right of way);  
thence with the eastern right of way of St. James Drive  
N 05°48'21" W a distance of 302.71' to a point;  
thence with a curve  
turning to the left  
with an arc length of 223.31',  
with a radius of 550.00',  
with a chord bearing of N 17°26'15" W,  
with a chord length of 221.78' to a point,  
thence N 29°04'08" W a distance of 66.08' to a point;  
thence with a curve  
turning to the right  
with an arc length of 193.24',  
with a radius of 450.00',  
with a chord bearing of N 16°46'00" W,  
with a chord length of 191.76' to a point,  
thence N 04°27'52" W a distance of 148.27' to a point;  
thence with a curve  
turning to the right  
with an arc length of 552.76',  
with a radius of 1580.00',  
with a chord bearing of N 05°33'29" E,  
with a chord length of 549.95' to a point,  
thence N 15°34'50" E a distance of 800.35',  
to the place and point of beginning. Containing  
2,343.1 acres more or less.

## **ARTICLE II - GOVERNING BODY**

**Section 2.1. Town Governing Body; Composition; Temporary Officers.** The Town Council shall be the governing body of St. James. Until such time as a town election is held in accordance with sections 2.2 and 3.2, below, there shall be a governing body of five Council members. They are: Earl Dye, who shall also serve as the Mayor, Dennis Becker, Harry Comer, Joan Madsen, and Henry Ulrichs.

**Section 2.2. Town Council; Composition; Terms of Office; Vacancies.** The Council shall be composed of five members who are residents of the Town. They will be elected by a vote of those residents who are qualified voters in the State of North Carolina. All Council members will be elected "at large". Terms of office shall be for two years. In the event a member cannot serve out his or her term of office, an interim member shall be appointed by the other Council members to serve until the next biennial election.

**Section 2.3. Mayor; Term of Office; Duties.** The Mayor shall be elected from among its members by the Council at the first public meeting after a biennial election to serve for a period of two years. The Mayor shall attend meetings of the Council, preside over such meetings, and shall advise the Council from time to time as to matters involving the Town. Whenever the Council shall vote on a matter the Mayor shall vote as a Council member.



**Section 2.4. Meetings.** In accordance with general law, the Council shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

**Section 2.5. Quorum; Voting Requirements.** Official actions of the Council and all votes shall be taken in accordance with applicable provisions of general law, particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

**Section 2.6. Qualifications for Office; Compensation.** The qualifications of the Mayor and Council members shall be in accordance with general law. The Mayor and Council members shall be reimbursed for ordinary and necessary expenses. The Mayor and Council members may receive salaries and honoraria only upon a majority vote of the registered voters in the community who vote in a special referendum with respect thereto.

## **ARTICLE III - ELECTIONS**

**Section 3.1. Regular Municipal Elections.** Regular municipal elections shall be held every two years in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis, and the results determined using the nonpartisan plurality method provided for in G.S. 163-292.

**Section 3.2. Election of Council Members.** The Council members appointed upon ratification of this Charter shall serve until their successors are elected and qualified. The Council members shall first be elected at a regular municipal election in 1999. Thereafter, elections shall be held every two years.

**Section 3.3. Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly, or as provided for in this Charter.

## **ARTICLE IV - ORGANIZATION AND ADMINISTRATION**

**Section 4.1. Form of Government.** The Town shall operate under the council-manager form of government in accordance with G.S. 160A, Article 7, Part 2.

**Section 4.2. Town Manager; Appointment; Powers and Duties.** The Council may appoint a Town Manager who shall be responsible for all operating departments of the Town government except as the Council otherwise directs. The Town Manager shall have all the powers and duties conferred by general law, except as expressly limited by the provisions of this Charter, and additional powers and duties conferred by the Council insofar as they are authorized by general law.

**Section 4.3. Manager's Personnel Authority; Role of Elected Officials.** As chief administrative officer, upon appointment the Town Manager shall have the power to appoint, suspend, and remove all officers, department heads, and employees in the administrative service of the Town, with the exception of the Town Attorney, the Town Clerk, and any other official whose appointment or removal is vested in the Council by this Charter or by general law. Neither the Council nor any of its members shall take part in the appointment or removal of officers or employees in the administrative service of the Town, except as provided by this Charter. Except for the purpose of inquiry, or for consultation with the Town Attorney, the Council and its members shall deal with the administrative service solely through the Town Manager or Acting

Manager, and neither the Council nor any of its members shall give any specific orders to any subordinates of the Town Manager or Acting Manager, either publicly or privately.

**Section 4.4. Town Attorney.** The Town Council 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, advise Town officials, and perform other duties required by law or as the Council may direct.

**Section 4.5. Town Clerk.** The Town Council shall appoint a Town Clerk to keep a journal of the proceedings of the Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties as are required by law or as the Council may direct.

**Section 4.6. Other Administrative Officers and Employees.** The Council may authorize other offices and positions, appoint persons to fill such offices and positions, or authorize such offices and positions to be filled by appointment by the Town Manager, and may organize the Town government as deemed appropriate, subject to the requirements of general law.

**Section 4.7. Consolidation of Functions.** The Council may consolidate any two or more positions subject to the provisions of state laws and regulations.

## ARTICLE V - TAXATION

**Section 5.1. Powers Of The Council.** The Council may levy those taxes and fees authorized by law. The ad valorem tax rate may be changed from the rate of the prior year only when a majority of the entire legally constituted Council votes in favor of such a change.

**Section 5.2. Commencement Of Collection Of Taxes.** From and after the effective date of this Act, the citizens and property of the Town of St. James shall be subject to municipal taxes levied for the year beginning July 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. The Town may adopt a budget ordinance for fiscal year 1999-2000 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 1999-2000, 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, 1999. If this Act is ratified before July 1, 1999, the Town may adopt a budget ordinance for fiscal year 1998-1999 without following the timetable in the Local Government and Budget Control Act, but shall follow the sequence of actions in the spirit of the Act insofar as is practical, but no ad valorem taxes may be levied for the 1998-1999 fiscal year.

## **ARTICLE VI - ORDINANCES**

**Section 6.1. Ordinances.** Except as otherwise provided in this Charter the Town is authorized to adopt such ordinances as the Council deems necessary for the governance of the Town, in accordance with and subject to the provisions of G.S. 160A, Article 8.

**Section 6.2. Planning and Regulation of Development.** Notwithstanding any other provisions of this Charter or the provisions of general law, including without limitation the provisions of G.S. 160A, Article 19, the Town shall not adopt any ordinance creating a planning agency, regulating or restricting the subdivision, zoning or use of any land, or providing for building inspections prior to December 31, 2009. During such time, all planning duties, regulation of development and building inspections within the jurisdiction of the Town shall be performed by Brunswick County and governed by the applicable ordinances of Brunswick County as if the area was not in the corporate limits of any municipality. As of December 31, 2009, either the Town or Brunswick County may terminate such powers of Brunswick County within the jurisdiction of the Town upon sixty (60) days notice to the other, whereupon the Town may adopt subdivision and zoning ordinances and shall become responsible for building inspections in accordance with general law.

## **ARTICLE VII - MISCELLANEOUS**

**Section 7.1. Conflicts of Interest.** No person or immediate family member of such person who is employed by or an official of the Town shall do business with the Town unless the Council specifically approves such activity. All appointed officials must apprise the Council of any and all conflicts of interest. Failure to do so shall constitute grounds for immediate dismissal for cause. No official may accept any gratuity from any business, person or other official when such gratuity is related to his official duties.

**Section 7.2. Enlargement of Council.** The Council may vote to enlarge its numbers in accordance with the provisions of Article 160A, Article 5 - Part 4. The electorate may seek to enlarge the number of members who serve on the Council by submitting a Petition to that effect signed by twenty percent (20%) of the the registered voters of St. James. Upon the passage of a resolution or the receipt of a valid petition, the Council shall immediately take those steps provided in G.S.160A Part 4 to determine by referendum whether the number of members of the Council should be increased. If the number of Council members is to be increased, a special election shall be held at the earliest possible date to elect the number of new Council members needed to increase the size of the Council to the size set forth in the referendum.

**Section 7.3. Changes to Charter.** The Council may propose and enact changes to the Charter in accordance with G.S. 160A, Article 5 - Part 4. However, no change to the Charter shall become final until the residents of St. James have been notified of the proposed change, and

afforded an opportunity to comment thereon. Residents may Petition for a change to the Charter by filing a Petition. Notwithstanding the provisions of G.S. 160A-103 providing that such petitions must be considered if 10 percent (10%) of the registered voters have signed the Petition, the Council need not consider the proposed change in accordance with G.S. 160A, Article 5 - Part 4 unless it is determined that 20 percent (20%) of the registered voters have signed the petition.

**Section 7.4. Provision of Services and Administration of Functions.** The Council may enter into agreements with other governmental bodies and private enterprises for the provision of services and the administration of corporate functions in order to provide such services and administer such functions in the most efficient and cost effective manner possible.



## PRO-FORMA BUDGET

Following is a pro-forma budget for the proposed Town of St. James for the years 1999 through 2002.

Please note that this pro-forma budget is based on an assumed property tax rate of \$0.12 per \$100 assessed valuation.

**SUMMARY - ST. JAMES TOWN BUDGET - Thousands of Dollars**

<b>FISCAL YEAR</b>	<b>7/99-6/00</b>	<b>7/00-6/01</b>	<b>7/01-6/02</b>	<b>7/02-6/03</b>
<b>Tax Rate (\$/100)</b>	0.12	0.12	0.12	0.12
<b>TOTAL REVENUE</b>	304.48	382.87	467.02	545.21
<b>EXPENSES</b>				
<i>Total Governing Body</i>	11.00	11.00	11.00	11.00
<i>Total Administratio</i>	154.14	167.16	196.41	206.04
<i>Elections</i>	3.00	0.00	3.00	0.00
<i>Total Public Building</i>	10.20	10.20	10.32	10.45
<i>Total Fire Department</i>	110.40	124.90	165.40	193.40
<i>Contingency Fund</i>	14.44	15.66	19.31	21.04
<i>Reserve for Capital</i>	1.31	53.95	61.58	103.28
<b>TOTAL EXPENSE</b>	304.48	382.87	467.02	545.21

**DETAIL ST. JAMES TOWN BUDGET - Thou \$**

<b>FISCAL YEAR</b>	<b>7/99-6/00</b>	<b>7/00-6/01</b>	<b>7/01-6/02</b>	<b>7/02-6/03</b>
<b>Tax Rate (\$/100)</b>	0.12	0.12	0.12	0.12
<b>REVENUES</b>				
<i>Property Tax</i>	160.11	197.56	239.62	277.63
<i>Motor Vehicle Tax</i>	9.82	12.66	15.57	18.35
<i>Utility Franchise Tax</i>	27.84	35.30	42.96	50.29
<i>Beer &amp; Wine Tax</i>	3.00	4.00	5.00	6.00
<i>Sales Tax</i>	102.71	132.36	162.87	191.94
<i>Inventory Tax</i>	1.00	1.00	1.00	1.00
<b>TOTAL REVENUE</b>	304.48	382.87	467.02	545.21

## ST. JAMES BUDGET

Tax Rate = 0.12

FISCAL YEAR	99-00	00-01	01-02	02-03
<b>REVENUES</b>				
Property Tax	160.11	197.56	239.62	277.63
Motor Vehicle Tax	9.82	12.66	15.57	18.35
Utility Franchise Tax	27.84	35.30	42.96	50.29
Beer & Wine Tax	3.00	4.00	5.00	6.00
Sales Tax	102.71	132.36	162.87	191.94
Inventory Tax	1.00	1.00	1.00	1.00
<b>TOTAL REVENUE</b>	<b>304.48</b>	<b>382.87</b>	<b>467.02</b>	<b>545.21</b>
<b>EXPENSES</b>				
<b>Governing Body</b>				
Board Fees	3.00	3.00	3.00	3.00
Training & Education	3.00	3.00	3.00	3.00
Travel	0.50	0.50	0.50	0.50
Misc.	0.15	0.15	0.15	0.15
<b>Total Governing Body</b>	<b>6.65</b>	<b>6.65</b>	<b>6.65</b>	<b>6.65</b>
<b>Administration</b>				
Mgr. Salary	40.00	42.00	44.10	46.31
Typist Salary	8.00	8.40	8.82	9.26
Attny/Acct Fee	25.00	26.25	27.56	28.94
Fringe Benefits	10.64	11.17	11.73	12.32
Employee Education	1.00	1.00	1.00	1.00
Telephone & Postage	3.00	3.50	4.00	4.50
Travel	0.50	0.53	0.55	0.58
Maint & Repair Office	1.80	4.00	4.00	4.00
Legal Advertisements	2.00	2.10	2.21	2.32
Auto Lease, Gas, Maint	2.00	4.20	4.20	4.20
Office Supplies	2.50	2.63	2.76	2.89
Materials & Supplies	1.00	1.00	1.00	1.00
Dues & Subscriptions	2.00	2.00	2.00	2.00
Insurance, Bond, W.C.	12.00	12.60	13.23	13.89
Capital Outlay	30.00			
Tax Collection Fee	8.50	10.51	12.76	14.80
<b>Total Administration</b>	<b>149.94</b>	<b>131.88</b>	<b>139.91</b>	<b>148.00</b>
<b>Elections - Contract</b>	<b>3.00</b>	<b>0.00</b>	<b>3.00</b>	<b>0.00</b>
<b>Public Building</b>				
Rent	7.20	7.20	7.20	7.20
Contract Serv. Clean	1.20	1.20	1.32	1.45
Utilities	1.80	1.80	1.80	1.80
<b>Total Public Building</b>	<b>10.20</b>	<b>10.20</b>	<b>10.32</b>	<b>10.45</b>
<b>TOTAL EXPENSE</b>	<b>169.79</b>	<b>148.73</b>	<b>159.88</b>	<b>165.10</b>
<b>UNALLOCATED \$</b>	<b>134.69</b>	<b>234.14</b>	<b>307.13</b>	<b>380.11</b>

# BRUNSWICK COUNTY BOARD OF ELECTIONS

P.O. BOX 2 • BOLIVIA, NC 28422

H. Orie Gore, Chairman  
Marion Davis, Secretary  
Rosalie Watson, Member

Lynda W. Britt  
Director of Elections  
Phone (910) 253-2620  
FAX (910) 253-2618

## Amended Statement

I, H. Orie Gore, Chairman of the Brunswick County Board of Elections, certify that the petition herein contains 267 pages, with 464 signatures to request the incorporation of the Town of St. James. The petition verified that 439 signatures were found to be registered voters in Brunswick County. On the 25th day of August 1998 there were 569 voters registered in St. James.

This the 10<sup>th</sup> day of February 1999.



H. Orie Gore, Chairman

## SIGNED PETITIONS

Following are signed petitions from the almost 90% of the registered voters who currently reside at St. James Plantation.

As a prelude to seeking petition signatures, the St. James Incorporation Committee conducted three informational meetings to ensure that the residents of St. James were fully informed of the issues relating to incorporation. These meetings were attended by 450 of the 660 current residents of the community.

# P E T I T I O N

We, the undersigned residents of property located within the proposed geographic boundaries of the Town of St. James, located in Brunswick County, North Carolina, request the incorporation of the Town of St. James.

---

Full Name (print): Thomas H. Cook

Signature: Thomas H. Cook - Are You A Property Owner: No

Residence Address: 2830 St. James Dr., #170

Telephone Number: 253-9701

Are You Registered To Vote In Brunswick County: Yes

Prior Brunswick County address (if applicable): \_\_\_\_\_

---

Full Name (print): Joyce R. Cook

Signature: Joyce R. Cook - Are You A Property Owner: yes

Residence Address: 2830 St. James Dr. #170

Telephone Number: 253-9701

Are You Registered To Vote In Brunswick County: yes

Prior Brunswick County Address (if applicable): \_\_\_\_\_

---

**NORTH CAROLINA,  
BRUNSWICK COUNTY:**

**AFFIDAVIT OF PUBLICATION**

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared J. Rabon

who being first duly sworn, deposes and says: that he is the employee (owner, publisher or employee authorized to make this affidavit) of the State Port Pilot engaged in the publication of a newspaper known as THE STATE PORT PILOT, published, issued and entered as second class mail in the Town of Southport, in said County and State; that the notice or other legal advertisement, a true copy of which is attached hereto, was

published in The State Port Pilot on the following dates: \_\_\_\_\_

September 9 & 16, 1998 ;  
and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of section 1-597 of the General Statutes of North Carolina.

This 17 day of September, 19 98  
J. Rabon  
(Signature Of Person Making Affidavit.)

Sworn to and subscribed before me, this 17 day of

September, 19 98  
Diane C. McKeithan  
Notary Public



My commission expires April 27, 2001

**NOTICE**

Notice is hereby given that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Town of St. James.

99,16



**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

The Honorable Kenneth D. Messer, Sr.  
Mayor of Belville  
175 Main Street  
Belville, N.C. 28451

Dear Mayor Messer :

This letter is to inform the Town of Belville that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate







**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

Ms. Jo Ann Simmons, Chairman  
Brunswick County Board of Commissioners  
PO Box 249  
45 Courthouse Drive NE  
Bolivia, N.C. 28422

Dear Ms. Simmons:

This letter is to inform the Brunswick County Board of Commissioners that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

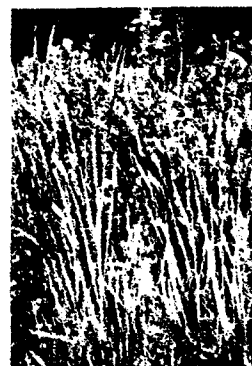
The Honorable Theodora Altreuter  
Mayor of Calabash  
P.O. Box 4967  
Calabash, N.C. 28467

Dear Mayor Altreuter :

This letter is to inform the Town of Calabash that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

The Honorable Carson Durham  
Mayor of Shallotte  
P.O. Box 2986  
110 Cheers Street  
Shallotte, N.C. 28459

Dear Mayor Durham :

This letter is to inform the Town of Shallotte that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

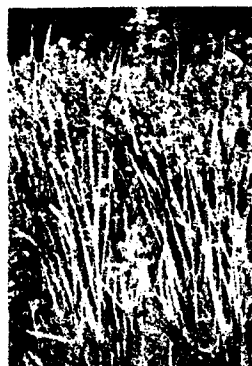
The Honorable Cheryle Cheek  
Mayor of Sunset Beach  
220 Shoreline Drive W.  
Sunset Beach, N.C. 28468

Dear Mayor Cheek:

This letter is to inform the Town of Sunset Beach that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

James W. Smith, Chairman  
Southeastern Brunswick Sanitary District  
PO Box 357  
4310 Long Beach Road  
Southport, N.C. 28461

Dear Mr. Smith :

This letter is to inform the Southeastern Brunswick Sanitary District that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

The Honorable William H. Crowe  
Mayor of Southport  
201 E. Moore Street  
Southport, N.C. 28461

Dear Mayor Crowe:

This letter is to inform the City of Southport that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

The Honorable Dot Kelly  
Mayor of Yaupon Beach  
518 Yaupon Drive  
Yaupon Beach, N.C. 28465

Dear Mayor Kelly:

This letter is to inform the Town of Yaupon Beach that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

The Honorable Judy Galloway  
Mayor of Varnamtown  
100 Varnamtown Road  
Supply, N.C. 28462

Dear Mayor Galloway:

This letter is to inform the Town of Varnamtown that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate







**RESIDENTS OF ST. JAMES PLANTATION**

September 1 , 1998

The Honorable Franky Thomas  
Mayor of Leland  
485 Village Road  
Leland, N.C. 28451

Dear Mayor Thomas:

This letter is to inform the Town of Leland that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

The Honorable Earl B. Gurkin  
Mayor of Sandy Creek  
P.O. Box 1438  
Leland, N.C. 28451

Dear Mayor Gurkin:

This letter is to inform the Town of Sandy Creek that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

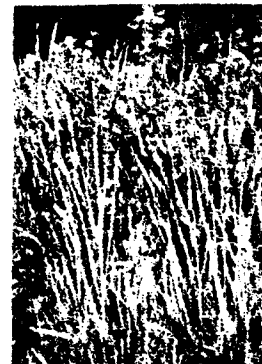
The Honorable James Knox  
Mayor of Northwest  
P.O. Box 1509  
Leland N.C. 28451

Dear Mayor Knox:

This letter is to inform the Town of Northwest that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

The Honorable Louis Brown  
Mayor of Navassa  
334 Main Street  
Navassa, N.C. 28404

Dear Mayor Brown:

This letter is to inform the Town of Navassa that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

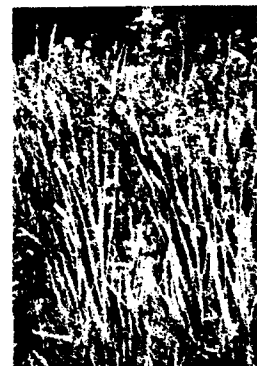
The Honorable Dewey Smith  
Mayor of Bolivia  
P.O. Box 93  
Bolivia, N.C. 28422

Dear Mayor Smith :

This letter is to inform the Town of Bolivia that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

The Honorable Joseph F. O'Brien  
Mayor of Caswell Beach  
P.O. Box 460  
Caswell Beach, N.C. 28465

Dear Mayor O'Brien:

This letter is to inform the Town of Caswell Beach that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

The Honorable Thomas Tully  
Mayor of Boiling Springs Lakes  
P.O. Box 10  
Boiling Springs Lakes, N.C. 28461

Dear Mayor Tully :

This letter is to inform the Town of Boiling Spring Lakes that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

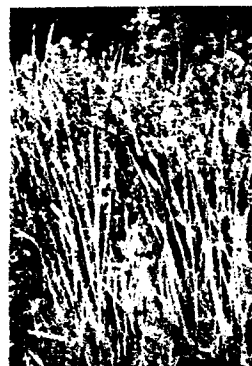
The Honorable Kathlyn Henson  
Mayor of Bald Head Island  
P.O. Box 3009  
Bald Head Island, N.C. 28461

Dear Mayor Henson :

This letter is to inform the Town of Bald Head Island that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designated







**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

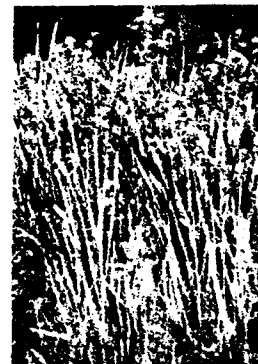
The Honorable Betty S. Williamson  
Mayor of Ocean Isle Beach  
119 Causeway Drive  
Ocean Isle Beach, N.C. 28469

Dear Mayor Williamson:

This letter is to inform the Town of Ocean Isle Beach that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designated





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

The Honorable Joan P. Altman  
Mayor of Long Beach  
109 SW 27th Street  
Long Beach, N.C. 28465

Dear Mayor Altman :

This letter is to inform the Town of Long Beach that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate





**RESIDENTS OF ST. JAMES PLANTATION**

September 1, 1998

The Honorable Jim Lowell  
Mayor of Holden Beach  
110 Rothschild  
Holden Beach, N.C. 28462

Dear Mayor Lowell :

This letter is to inform the Town of Holden Beach that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of St. James Plantation by the North Carolina General Assembly.

Sincerely,

Earl E. Dye, Jr.  
Mayor Designate



APPENDIX D

**Assessment of Petition  
by  
St. James  
for  
Incorporation**

**Relative to NC G.S. 120-166.**

**North Carolina Department of Commerce  
Division of Community Assistance**

Division of Community Assistance staff has reviewed the petition for incorporation from St. James as it relates to NC G.S. 120-166. That section of the General Statute refers to the nearness of the proposed new 'Town of St. James' to other municipalities. Part (a) of that section sets criteria based on the nearness of the proposed new town to existing municipalities and their respective populations. Note that the General Statute requires that the population values be in accordance with the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. These relationships are presented in the following table.

<b>Critical Distance</b>	<b>Population of Neighboring Municipality</b>
1 mile	5,000 to 9,999
3 miles	10,000 to 24,999
4 miles	25,000 to 49,000
5 miles	50,000 and over

According to the 1990 Census, the Town of Long Beach (1990 Census population 3,816) was the only municipality within one (1) mile of the proposed boundaries for St. James. However, its population did not meet the 5,000 threshold.

Caswell Beach (1990 Census population 175), Yaupon Beach (1990 Census population 734), Boiling Springs Lake (1990 Census population 1,650) and Southport (1990 Census population 2,369) are within three (3) miles of the proposed new town. However, they do not meet the 10,000 threshold.

There are no municipalities within four (4) or five (5) miles that have a 1990

**Accordingly, NC G.S. 120-166. does not preclude the Commission from making a positive recommendation on the petition for incorporation relative to the proposed Town of St. James.**

The metes and bounds description presented in the petition appears to have been prepared by a registered land surveyor. However, the method used to describe the area did not refer to parcels or boundary lines. DCA does not have the tools or resources to perform a legal survey. As such, the metes and bounds description, in the form that is presented in the petition, was not critiqued. DCA based this assessment on the map that was included in the petition. Please note that the map was clearly stamped "REDUCED COPY SCALE NOT PRECISE."

Information sources: The foregoing assessment was based on information contained in the petition, map data provided by Brunswick County and the most recently updated DOT GIS data that was provided by NC CGIA. A buffer analysis (an ArcView GIS utility) was

performed on the proposed boundary that was presented on the map attached to the petition. The 1990 population values were retrieved from the US Census Bureau web site (<http://www.census.gov/cgi-bin/gazetteer>).

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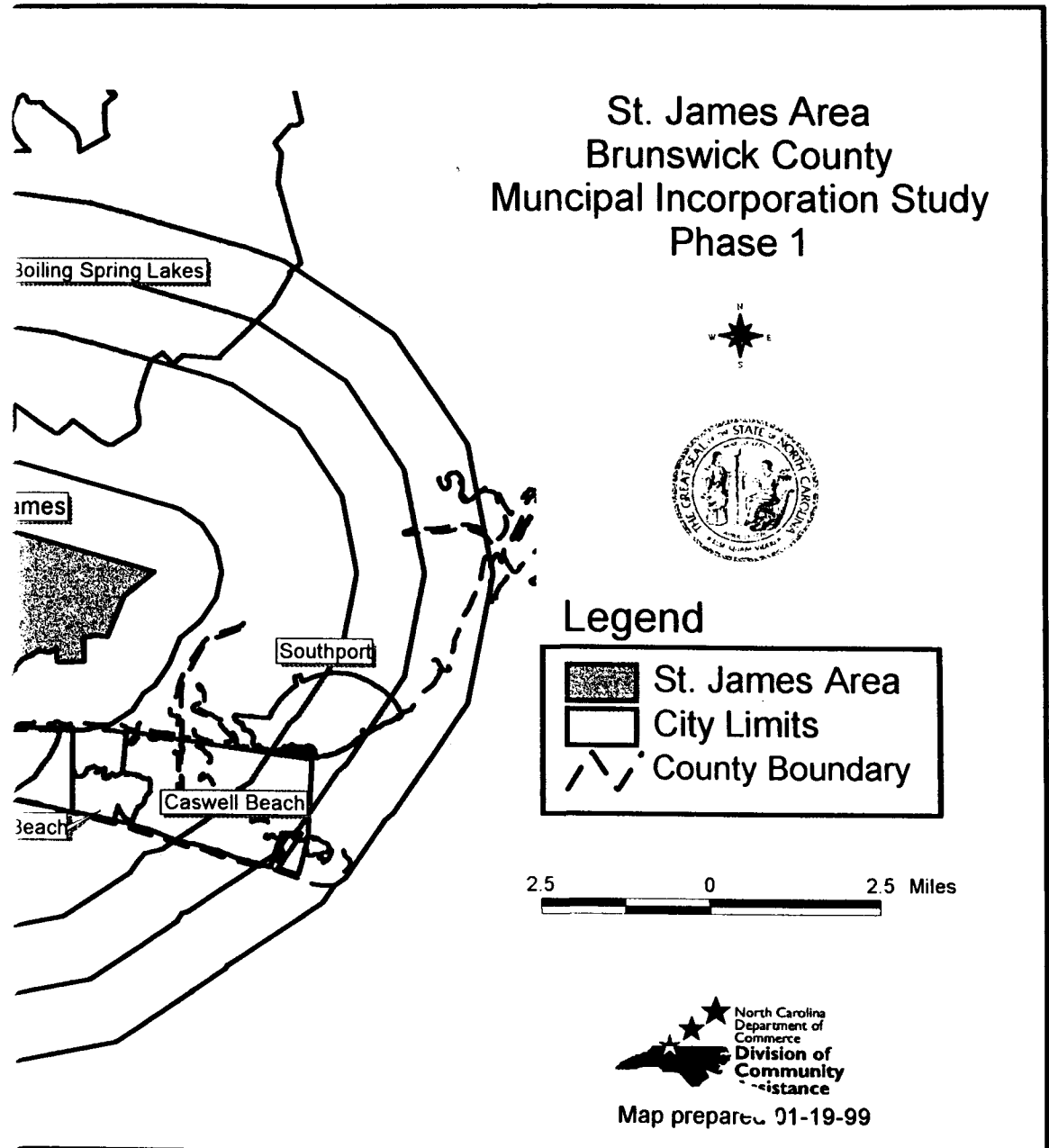
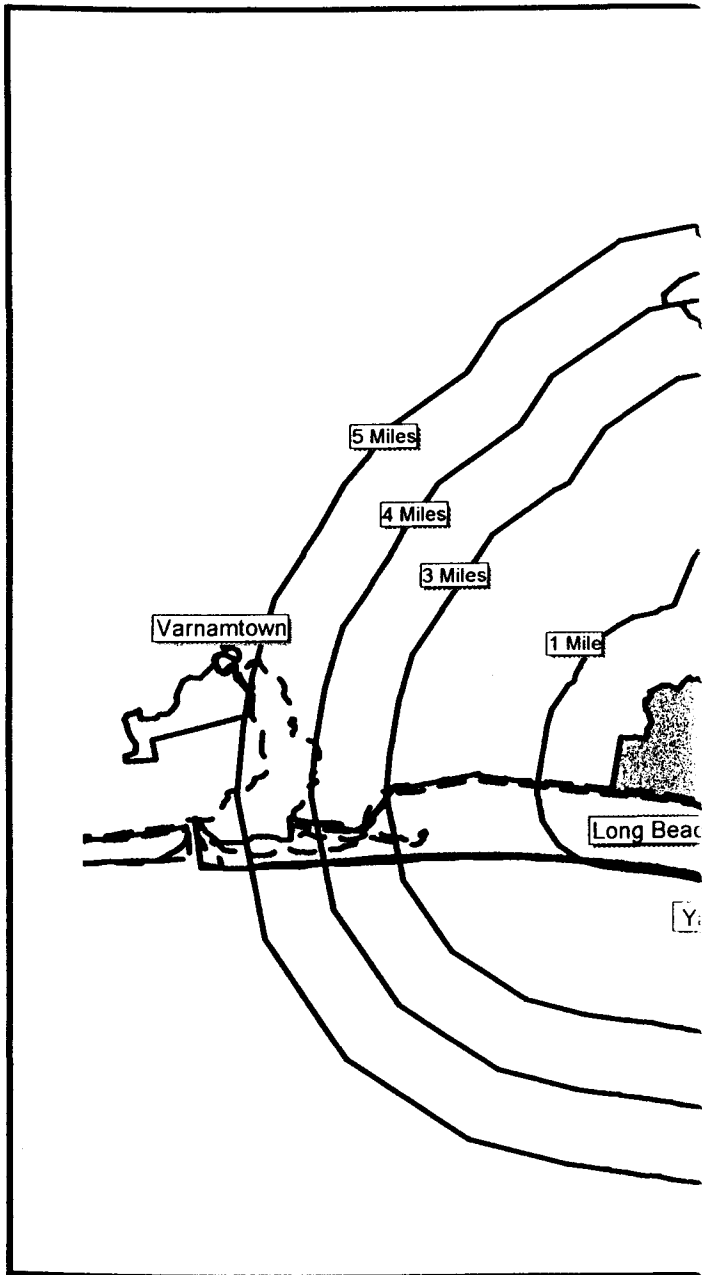
Note: 1

**§ 120-166. Additional criteria; nearness to another municipality.**

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
- (3) The nearby municipality by resolution expresses its approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25.)



APPENDIX E

**ASSESSMENT OF PETITION  
BY  
ST. JAMES  
(BRUNSWICK COUNTY)  
FOR  
INCORPORATION**

*Relative to NCGS 120-167 through 120-170.*

North Carolina Department of Commerce  
Division of Community Assistance  
March 1, 1999



The Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of St. James relative to North Carolina General Statutes (NCGS) 120-167 through 120-170. The following discussion addresses each of these sections of the General Statutes.

**NCGS 120-167. Additional criteria; population.**

NCGS 120-167 refers to population and requires that the permanent population must be at least 100 persons. The petition indicates an estimated population 660 persons. While the petition does not indicated the methodology used, it is believed to be an actual count performed by the incorporation committee.

DCA estimated the population based on the number of dwelling units. The 1990 Census Bureau estimates the number of persons per occupied housing unit to be 2.52 in Brunswick County. Consequently, with 386 dwelling units it is estimated by this method approximately 973 persons reside in the area. Using a more conservative 2.0 persons per occupied housing unit results in the estimated population of 772. It appears that NCGS 120-167 is satisfied.

**NCGS 120-168. Additional criteria; development.**

NCGS 120-168 refers to development and requires that at least 40 percent of the area must be developed. A map with annotation that accompanied the petition indicates that there are a total of 2,343 acres within the boundary of the proposed Town of St. James. Within that area 315 acres are undevelopable which leaves a total of 2,028 acres of developable land. Residential, commercial and institutional development, which includes golf course development, accounts for 1198 acres. The developed land accounts for 59% of the total developable land. A reconnaissance survey of the proposed town on February 23, 1999, by Division of Community Assistance staff, verified the level of development as stated in the petition. Further investigation revealed that the number of completed dwelling units in St. James has increased from 386 as stated in the petition to approximately 450 with 140 additional dwelling units under construction. Also revealed was that two areas categorized as vacant/undeveloped are currently under development as additional holes for existing golf courses.

DCA concluded that at least 59% of the developable area is developed and meets the criteria for development for newly incorporated municipalities under NCGS 120-168. It appears that NCGS 120-168 is satisfied.

**NCGS 120-169. Additional criteria; area unincorporated.**

NCGS 120-169 requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Town of St. James with NC DOT maps and found no evidence that any

of the subject area is part of any incorporated municipality. It appears that NCGS 120-169 is satisfied.

#### **NCGS 120-170. Findings as to services.**

NCGS 120-170 requires that the proposed municipality can provide, at a reasonable tax rate, the services requested by the petition and that the proposed municipality can provide at a reasonable tax rate, the types of services usually provided by similar municipalities. To help quantify this requirement, DCA considered the gross assessment value of the proposed municipality as its tax base. DCA also reviewed the services provided by municipalities that have a population size similar to that of the proposed Town of St. James. This information was gathered from the North Carolina League of Municipalities', 1997 Directory of North Carolina Officials & Buyer's Guide, the Division of Community Assistance, Status of North Carolina Local Planning and Management, and with telephone interviews from the municipalities. DCA considered the assessed value of the compared communities, their 1997 population estimate and their tax rate which was gathered from the North Carolina Department of the Treasurer's, Summary of Cash Investments and Property Tax Levies For the Fiscal Year Ended June 30, 1997, found in Memorandum #865. All this information can be found in the Table of Services Provided and Table of Fiscal Information on page 7.

The proposed Town of St. James's tax base was compared with those of seven municipalities with a similar population size. This comparison revealed that the proposed municipality's assessed value of \$133,400,000 is well above the average of \$16,909,603 for the comparison municipalities. It is also considerably higher than any of the compared municipalities. The highest assessed value of any of the compared municipalities is \$26,894,700. The petition proposes a tax rate of \$0.12 per \$100 assessed valuation. The NC Department of the Treasurer has calculated the average collection rate for municipalities without electric systems in the population range of 500 to 999 to be 95.88 per cent. This will result in revenue collected from property tax for St. James to be \$153,485. This is a little less than accounted for in the proposed St. James budget. Memorandum # 865 states that the average tax rate for municipalities with a population of 500 to 999 is \$0.4102. The proposed tax rate for the Town of St. James is well below this average.

#### **What services are to be provided?**

The petition for incorporation is very vague on the services that will be provided. The Statement of Services section of the petition states that, "*Many of the essential core services are currently provided through the County system and with their agreement, St. James, at least initially, until a taxing/revenue base is stabilized, plans to limit additional services.*" A personal interview with petition representatives provided additional information about services to be provided. Below is listed the basic services normally provided by a municipality with commentary on how these services will be provided according to the petition for incorporation.

*(1) Police Protection*

The petition for incorporation does not address police protection. A personal interview with petition representatives revealed that the community currently contracts with a private security firm for their services and the Brunswick County Sheriff's Department providing additional assistance. This arrangement will continue following incorporation with an agreement with the Sheriff's Department to provide additional protection.

*(2) Fire protection and rescue*

The petitioner's Statement of Services does indicate that the proposed town will support a volunteer fire and rescue department with the amount allocated to the fire and rescue department for the first budget year at \$110,400. From the narrative on the services, it appears that a new fire and rescue department will be established and located within the town limits of St. James. It is unclear if any equipment or buildings are currently available for this service.

A personal interview with petition representatives revealed that St. James is currently served by the Southport Volunteer Fire Department. This department is located more than five miles from the community which results in the area having a fire insurance classification of #10 which causes fire insurance premiums to be high. A new volunteer fire department will be established in the proposed Town of St. James. Plans are under way for the construction of a building to house the fire department. Donations of money and equipment are forthcoming along with the appropriation of \$65,000 from the county. The county appropriates this amount for every volunteer fire department in the county. The creation of a fire department to serve the proposed Town of St. James will provide a quicker response time for fires and more affordable insurance rates for the residents.

*(3) Garbage and refuse collection or disposal*

The petition for incorporation does not address garbage collection. A personal interview with petition representatives revealed that Brunswick County provides garbage collection for the entire county through contract with a private firm. This service which began in the summer of 1998 is funded through county property taxes. This service will continue as currently provided.

*(4) Water distribution*

Water distribution is not addressed in the petition for incorporation. A personal interview with petition representatives revealed that water for the entire community is provided by the county. This service will continue as currently provided.

*(5) Sewer collection or disposal*

Sewer collection or disposal is not addressed in the petition for incorporation. A personal interview with petition representatives revealed that the developer of St. James installed a sewer collection system and a 600,000 gallon per day treatment plant during development of the community. It is envisioned by the petitioner that upon incorporation, the collection system and treatment plant will be turned over to the town for operation and maintenance.

*(6) Street maintenance*

Street maintenance is not addressed in the petition for incorporation. Personal interview with petition representatives revealed that street maintenance is currently the responsibility of the Property Owners Association. It is envisioned by the petitioner that this service will be turned over to the proposed town at a future point in time.

*(7) Street lighting*

Street lighting is not addressed in the petition for incorporation. A personal interview with petition representatives revealed that street lights were installed by the developer and are provided throughout the community. The street lights are currently the responsibility of the Property Owners Association. The petitioner also envisions that this will be turned over to the proposed town at a future point in time.

*(8) Adoption of citywide planning and zoning*

Prior to incorporation, zoning enforcement, subdivision review and building inspection services have been the joint responsibility of Brunswick County and the Town of Long Beach due to their extraterritorial jurisdiction (ETJ). The charter for the proposed Town of St. James provides for the continuation of these services by the County until the year 2009. The Town, according to the provisions of the charter will not be allowed to create a planning agency during this time. While it is not unusual for a community to contract for these services, it does appear unusual for the town to forfeit its participation in planning activities. At the end of the year 2009, the County or the Town may terminate the agreement and the Town may adopt subdivision and zoning ordinances and become responsible for building inspection. There is no statement in the petition of the county charging the town for this service.

It should be noted that NCGS 160A-360 (f) states that when a new city is incorporated, that for the area that is currently being regulated by the county, the county regulations and power of enforcement shall remain in effect until (i) the city has adopted such regulations, or (ii) a period of sixty days has elapsed following the incorporation, whichever is sooner. If the sixty day period has elapsed and there has been no provision made for zoning enforcement, then the effect is there are no zoning regulations in the newly incorporated town. The St. James petition states that the county will continue to provide zoning enforcement, however, the new Town of St. James should formally adopt a resolution providing authority for the continuation of the county zoning districts and regulations to be enforced in the entire town by the county staff.

*(9) Administrative Services*

Towns of this size typically have an administrative staff and provide administrative services. The proposed Town of St. James provides in its charter and its first year budget for a town manager, town clerk, town attorney and related expenses. The first year budget includes \$154,140 for administration. This amount appears adequate for the provision.

**General**

Services currently the responsibility of the Property Owners Association are mentioned as services that could become the responsibility of the town. The petition does not state what services these are and what their costs may be. A personal interview with petition representatives revealed that services currently provided by the Property Owners Association, that will eventually be turned over to the Town of St. James, include sewer collection and treatment, street maintenance and street lighting. When this occurs, the dues paid to the Property Owners Association will be reduced and the tax rate will increase to cover the added services.

The services to be provided in the proposed Town of St. James include police protection, fire protection, garbage collection, water distribution, sewer collection and treatment, street maintenance, street lighting and administrative services. Citywide planning and zoning have been addressed; however it is recommended that this be furthered strengthened as outlined above. The services are being funded by a combination of property tax and property owners fees. The tax rate to cover the proposed services appear to be reasonable. The petitioner has stated that as services provided by the Property Owners Association are turned over to the town, the tax rate can be increased to cover the expenses. The proposed tax rate is reasonable and can be raised to provide all of the services and keep the rate at or below that of similar municipalities.

**Conclusion**

The information available in the petition for incorporation and from personal interviews with petition representatives leads to the conclusion that the proposed Town of St. James satisfies the requirements of North Carolina General Statutes 120-167 through 120-170. There appears to be no compelling reason to preclude the Commission on Municipal Incorporations from making a positive recommendation relative to NCGS 120-167 through 120-170.

TABLE OF SERVICES PROVIDED										
Community	Water	Sewer	Fire	Police	Garbage	Street			Zoning	Subdivision
						Lighting	Sidewalks	Maintenance		
Aurora	X	X	Vol.	X	X	X	main st. only	X	X	X
Cove City	X		Vol.			X		X		
Holly Ridge	X	X	Vol.	X	X	X		X	X	X
Bridgeton		X	Vol.		X	X	X	X	X	
Bayboro				X	X	X		X	X	X
Columbia	X	X	Vol.			X	X	X		X
Navassa	X		Vol.		X	X		X	X	

**TABLE OF  
FISCAL  
INFORMATION**

<b>Community</b>	<b>1997 Population</b>	<b>Assessed Value</b>	<b>Tax Rate</b>
Aurora	650	\$18,340,206	.4500
Cove City	583	\$9,418,557	.1500
Holly Ridge	758	\$26,894,700	.5000
Bridgeton	528	\$17,242,916	.5000
Bayboro	756	\$24,020,172	.2500
Columbia	847	\$12,038,020	.6500
Navassa	530	\$10,412,651	.3000
Average		\$16,909,603	