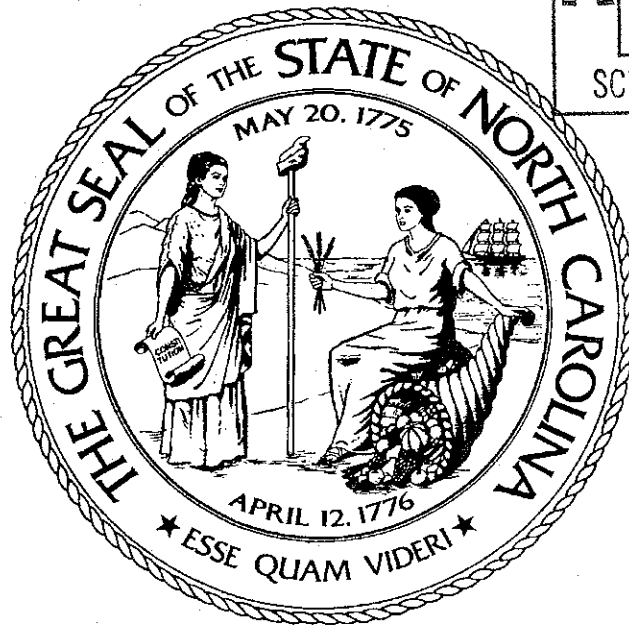
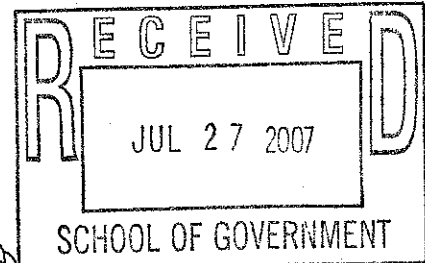


**JOINT LEGISLATIVE COMMISSION  
ON MUNICIPAL INCORPORATIONS**



**REPORT TO THE  
GENERAL ASSEMBLY  
OF NORTH CAROLINA  
Proposed Town of Hampstead**

**July 23, 2007**



## REPORT TO THE GENERAL ASSEMBLY

### Proposed Incorporation of the Town of Hampstead June 25, 2007

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 statutory criteria require a review of 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.

The Commission received a petition proposing the incorporation of the Town of Hampstead in Pender County on April 6, 2007. A copy of the petition is attached as Appendix C.

The Commission, pursuant to G.S. 120-161, asked the Division of Community Assistance of the Department of Commerce to evaluate the petition. The Division conducted the evaluation and, based upon its report, the Commission found that the requirements of G.S. 120-163 and G.S. 120-164 had been met (a copy of the report is attached as Appendix D).

The Commission also requested that the Division of Community Assistance evaluate the proposed Town's petition for incorporation under G.S. 120-166 (a copy of the report is attached as Appendix E). The Division conducted the evaluation and determined that the statutory requirements had been met.

The Commission further requested that the Division of Community Assistance evaluate the proposed Town's petition under G.S. 120-167 through G.S. 120-170 (a copy of the report is attached as Appendix F). The Division conducted the evaluation and determined that all statutory requirements had been met, except G.S. 120-168, development (38.9% of Hampstead is developed; the statutory requirement is 40%).

Pursuant to G.S. 120-169.1, the Commission requested that the Fiscal Research Division of the General Assembly provide data that shows the impact on other municipalities and counties of the diversion of already levied taxes or

State-shared revenues to support services in the proposed Town of Hampstead (a copy of the report is attached as Appendix G). The data provided by the Division (based upon figures from 2005-2006) shows that sales tax revenue in Pender County is distributed on a per capita basis. If the proposed Town of Hampstead had been incorporated at that time, it would have received approximately \$7,896,554 in sales tax revenues, assuming an estimated population of 9,165 residents. The incorporation of Hampstead would have a marginal impact on the distribution of Powell Bill funds in the State and Pender County. If incorporated in 2005-2006, the proposed Town of Hampstead would have received approximately \$2,680,500 in other forms of revenue from the State, including Powell Bill funds, as long as the proposed Town had met the statutory requirements to receive those funds.

**The Commission finds that the proposed Town of Hampstead does not meet the standards required by Article 20 of Chapter 120 of the General Statutes, specifically G.S. 120-168 (development), and therefore the Commission does not recommend incorporation of the area as the Town of Hampstead.**

## APPENDIX A

### JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS 2004-2006 Membership

#### **President Pro Tem's Appointments**

Senator Fletcher Hartsell  
P. O. Box 368  
Concord, NC 28026-0368

Senator Vernon Malone  
2124 Lyndhurst Dr.  
Raleigh, NC 27610

Mr. Steven Raper  
P. O. Box 1180  
Rocky Mount, NC 27802-1180  
[raper@ci.rocky-mount.nc.us](mailto:raper@ci.rocky-mount.nc.us)  
(252) 972-1325

#### **Staff**

Gayle L. Moses, Staff Attorney  
Bill Drafting Division

Oliver Bass  
Dept of Commerce, Division of  
Community Assistance  
733-2853

#### **Speaker's Appointments**

Representative Becky Carney  
P. O. Box 32873  
Charlotte, NC 28232

Representative William Wainwright  
P. O. Box 941  
Havelock, NC 28532

Mr. Mike Cross  
Chatham County Commissioner  
388 Cross Point Road  
New Hill, NC 27562

#### **Legislative Assistant**

Delta Prince  
2125 Legislature Building  
Raleigh, NC  
919-733-5649

## 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. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1991, c. 739, s. 17.)

#### **§ 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. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

#### **§ 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. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

#### **§ 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. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989, c. 727, s. 218(82); 1997-443, s. 11A.119(a).)

#### **§ 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. The voter shall sign the petition and also clearly print that voter's name adjacent to the signature. The petition must also contain the voter's residence address and date of birth.

(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. That period of 15 working days shall be tolled for any period of time that is also either two weeks before or one week after a primary or election being conducted by the county board of elections.

(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 petition must contain a statement that the proposed municipality will have a budget ordinance with an ad valorem tax levy of at least five cents (5¢) on the one hundred dollar (\$100.00) valuation upon all taxable property within its corporate limits. The petition must contain a statement that the proposed municipality will offer four of the following services no later than the first day of the third fiscal year following the effective date of the incorporation: (i) police protection; (ii) fire protection; (iii) solid waste collection or disposal; (iv) water distribution; (v) street maintenance; (vi) street construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning. In order to qualify for providing police protection, the proposed municipality must propose either to provide police service or to have services provided by contract with a county or another municipality that proposes that the other government be compensated for providing supplemental protection. 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. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999-458, s. 1; 2001-353, s. 6.)

**§ 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. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

**§ 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. (1985 (Reg. Sess., 1986), c. 1003, s. 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. For purposes of this section, "municipality" means a city as defined by G.S. 160A-1(2) or a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes.

(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. (1985



(Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25; 1998-150, s. 2; 2000-140, s. 93.1(a); 2001-424, s. 12.2(b); 2005-35, s. 2.)

**§ 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 and a population density (either permanent or seasonal) of at least 250 persons per square mile. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999-458, s. 2.)

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

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. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999-458, s. 3.)

**§ 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), or if any of the proposed municipality is included within the boundary of a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 2005-35, s. 3.)

**§ 120-169.1. Additional criteria; level of development, services; financial impact on other local governments.**

- (a) Repealed by Session Laws 1999-458, s. 4.
- (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. This plan shall be based on the proposed services stated in the petition under G.S. 120-163(c).
- (c) The Commission in its report shall indicate the impact on other municipalities and counties of diversion of already levied local taxes or State-shared revenues from existing local governments to support services in the proposed municipality. (1998-150, s. 3; 1999-458, s. 4.)

**§ 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. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

**§ 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. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

**§ 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. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

**§ 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. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

**§ 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. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H

D

HOUSE BILL 1199

PROPOSED COMMITTEE SUBSTITUTE H1199-PCS70589-LMx-14

Short Title: Incorporate Hampstead.

(Local)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF HAMPSTEAD.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Hampstead is enacted to read:

"CHARTER OF THE TOWN OF HAMPSTEAD.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and Corporate Powers. The inhabitants of the Town of Hampstead are a body corporate and politic under the name 'Town of Hampstead'. The Town of Hampstead has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Town Boundaries. Until modified in accordance with law, the boundaries of the Town of Hampstead are as follows:

Pender County: Precinct Topsail Lower: Tract 9802: Block Group 2: Block 2097, Block 2098, Block 2109, Block 2110, Block 2111, Block 2112, Block 2113; Block Group 5: Block 5008, Block 5009, Block 5010, Block 5011, Block 5013, Block 5014, Block 5015, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5026, Block 5027, Block 5028, Block 5029, Block 5030, Block 5031, Block 5032, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041, Block 5042, Block 5043, Block 5044, Block 5045, Block 5046, Block 5047, Block 5048, Block 5049, Block 5050, Block 5051, Block 5052, Block 5053, Block 5054, Block 5055, Block 5056, Block 5057, Block 5058, Block 5059, Block 5060, Block 5061, Block 5996, Block 5997, Block 5998; Precinct Topsail Upper: Tract 9801: Block Group 1: Block 1078, Block 1996; Tract 9802: Block Group 4, Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5012, Block 5016, Block 5062, Block 5063, Block 5064, Block 5065, Block 5066, Block 5067, Block 5068, Block 5069, Block 5070, Block

1 5071, Block 5072, Block 5073, Block 5074, Block 5075, Block 5999, and Pender  
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19 3294-20-1667-0000, 3294-20-1767-0000, 3294-20-1825-0000, 3294-20-1903-0000,  
20 3294-20-2008-0000, 3294-20-2128-0000, 3294-20-2275-0000, 3294-20-2394-0000,  
21 3294-20-3443-0000, 3294-20-3574-0000, 3294-20-3693-0000, 3294-20-3759-0000,  
22 3294-20-3772-0000, 3294-20-3836-0000, 3294-20-3903-0000, 3294-21-0079-0000,  
23 3294-21-0082-0000, 3294-21-0169-0000, 3294-21-0279-0000, 3294-21-0506-0000,  
24 3294-21-0529-0000, 3294-21-0806-0000, 3294-21-0861-0000, 3294-21-1689-0000,  
25 3294-21-1736-0000, 3294-21-2078-0000, 3294-21-2090-0000, 3294-21-2196-0000,  
26 3294-21-2284-0000, 3294-21-2371-0000, 3294-21-2389-0000, 3294-21-2623-0000,  
27 4203-09-0309-0000, 4203-18-3935-0000, 4203-19-5709-0000, 4203-19-5893-0000,  
28 4203-19-6981-0000, 4204-00-6476-0000, 4204-01-9183-000L, 4204-10-0624-0000,  
29 4204-10-2275-0000, 4204-10-9252-0000, 4204-20-6843-0000, 4204-21-0164-0000,  
30 4204-21-9305-0000, 4204-31-3648-0000, 4204-42-0146-0000, 4204-42-6632-0000, and  
31 4204-42-8736-0000.

32 All roads within or abutted on two or more sides by the boundaries are included in the  
33 town boundaries. As used in this section, census descriptions are from the 2000  
34 decennial federal census, and tax parcels are from the Pender County tax records as of  
35 July 1, 2007.

36 "Section 2.2. **Annexation.** (a) An annexation ordinance under G.S. 160A-37 or  
37 G.S. 160A-49 shall become effective only if approved by the voters of the area to be  
38 annexed in a referendum conducted as provided in subsection (b) of this section.

39 (b) The Town Council shall order the Pender County Board of Elections to call an  
40 election to determine whether or not the proposed territory shall be annexed to the  
41 Town. Within 100 days after receiving the order from the Town, the board of elections  
42 shall proceed to hold an election on the question.

43 The election shall be called by a resolution or resolutions of the board of elections  
44 which shall:

- 1 (1) Describe the territory proposed to be annexed to the Town as set out in  
2 the order of the Town.
- 3 (2) Provide that the matter of annexation of the territory shall be submitted  
4 to the vote of the qualified voters of the territory proposed to be  
5 annexed.
- 6 (3) Provide for registration of voters in the territory proposed to be  
7 annexed for the election in accordance with G.S. 163-288.2.

8 The resolution shall be published in one or more newspapers of Pender County once  
9 a week for 30 days prior to the closing of the registration books. All costs of holding the  
10 election shall be paid by the Town. Except as herein provided, the election shall be held  
11 under the same statutes, rules, and regulations as are applicable to elections in the  
12 Town.

13 In the election, the question on the ballot shall be:

14  FOR  AGAINST  
15 Annexation.'

16 If a majority of the votes cast from the area proposed for annexation shall be 'For  
17 Annexation', the annexation ordinance shall become effective as provided by this  
18 section and general law.

19 "ARTICLE III. GOVERNING BODY.

20 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing  
21 body of the Town of Hampstead shall be the Town Council, which shall have five  
22 members.

23 "Section 3.2. **Temporary Officers.** Until the initial election of 2009 provided for by  
24 Article IV of this Charter, John K. Swann, Gary Poirier, Joseph K. Kimil, and Ellery  
25 Lee Murphy are appointed to the Town Council of the Town of Hampstead. The  
26 temporary officers shall appoint a qualified person to fill the remaining seat on the  
27 Council and, after the appointment, the temporary officers shall elect from among their  
28 members a person to serve as Interim Mayor and a person to serve as Interim Mayor Pro  
29 Tempore. If any person named in this section is unable to serve, the remaining  
30 temporary officers shall, by majority vote, appoint a person to serve until the initial  
31 election is held. In addition to exercising the duties granted to the Town Council in this  
32 Charter and by general law, the temporary officers shall adopt an ordinance establishing  
33 the electoral districts for the Town as provided in Section 4.4 of this Charter. The  
34 ordinance establishing the electoral districts shall be adopted at least 30 days prior to the  
35 opening of candidate filing for the 2009 election and shall provide for three election  
36 districts of approximately equal population.

37 "Section 3.3. **Manner of Electing Council; Term of Office.** Two of the Council  
38 members shall be elected at large from the residents of the Town and three shall be  
39 elected from each of Districts 1, 2, and 3 respectively, as provided in Article IV of this  
40 Charter. The qualified voters of the entire Town shall elect all the members of the Town  
41 Council, and, except as provided in this section, they shall serve four-year terms. In  
42 2009, two Council members shall be elected at large and one council member shall be  
43 elected from District 1 and they shall serve for four-year terms, and one Council  
44 member shall be elected from each of Districts 2 and 3 respectively and they shall serve

1 for two-year terms. In 2011, and quadrennially thereafter, one Council member shall be  
2 elected from each of Districts 2 and 3 respectively and they shall serve for four-year  
3 terms. In 2013, and quadrennially thereafter, two members shall be elected at large and  
4 one member shall be elected from District 1 and they shall serve for four-year terms.  
5 Vacancies on the Town Council shall be filled in accordance with G.S. 160A-63.

6 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The Mayor  
7 shall be elected from among the members of the Town Council at the organizational  
8 meeting after the initial election in November 2009, and shall serve for a term of one  
9 year. Any member of the Town Council is eligible to serve successive one-year terms as  
10 Mayor, and the member shall be elected in the same manner in which the member was  
11 initially elected. The Mayor shall attend and preside over meetings of the Town  
12 Council, shall advise the Town Council from time to time as to matters involving the  
13 Town of Hampstead, and shall have the right to vote as a member of the Town Council  
14 on all matters before the Council. In the case of a vacancy in the office of Mayor, the  
15 remaining members of the Town Council shall choose from their own number a  
16 successor for the unexpired term.

17 "Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.**  
18 The Mayor Pro Tempore shall be elected from among the members of the Town  
19 Council at the organizational meeting after the initial election in November 2009, and  
20 shall serve for a term of one year. Any member of the Town Council is eligible to serve  
21 successive one-year terms as Mayor Pro Tempore, and the member shall be elected in  
22 the same manner in which the member was initially elected. The Mayor Pro Tempore  
23 shall act in the absence or disability of the Mayor. If the Mayor and Mayor Pro Tempore  
24 are both absent from a meeting of the Town Council, the members of the Town Council  
25 present may elect a temporary chairman to preside in the absence. The Mayor Pro  
26 Tempore shall have the right to vote on all matters before the Town Council and shall  
27 be considered a member of the Town Council for all purposes.

28 "ARTICLE IV. ELECTIONS.

29 "Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a  
30 nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

31 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with  
32 Chapter 163 of the General Statutes, with the first regular municipal election to be held  
33 in 2009.

34 "Section 4.3. **Special Elections and Referenda.** Special elections and referenda  
35 may be held only as provided by general law or applicable local acts of the General  
36 Assembly.

37 "Section 4.4. **Regular Municipal Elections; District Boundaries.** Regular  
38 municipal elections shall be held in each odd-numbered year in accordance with the  
39 uniform municipal election laws of North Carolina. For purpose of the election of Town  
40 Council members, the Town is divided into three geographical subdivisions, known as  
41 districts, and all qualified voters of the Town may cast a vote for each seat. A written  
42 description or map showing the current boundaries of the three election districts shall be  
43 maintained in the office of the Town Clerk and shall be available for public inspection.  
44 The district boundaries may be amended periodically pursuant to the provisions of

1 general law. Whenever areas are hereafter annexed and made part of the Town, the  
2 Town Council shall, by ordinance, redefine and rearrange the three election districts so  
3 as to include the annexed areas. The ordinance shall be adopted at least seven days prior  
4 to the opening of candidate filing for the municipal election next succeeding the date of  
5 any annexation and shall provide for three election districts of approximately equal  
6 population. In redefining and rearranging the election district lines, the Town Council  
7 shall follow as nearly as practical existing district lines.

8 "Section 4.5. **Residency Required.** Candidates for election to district seats on the  
9 Town Council shall reside in and represent their respective districts, but all candidates  
10 for Town Council shall be nominated and elected by all voters of the Town. Candidates  
11 for election to at-large seats on the Town Council shall reside within the corporate limits  
12 of the Town in order to qualify to take, hold, and continue in the office.

13 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

14 "Section 5.1. **Form of Government.** The Town shall operate under the  
15 Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General  
16 Statutes.

17 "Section 5.2. **Town Attorney.** The Town Council shall appoint a Town Attorney  
18 licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to  
19 represent the Town, advise Town officials, and perform other duties required by law or  
20 as the Town Council may direct.

21 "Section 5.3. **Town Clerk.** The Town Council shall appoint a Town Clerk to keep  
22 a journal of the proceedings of the Town Council, to maintain official records and  
23 documents, to give notice of meetings, and to perform such other duties required by law  
24 or as the Town Council may direct.

25 "Section 5.4. **Other Administrative Officers and Employees.** The Town Council  
26 may authorize other offices and positions and appoint persons to fill the offices and  
27 positions. The Town Council may organize the Town government as deemed  
28 appropriate, subject to the requirements of general law.

29 "Section 5.5. **Consolidation of Functions.** Where positions are not incompatible,  
30 the Town Council may combine in one person the powers and duties of two or more  
31 officers created or authorized by this Charter.

32 "Section 5.6. **Compensation of Mayor and Town Council; Temporary Officers.**  
33 The Mayor and members of the Town Council shall be reimbursed for ordinary and  
34 necessary expenses, and may receive salary and honoraria only upon a majority vote of  
35 the qualified voters of the Town who vote on the question in a special referendum. The  
36 Temporary Officers, as described in Section 3.2 of this Charter, shall not receive a  
37 salary.

38 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

39 "Section 6.1. **Powers of the Town Council.** The Town Council may levy those  
40 taxes and fees authorized by general law. An affirmative vote equal to a majority of all  
41 the members of the Town Council shall be required to change the ad valorem tax rate  
42 from the rate established during the prior fiscal year.

43 "Section 6.2. **Budget.** From and after July 1, 2007, the citizens and property in the  
44 Town of Hampstead shall be subject to municipal taxes levied for the fiscal year

1 beginning July 1, 2007, and, for that purpose, the Town shall obtain from Pender  
2 County a record of property in the area herein incorporated that was listed for taxes as  
3 of January 1, 2007. The Town may adopt a budget ordinance for fiscal year 2007-2008  
4 without following the timetable in the Local Government Budget and Fiscal Control  
5 Act, but shall follow the sequence of actions in the spirit of the Act insofar as is  
6 practical. For fiscal year 2007-2008, ad valorem taxes may be paid at par or face  
7 amount within 90 days of adoption of the budget ordinance and thereafter in accordance  
8 with the schedule in G.S. 105-360 as if the taxes had been due and payable on  
9 September 1, 2007.

10 "Section 6.3. **Ad Valorem Taxes.** The ad valorem tax rate for the Town shall be  
11 \$0.11/\$100.00 valuation, and shall not be increased by the Temporary Officers, which  
12 are described in Section 3.2 of this Charter. The Town Council shall not increase the ad  
13 valorem tax rate more than ten percent (10%) above the ad valorem tax rate initially  
14 established after incorporation of the Town of Hampstead without the vote or consent of  
15 a majority of the qualified voters of the Town of Hampstead. The procedures of  
16 G.S. 160A-209 shall be followed for any such election.

17 "ARTICLE VII. ORDINANCES.

18 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of  
19 Hampstead is authorized to adopt such ordinances as the Town Council deems  
20 necessary for the governance of the Town.

21 "ARTICLE VIII. SPECIAL PROVISIONS.

22 "Section 8.1. **Fire Protection.** The Town of Hampstead may contract with the Sloop  
23 Point Volunteer Fire Department and the Hampstead Volunteer Fire Department to  
24 provide fire protection for the Town. The contract terms and the amount paid by the  
25 Town of Hampstead to the Sloop Point Volunteer Fire Department and the Hampstead  
26 Volunteer Fire Department shall be mutually agreed upon and annually renewed by the  
27 Board of Directors for the Sloop Point Volunteer Fire Department and the Town  
28 Council and the Board of Directors for the Hampstead Volunteer Fire Department and  
29 the Town Council.

30 "Section 8.2. **Fire Protection District; Town Removed.** Effective June 30, 2008,  
31 the Town of Hampstead is removed from the Hampstead Fire Protection District and the  
32 Sloop Point Fire Protection District."

33 **SECTION 2.** The Pender County Board of Elections shall conduct an  
34 election on November 6, 2007, for the purpose of submission to the qualified voters for  
35 the area described in Section 2.1 of the Charter of the Town of Hampstead the question  
36 of whether or not the area shall be incorporated as the Town of Hampstead.  
37 Registration for the election shall be conducted in accordance with G.S. 163-288.2.

38 **SECTION 3.** In the election, the question on the ballot shall be:

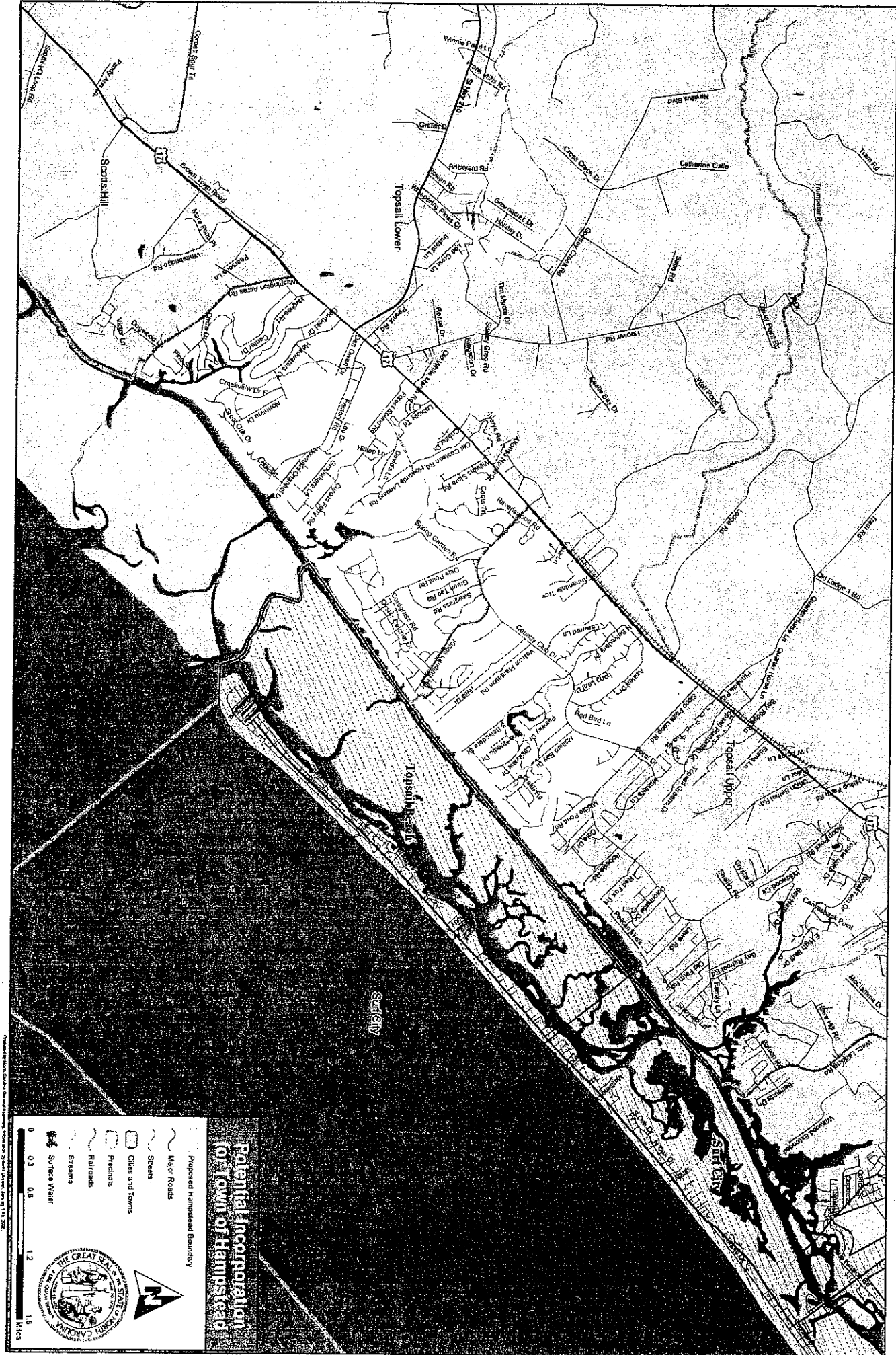
39 " FOR  AGAINST

40 Incorporation of the Town of Hampstead."

41 **SECTION 4.** In the election, if a majority of the votes are cast "For the  
42 Incorporation of the Town of Hampstead", Section 1 of this act shall become effective  
43 on the date that the Pender County Board of Elections certifies the results of the  
44 election. Otherwise, Section 1 of this act shall have no force and effect.

1

**SECTION 5.** This act is effective when it becomes law.



**Potential Incorporation  
for Town of Hampstead**

Proposed Hamstead Boundary

- Major Roads
- Streets
- Cities and Towns
- Precincts
- Railroads
- Streams
- Surface Water

0 0.3 0.6 1.2 1.8 Miles

Prepared by: [Illegible] Date: [Illegible]

# 1. Location, Geographic Statistics, Population

## 1A. Location

The proposed Town of Hampstead is located in the easternmost part of Pender County, directly abutting the Intracoastal Waterway, and with the overwhelming majority of the proposed town's area lying east of US Highway 17. It is between Jacksonville on the north and Wilmington on the south. The proposed Town of Hampstead is an approximately thirty (30) miles from the downtown area of Jacksonville, and approximately (16) miles from the Wilmington City Hall area.

Map Exhibit 1 in the Appendix shows the proposed Town of Hampstead in relation to the Cape Fear Area, and Map Exhibit II in the Appendix shows a detailed map of the proposed Town of Hampstead, including an outline of boundaries.

## 1B. Geographic Statistics

### *Area Selected for Incorporation petition*

The community currently referred to as Hampstead is an unofficial area of unincorporated land consisting of some sparsely developed areas and some areas of dense population, an area of farms and golf courses, all with non-defined limits and boundaries. It is noted that the area in which the residents call Hampstead their home is considerably larger, as much as triple, or more, the size being proposed for incorporation. The area chosen and proposed for incorporation was selected based on the following considerations:

1. Easily describable, definitive boundary lines
2. Population Distribution
3. Population density
4. Comprehensive compactness and symmetry
5. At least a modicum of interest expressed by residents in the varying areas.
6. Economic considerations in the longer view.  
*Boundaries*



### *Boundaries*

The proposed Town of Hampstead does not have any non-contiguous area.

The proposed Town of Hampstead is not included within the boundary of another incorporated municipality.

Across the southern boundary, the southern right-of-way line of Washington Acres Road, of the proposed Town of Hampstead from a point 500 feet west of the right-of-way line of US Highway 17 to the Intracoastal Waterway is approximately 1.6 miles.

Across the northern boundary, the northern right-of-way line of Sloop Point Loop Road following to the northern right-of-way line of Hickory Point Rd., from a point 500 feet west of the right-of-way line of US Highway 17 to the Intracoastal Waterway is approximately 1.8 miles.

The western boundary, 500 feet west of the right-of-way line of US Highway 17 is approximately 5.5 miles. The eastern boundary, following the Intracoastal Waterway, is approximately 5.6.

The total area of the proposed Town of Hampstead is 8200 acres.

Toward the side of the Intracoastal Waterway, there are areas of creeks, streams, marshes, and other wetlands, which make it very difficult to quantify the area involved at the current time, other than to state that not all of the 8200 acres is "usable" land.

### **1C. Population Statistics**

The best available estimate, based on Pender County tax records is a total population between 7000 and 8000.

## 2. Development

As per the Assessment of the Petition rendered in 1999, the \*Department of Community Assistance was able to quantify that the Proposed Town of Hampstead is more than 60% developed.

\* The complete 1999 report is part of the Appendix.

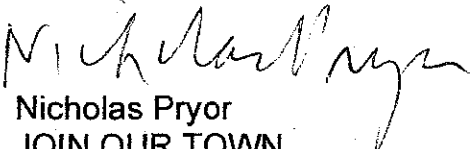
TOH PETITION: DEVELOPMENT

Highway 17 is the spine of the proposed town of Hampstead; it runs up the Western edge, from the Southern to the Northern boundaries.

Commercial development fills both sides of Highway 17 for its entire length. What little open land can be found is currently under contract/development for yet another mini-mall.

East from Highway 17 to the IntraCoastal Waterway is residential development, in three large subdivisions and several smaller ones. It is estimated that, at most, 20% of this available land is still open, but again, houses spring up everywhere you look.

Estimated development: 65-70%.

  
Nicholas Pryor  
JOIN OUR TOWN

### 3. Other Municipalities Proximity, Within Boundaries

There are no municipalities within 5 accessible miles of the Proposed Town of Hampstead.

No area of the Proposed Town of Hampstead is within the boundary of another municipality.

Within the past twelve months, no area of the proposed Town of Hampstead has petitioned for annexation to a nearby municipality.

Shown below are all of the municipalities within 15 miles of the proposed Town of Hampstead, with no intervening other municipality, their counties, population, and the distance from the Proposed Town of Hampstead.

The population shown is from the US Census of 2000 or the latest annual estimate of the Office of State Budget (2005).

Distances shown are from the nearest point to the nearest point, or "dry land access" in the case of those municipalities physically separated from the Proposed Town of Hampstead by the Intracoastal Waterway.

<b>Town of:</b>	<b>County</b>	<b>Population</b>	<b>Distance (miles)</b>
Holly Ridge	Onslow	1100	7.2
Surf City	Pender/Onslow	1619	*7.9
Topsail Beach	Pender	535	*12.3
Wilmington	New Hanover	97135	11.5

\*Distance is measured by over the road dry lands

#### 4. Form of Government & Manner of Election

The Town is divided into three electoral districts, and each district is represented on the Council by one member. To be eligible for election to the Council and for service on the Council as a member for a district, a person must reside in the district. The remaining two members of the Council shall be elected at-large and must reside in the Town. The qualified voters of the entire Town elect all of the members of the Council in a non-partisan election.

In 2009, two Council Members shall be elected at large and one council member shall be elected from District 1 and they shall serve for four-year terms, and one Council member shall be elected from each of Districts 2 and 3 respectively and they shall serve for two-year terms.

At the organizational meeting of the Council following each election, the Council shall elect one of its members to serve as Mayor. The Mayor shall serve as such at the pleasure of the Council. The Mayor shall attend and preside over meetings of the Town Council, shall advise the Town Council from time to time as to matters involving the Town of Hampstead, and shall have the right to vote as a member of the Town Council on all matters before the Council, but shall have no right to break a tie vote when the Mayor has participated in debate.

Members of the Town Council shall be elected to serve no more than two consecutive terms of office. After serving two consecutive terms and sitting out one two-year election cycle, a person is again eligible to serve for two additional consecutive terms of office.

A Town Clerk shall be hired by the Town Council and shall serve with the advice and consent of the majority of the Town Council.

JACK SWAN  
910-270-4568

# 7. Model Budget

5¢/100

## Appropriations

## Revenues

### General Fund

### General Fund

Property tax \$340,000.00

### Administration

#### Town Clerk:

Salary	\$30,000
Benefits	7,500
Office Exp/Misc.	39,000

Aug Prop tax 1,520,336  
 Per Cap \$313  
 Aug Rate 0.2921

### Fire District

70,000

### Law Enforcement

Contract Sheriff 120,000

### Lighting

4,000

### Zoning

Salary	55,000
Benefits	14,500

Budget Total \$340,000.00

## 6. Proposed Services

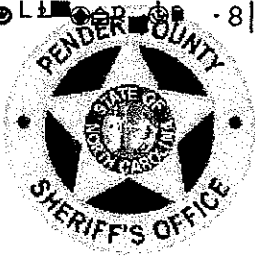
1. Additional Law Enforcement (subcontracted through the Pender County Sheriff's Dept.);
2. Zoning;
3. Fire (additional paid personnel at Hampstead and Sloop Point Fire Depts.);
4. Street Lighting on Highway 17.

The five Town Council members will be unpaid; however members will be reimbursed by the Town for legitimate expenses.

The Town will contract an Accountant, on an hourly rate basis, to provide the Town's accounting needs.

The Town will contract an Attorney, on an hourly basis to provide the Town's legal needs.

The Town will have one full time paid Clerk.



# OFFICE OF THE SHERIFF PENDER COUNTY

Carson H. Smith Jr., Sheriff

April 4, 2007

Jack Swann,  
Join Our Town  
P.O. Box 849  
Hampstead, NC 28443

Dear Mr. Swann:

In the event Hampstead becomes incorporated, the Pender County Sheriff's Office will provide law enforcement services inside the town unless and until a police department is formed. We will also provide an increased level of service on a contractual basis should the town decide to go that route. I have forwarded to you several options should incorporation become a reality.

If you need any other information, please do not hesitate to contact me.

Sincerely,

Carson H. Smith Jr.,  
Sheriff



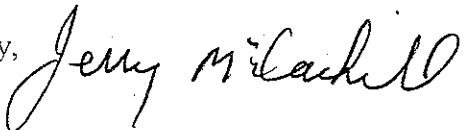
June 15, 2007

To: Join Our Town  
From: Hampstead Volunteer Fire Department, Inc.  
Subject: Fire Protection for Proposed Incorporated Areas of Hampstead

Sirs:

This letter is to inform you that the Hampstead Volunteer Fire Department will contract and provide for the same level and extent of fire and rescue protection currently contracted to Pender County and to the residents of the proposed area of incorporation within the Hampstead Fire District. A rate of 5 cents per hundred taxable value will apply to all residents of the fire district to include the remaining unincorporated areas.

Sincerely,



Jerry McCaskill  
Chief, Hampstead Volunteer Dept.

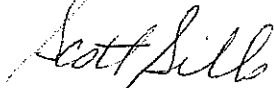
# Sloop Point VFD

19470 US HWY 17 N  
Hampstead, NC 28443

TO: Join our Town

This letter is to inform you that the Sloop Point VFD will contract with the town of Hampstead for fire protection in the incorporated area that we currently cover at the same rate as we get now. The rate in which we charge is .06 cent on the hundred of taxable value. This provides the citizens with 24 hour in station coverage and an ISO of 6 which is the lowest the residential community can achieve.

Thanks,

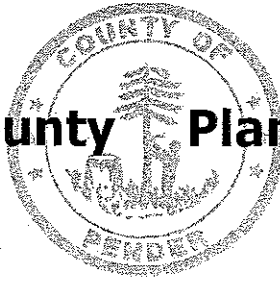


Scott Sills

Asst. Chief

Sloop Point VFD

# Pender County Planning Department



Joey Raczkowski, Planning Director

Mark Walton, Chairman  
Kevin Reynolds, Vice-Chairman  
Rick Garrett  
Karen Gonzales  
William Marshburn  
Burt Millette  
Christopher Smith

805 South Walker Street  
Post Office Box 1395  
Burgaw, NC 28425

Phone (910) 259-1202

Fax (910) 259-3735

## POPULATION ESTIMATE FOR PROPOSED HAMPSTEAD INCORPORATION

The following estimates were arrived at by manipulating Census Bureau Information as well as growth estimates from the NC Office of Statewide Planning:

Based on the 2000 Census Data and the proposed boundary provided, this office has arrived at an approximate estimate of 4,699 people within the boundary. This includes 6 census blocks (3 north of Highway 17, 3 along the northeastern boundary) where a value had to be interpolated because the proposed boundary does not follow a census block boundary. This crude interpolation was done by estimating the population within the portion of the census block that lies within the proposed town boundary.

The rate of change between the 2000 count (41,082) and the 2006 estimate (48,630) is an increase of 18.373%. Using 4,699 as the 2000 estimate for proposed Hampstead, applying this rate of change yields a current estimate of 5,562. These figures constitute 11.44% of the total countywide population figures for each year.

Please contact Joey Raczkowski, Pender County Planning Director, should anyone have any questions regarding these population estimates 910-259-1201.

## 8. Notifications

In addition to the Pender Board of Commissioners, notices have been sent on March 26, 2007 to the listed towns, representing all other municipalities within the County, stating the intentions to file a Petition for Incorporation for the proposed Town of Hampstead with the Joint Legislative Commission for Municipal Incorporation. No other municipality outside of Pender County is within five miles of the proposed Town of Hampstead.

### Town of:

- \ Burgaw
- \ Watha
- \ Atkinson
- \ Surf City
- \ Topsail Beach
- \ St. Helena
- ~~WALLA~~ WALLACE

Copies of each letter are included in the Appendix.

Public Notifications were made on March 21, 2007 and March 28, 2007 in the Topsail Voice, the local newspaper published in the proposed town of Hampstead. Copies of said notices are also contained in the Appendix.

TOH PETITION: SERVICES

Hampstead wishes to offer police, fire, zoning and street lights.

Attached is correspondence with Sheriff Carson Smith; we are aware we must provide a signed contract with his department.

We are in communication with the Hampstead Volunteer Fire Department as well as the Sloop Point Volunteer Fire Dept. We are aware that we must provide a different fire protection district than the ones currently serviced by Pender County.

On a volunteer consultancy basis, Mr. Johnny Sutton, the former Pender County Planning Director, has offered his services to us.

Finally, we have obtained quotes and information on the street lighting equipment we want from Progress Energy.

  
Nicholas Pryor  
JOIN OUR TOWN

# Pender County Board of Elections

807 S. Walker Street • PO Box 1232  
Burgaw, North Carolina 28425-1232  
910-259-1220 • 910-259-1269 Fax

*Dennis E. Boyles*  
Director

*Twila M. Jones*  
Chairman

*Rosalind C. Smith*  
Secretary

*Foster Henry Sr.*  
Member

April 5, 2007

Nicholas Pryor  
JOIN OUR TOWN  
PO Box 849  
Hampstead, NC 28443

Dear Mr. Pryor:

Using the updated map provided by Ken Just on March 15<sup>th</sup>, the revised footprint of the proposed Town of Hampstead appears to have approximately 4006 registered voters living within the proposed area.

Since you are looking for valid signatures from 15% of the registered voters within the proposed town limits, you will need to have at least 691 voters sign your petition in order for certification.

Should you have any additional questions please call.

Sincerely,

*Dennis E. Boyles*

Dennis E. Boyles  
Director

# Pender County Board of Elections

807 S. Walker Street • PO Box 1232  
Burgaw, North Carolina 28425-1232  
910-259-1220 • 910-259-1269 Fax

*Dennis E. Boyles*  
Director

*Twila M. Jones*  
Chairman

*Rosalind C. Smith*  
Secretary

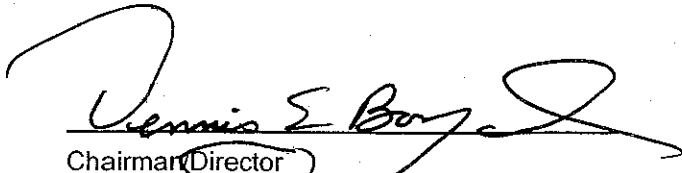
*Foster Henry Sr.*  
Member

NICHOLAS PRYOR  
PO BOX 849  
HAMPSTEAD NC 28443

April 05, 2007

Dear NICHOLAS PRYOR,

Pursuant to GS 120-163, I hereby certify that the attached petition for PETITION TO INCORPORATE HAMPSTEAD NC 28443 has been checked against the registration records of the PENDER COUNTY BOARD OF ELECTIONS and that 691 names of qualified registered voters were found affixed thereto.



Chairman Director  
PENDER COUNTY BOARD OF ELECTIONS

# CLASSIFIED

## LEGAL NOTICES

### Public Notice

In accordance with NCGS 120-164, notice is being given by Join Our Town of its intent to file a petition for incorporation of the proposed Town of Hampstead with the Joint Legislative Commission on Municipal Incorporations on or before May 1, 2007. Details of the submission are available on request. Signed: Barbara Eastman, Chairman of Join our Town, PO Box 849, Hampstead, NC 28443.

M21.28

## PETS

**LAB PUPPIES:** 4 females, 2 males, yellow, 4 weeks old, AKC registered, parents on site \$400. Call (910)270-1987.

**PUP SALE:** Maltese, Shih-tzu, Pom, Bichon, Yorkie male, Poodle, Maltipoo, Yorkie-a-poo, (919)689-2397. [www.thorntonkennels.com](http://www.thorntonkennels.com)

## FOR SALE

**1990 5TH** wheel camper, 26- ft Citation. Excellent condition. New awning, Satellite dish antenna and much more. Must see! \$5,500. Call (910)270-4844.

**CEMETERY PLOT** at Sealawn. \$800. Call (910)270-5124.

**CLEANING YOUR closet** out? Sell your items in the classifieds for only \$4.00. Call Topsail Voice today for more information. (910)270-2944.

**HOLLY BUSHES,** 3 gallon, \$3- \$4 each. Sneads Ferry, (910)327-0369.

**KIRBY HEPA** Filtration Vacuum with all attachments plus shampooer. Used less than 10 times. Like brand new. \$600 or best offer. (910)329-8351.

**MOTOR HOME** 32' Class C, low mileage, (910)270-4559 after 7 p.m.

## FOR SALE

**TWO CEMETERY** lots for sale in Sealawn. \$800 each. (864)472-5045.

## YARD SALES

**BIG COMMUNITY** yard sale. Proceeds to benefit the Pender Adult Services Health Center, located at the Rocky Point Urgent Care/ Medical Center, 27 Commerce Drive, March 31, 2007 from 8 am - 2 pm.

**HAMPSTEAD- OLDE** Point, 200 block Sheerwater Drive. Multi-family, look for balloons and signs. Quality household items, toddler, electronics. Saturday, 8 am - noon.

**YARD SALE:** Saturday March 31, 7 am - 12 noon, 104 W. Brenda Lee Drive, just off of Sloop Point Loop Road. Look for signs. Tons of clothes, \$5 Bag sale. Lots more too! Rain or Shine!!

## YARD SALES

**NEED SOME** extra cash. Clean out your closet and have a yard sale. Call (910)270-2944, and place your classified today!

**RAY'S FLEA** Market, East Hwy 210, 1 block low Lowe's off Hwy. Have 12 vendors, open Friday- Tuesday 10 am - 3. Antiques, jewelry, furniture, new and used items.

**SCOTT'S HILL** Real Shop. Collectables, Antiques, Used Furniture. Sunday 1-4:30; Monday, Thursday, Friday, Saturday 10-4:30. 8560 Main Street at Scotts Hill Hardware Store).

## AUTOMOBILE

**2004 BMW** Convertible. Only 17,000 miles. Loaded. Excellent condition. \$30,000. Call (910)526-5199 for more information!

## PENDER COUNTY GOVERNMENT NEWS

[www.pender-county.com](http://www.pender-county.com)



### NOTICE OF PUBLIC HEARINGS

**THE PENDER COUNTY PLANNING BOARD WILL HOLD PUBLIC HEARINGS AS FOLLOWS:**  
April 3, 2007, 7:00 p.m.

**DATE / TIME OF HEARINGS:** THE PUBLIC HEARINGS NOTED WILL BE HELD IN THE PUBLIC MEETING ROOM AT THE ADMINISTRATIVE OFFICE BUILDING ROOM 145, 805 SOUTH WALKER STREET, BURGAW, N.C. 28425

- 1. PD Master Plan Review**  
George H. Wood, applicant, on behalf of River Rock Farm, LLC, owner, is requesting approval of a PD Master Plan for Lane's Ferry. The Master Plan consists of 1,800 single-family residential lots, 1,200 multi-family units, recreational amenities, commercial retail, and on-site wastewater treatment facility on 974 acres. The property is zoned PD and is located on NC Hwy 210 just west of the NE Cape Fear River in Rocky Point, NC.
- 2. Zoning Map Amendment**  
Bernard J. Morris, applicant, on behalf of Edsol H. Rowell, Bettie C. Rowell, and Debra R. Duncan, owners, has requested a rezoning of three tracts totaling 67.49 acres from RA, Rural Agricultural District, to R-20, Residential District. The property is located on the west side of US Highway 421, north of Richard Switch Road, southeast of Currie, NC.

For Additional Information: Contact Pender County Planning Dept. 805 S Walker St Burgaw, NC 28425 Phone 910 259-1202

**NOTICE OF JOINT MEETING OF BOARD OF EDUCATION AND COUNTY BOARD OF COMMISSIONERS**  
April 3, 2007, at 9:00 a.m., the Board of Education and the County Board of Commissioners will meet at 805 S. Walker Street, Burgaw, NC 28425. The purpose of the meeting is to discuss the proposed rezoning of the property located at 805 S. Walker Street, Burgaw, NC 28425. The public hearing will be held at 805 S. Walker Street, Burgaw, NC 28425.

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# CLASSIFIED

## LEGAL NOTICES

### Notice of Filing of Application of CAMA Minor Development Permit

Pursuant to NCGS 113A-119(b), Town of Topsail Beach, a locality authorized to issue CAMA permits in Areas of Environmental Concern, hereby gives NOTICE that on March 12, 2007, Joe Rogers applied for a CAMA permit to construct a two-story house on pilings with covered decks at 119 Boryk Avenue, Topsail Beach, Pender County, NC.

The application may be inspected at the address below. Public comments received by March 30, 2007, will be considered. Later comments will be accepted and considered up to the time of permit decision. Project modifications may occur based

on further review and comments. Notice of the permit decision is this matter will be provided upon written request.

Jimmy Canady  
CAMA Local Permit Officer  
for Town of Topsail Beach  
820 S. Anderson Blvd.  
910-328-4851 M21

### Public Notice

In accordance with NCGS 120-164, notice is being given by Join Our Town of its intent to file a petition for incorporation of the proposed Town of Hampstead with the Joint Legislative Commission on Municipal Incorporations on or before May 1, 2007. Details of the submission are available on request. Signed: Barbara Eastman, Chairman of Join our Town, PO Box 849, Hampstead, NC 28443. M21,28

## PETS

**LAB PUPPIES;** 4 females, 2 males, yellow, 4 weeks old, AKC registered, parents on site \$400. Call (910)270-1987.

**PUP SALE;** Maltese, Shihtzu, Pom, Bichon, Yorkie male, Poodle, Mallipoo, Yorkie-a-poo. (919)689-2397. www.thorntonkennels.com

## WANT TO BUY

**WANTED TO buy:** North Shore discount golf card. Call (910)270-0133 evenings.

## FOR SALE

**NEW PORTABLE** dishwasher, hooks to kitchen sink. Best offer. Call (910)470-0883.

**SEALAWN,** 2 burial plots, Sand Dollar section. \$1600 for both. (910)798-2884.

## FOR S

**CEMETERY** Sealawn. \$ (910)270-5124

**CLEANING Y** out? Sell your classifieds for. Call Topsail for more (910)270-2944

**DR CHIPPER** nal model, 18 start, handles to 4 1/2" with towing Like 1 (910)270-0227

**HOLLY BUSH** lon, \$4 (910)327-0369

**KIRBY HEP** Vacuum with ments plus Used less the Like brand m best offer. (910

**TWO CEMET** sale in Sea each. (864)47:



## PENDER COUNTY GOVERNMENT NEWS

[www.pender-county.com](http://www.pender-county.com)

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For Additional Information: Contact Pender County Planning Dept., 805 S Walker St Burgaw, NC 28425 Phone 910 251

### NOTICE OF JOINT MEETING OF BOARD OF EDUCATION AND COUNTY BOARD OF COMMISSIONERS

On Friday, March 30, 2007, at 9:00 a.m., the Board of Education and the County Board of Commissioners in a joint session in their customary meeting room located at 805 S. Walker Street, Burgaw, NC 28425. The



A Live

# JOIN OUR TOWN

AN ORGANIZATION TO INCORPORATE HAMPSTEAD

March 22, 2007

Hon. Marion Knowles Jr., Mayor  
Town of Watha  
425 Watha Road  
Watha, NC 28478-8235

Dear Mayor Knowles:

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before May 1, 2007.

The proposed coordinates are as follows:

**North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW

**East:** High water mark of ICWW

**South:** Southern edge of Washington Acres Road

**West:** 500 feet west of U.S. Highway 17N.

Respectfully,

Barbara Eastman, Chair  
Join our Town



A Live

# JOIN OUR TOWN

AN ORGANIZATION TO INCORPORATE HAMPSTEAD

March 22, 2007

Hon. Butch S. Parish, Mayor  
Town of Topsail Beach  
820 South Anderson Avenue  
Topsail Beach, NC 28445-6948

Dear Mayor Parish:

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before May 1, 2007.

The proposed coordinates are as follows:

**North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW

**East:** High water mark of ICWW

**South:** Southern edge of Washington Acres Road

**West:** 500 feet west of U.S. Highway 17N.

Respectfully,

Barbara Eastman, Chair  
Join our Town



A Live

# JOIN OUR TOWN

AN ORGANIZATION TO INCORPORATE HAMPSTEAD

March 22, 2007

Hon. A. D. Guy, Mayor  
Town of Surf City  
P.O. Box 2475  
Surf City, NC 28445-9821

Dear Mayor Guy:

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before May 1, 2007.

The proposed coordinates are as follows:

- North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW
- East:** High water mark of ICWW
- South:** Southern edge of Washington Acres Road
- West:** 500 feet west of U.S. Highway 17N.

Respectfully,

Barbara Eastman, Chair  
Join our Town



A Live

# JOIN OUR TOWN

AN ORGANIZATION TO INCORPORATE HAMPSTEAD

March 22, 2007

Hon. Robert M. Barnhill, Mayor  
Village of St. Helena  
P.O. Box 1508  
Burgaw, NC 28425-1508

Dear Mayor Barnhill:

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before May 1, 2007.

The proposed coordinates are as follows:

**North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW

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**South:** Southern edge of Washington Acres Road

**West:** 500 feet west of U.S. Highway 17N.

Respectfully,

Barbara Eastman, Chair  
Join our Town



A Live

# JOIN OUR TOWN

AN ORGANIZATION TO INCORPORATE HAMPSTEAD

March 22, 2007

Hon. Kenneth T. Cowan, Mayor  
Town of Burgaw  
109 N. Walker St.  
Burgaw, NC 28425-5234

Dear Mayor Cowan:

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before May 1, 2007.

The proposed coordinates are as follows:

**North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW

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**West:** 500 feet west of U.S. Highway 17N.

Respectfully,

Barbara Eastman, Chair  
Join our Town



A Live

# JOIN OUR TOWN

AN ORGANIZATION TO INCORPORATE HAMPSTEAD

March 22, 2007

Hon. Jack Taylor, Mayor  
Town of Atkinson  
P. O. Box 160  
Atkinson, NC 28421-0160

Dear Mayor Taylor:

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before May 1, 2007.

The proposed coordinates are as follows:

- North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW
- East:** High water mark of ICWW
- South:** Southern edge of Washington Acres Road
- West:** 500 feet west of U.S. Highway 17N.

Respectfully,

Barbara Eastman, Chair  
Join our Town



A Live

# JOIN OUR TOWN

AN ORGANIZATION TO INCORPORATE HAMPSTEAD

March 22, 2007

Pender County Commissioners  
P.O. Box 5  
Burgaw, NC 28425-0005

Gentlemen:

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before May 1, 2007.

The proposed coordinates are as follows:

**North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW

**East:** High water mark of ICWW

**South:** Southern edge of Washington Acres Road

**West:** 500 feet west of U.S. Highway 17N.

Respectfully,

Barbara Eastman, Chair  
Join our Town





**Topsail Voice**  
**March 21, 2007**  
**Section B, Page 8**

20 Words or Less: \$4.00-1 week, \$7.20-2 weeks, \$10.20-3 weeks, \$12.00-4 weeks

Call (910)270-2944 for more info

**LEGAL NOTICES**

**Notice of Filing of Application of CAMA Minor Development Permit**

on further review and comments. Notice of the permit decision in this matter will be provided upon written request.

Pursuant to NCGS 113A-119(b), Town of Topsail Beach, a locality authorized to issue CAMA permits in Areas of Environmental Concern, hereby gives NOTICE that on March 12, 2007, Joe Rogers applied for a CAMA permit to construct a two-story house on pilings with covered decks at 119 Boryk Avenue, Topsail Beach, Pender County, NC.

Jimmy Canady  
 CAMA Local Permit Officer  
 for Town of Topsail Beach  
 820 S. Anderson Blvd.  
 910-328-4851 M21

**Public Notice**

In accordance with NCGS 120-164, notice is being given by Join Our Town of its intent to file a petition for incorporation of the proposed Town of Hampstead with the Joint Legislative Commission on Municipal Incorporations on or before May 1, 2007.

The application may be inspected at the address below. Public comments received by March 30, 2007, will be considered. Later comments will be accepted and considered up to the time of permit decision. Project modifications may occur based

Details of the submission are available on request.  
 Signed: Barbara Eastman,  
 Chairman of Join our Town, PO Box 849, Hampstead, NC 28443.

M21,28

# CL

**Topsail Voice  
March 28, 2007  
Section B, Page 8**

**20 Words or Less: \$4.00-1 week, \$7.20-2  
weeks, \$10.20-3 weeks, \$12.00-4 weeks**

**Call (910)270-2944 for more info**

## **LEGAL NOTICES**

### **Public Notice**

In accordance with NCGS 120-164, notice is being given by Join Our Town of its intent to file a petition for incorporation of the proposed Town of Hampstead with the Joint Legislative Commission on Municipal Incorporations on or before May 1, 2007. Details of the submission are available on request. Signed: Barbara Eastman, Chairman of Join our Town, PO Box 849, Hampstead, NC 28443.

M21,28



A Live Oak

# JOIN OUR TOWN

AN ORGANIZATION TO INCORPORATE HAMPSTEAD

April 27, 2007

Hon. Charles C. Farrior Jr., Mayor  
316 E. Murray St.  
P.O. Box 849  
Wallace, NC 28466

Dear Mayor Farrior:

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before May 1, 2007.

The proposed coordinates are as follows:

**North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW

**East:** High water mark of ICWW

**South:** Southern Edge of Washington Acres Road

**West:** 500 feet west of U.S. Highway 17N.

Respectfully,

A handwritten signature in cursive script that reads "Barbara Eastman".

Barbara Eastman, Chair  
Join Our Town

P.O. Box 849, Hampstead, NC 28443  
[www.joinourtown.com](http://www.joinourtown.com)

**Assessment of Petition  
by  
Town of Hampstead  
(Pender County )  
for  
Incorporation**

**Relative to NC G.S. 120-163 and NC G.S. 120-164**

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

Division of Community Assistance staff has reviewed the petition for incorporation from the proposed Town of Hampstead as it relates to NC G.S. 120-163 and NC G.S. 120-164. These sections of the General Statutes refer to the petition and notification requirements.

G.S. 120-163 (a) requires that a petition be signed by 15% of the registered voters (but by not less than 25 voters) of the area asking for incorporation. The proposed Town of Hampstead has submitted a petition with the required signatures.

G.S. 120-163 (b) requires that “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.” G.S. 120-163 (d) requires that the petitioners must present to the Commission the verified petition from the county board of elections. The Pender County Board of Elections has verified the Town of Hampstead petition.

G.S. 120-163 (c) requires that the petition must include a number of items. These are:

- A proposed name for the city. The petition of the Town of Hampstead does include a proposed name.
- A map of the city. The petition of the Town of Hampstead does include a map.
- A list of proposed services to be provided by the proposed municipality. The petition of the Town of Hampstead does include a list of proposed services.
- The names of three persons to serve as interim governing board. The petition of the Town of Hampstead includes the names of three persons to serve as an interim council.
- A proposed charter. The petition of the Town of Hampstead does include a proposed charter.
- A statement of the estimated population and population density. The petition of the Town of Hampstead does include a statement of the estimated population and population density.
- Assessed valuation. The petition of the Town of Hampstead does include an estimate of assessed valuation.
- Degree of development. The petition of the Town of Hampstead does include a statement on the degree of development.
- Recommendations as to form of government and manner of election. The petition of the Town of Hampstead does include recommendations as to form of government and manner of election.

According to G.S. 120-163, the proposed municipality may not contain any non-contiguous areas. According to an examination of the map presented with the petition, the proposed Town of Hampstead does contain any non-contiguous areas.

According to G.S. 120-164, 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.
- (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.

The petition includes copies of notification letters to Pender County, all municipalities within Pender County, and all municipalities within five (5) miles of the proposed village. Therefore, all required notification letters were sent.

According to G.S. 120-164, "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."

The notice was published in the Topsail Voice newspaper for two successive weeks beginning March 21, 2007. A copy of the notice was included in the petition.

**Assessment of Petition  
by  
Town of Hampstead  
(Pender County )  
for  
Incorporation**

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

## Division of Community Assistance

Division of Community Assistance staff has reviewed the petition for incorporation from Hampstead 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 Hampstead 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 49,999
5 miles	50,000 and over

The municipality of Topsail Beach (population, 471) is within 1 mile of the proposed boundary of Hampstead but does not exceed the population threshold. The municipality of Surf City (population, 1393) is within 3 miles of Hampstead but does not exceed to population threshold. No other municipality is within 5 miles of Hampstead. No nearby municipality falls within the population and distance thresholds set in G.S. 120-166(a).

**The Commission is not precluded from making a positive recommendation on the petition for incorporation relative to the proposed Town of Hampstead, in accordance with NC G.S. 120-166.**

Information sources: The foregoing assessment was based on information contained in the petition, and digital data provided by the Pender County and New Hanover County GIS Departments. A buffer analysis (an ArcGIS® utility) was performed on the proposed boundary that was presented on the map attached to the petition. The 2000 Census population values were retrieved from the NC Office of State Budget and Management, State Demographics web site (<http://demog.state.nc.us/>) referenced May, 2007.



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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:

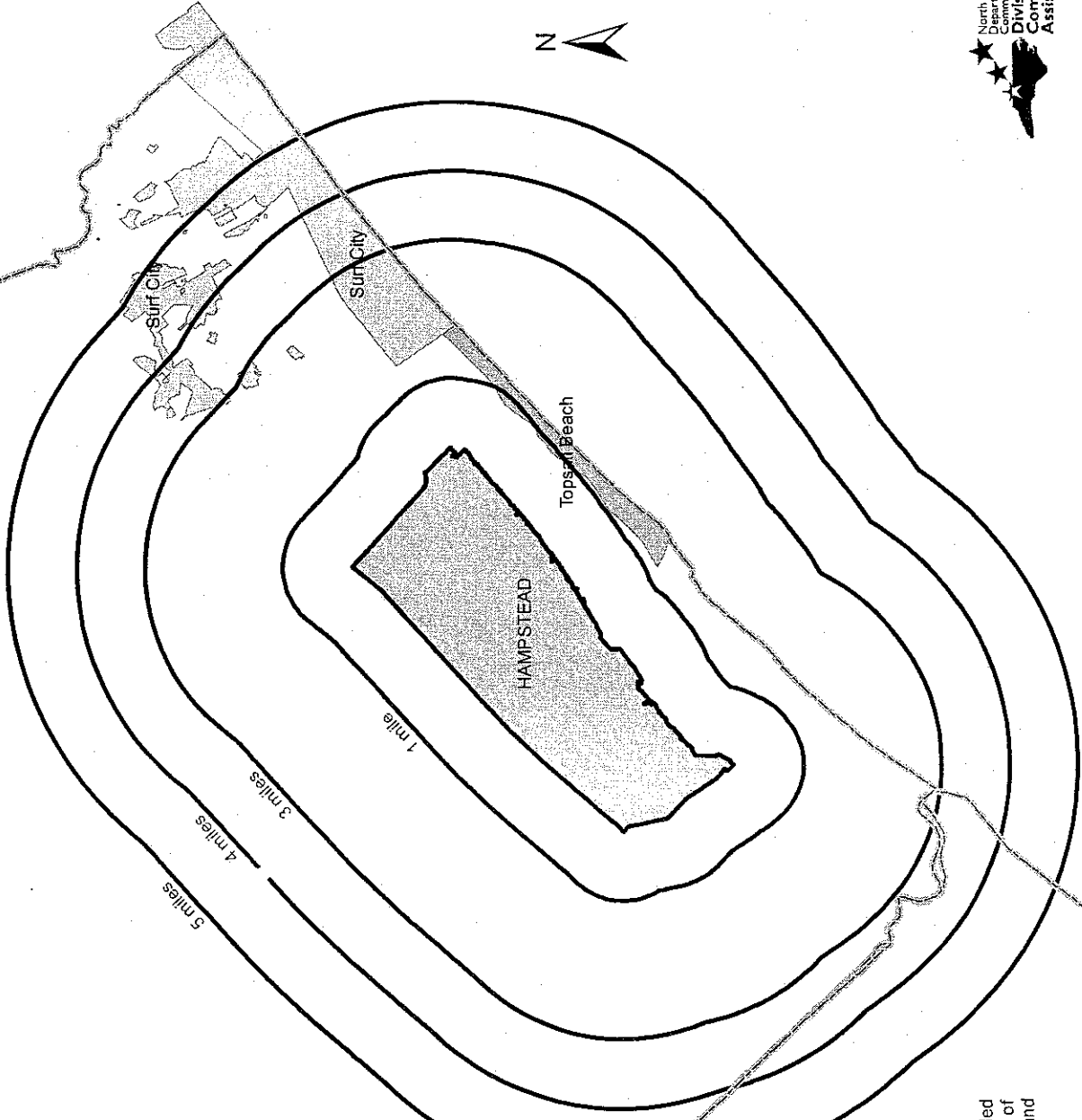
- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible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

# Map A: Hampstead Incorporation, Nearness

St Helena

## Legend

-  County Line
-  Hampstead
-  Nearness
-  Municipal\_Boundaries
-  Alkinson
-  Burgaw
-  St Helena
-  Surf City
-  Topsail Beach
-  Wallace
-  Waitha
-  Wilmington



Prepared: May 4, 2007

Source: This map is based on information provided by the petitioners for the incorporation of the Town of Eastover and data provided by the Cumberland County Tax and GIS Departments.

**Assessment of Petition  
by  
Town of Hampstead  
(Pender County)  
for  
Incorporation**

**Relative to NC G.S. 120-167  
through NC G.S. 120-170**

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

Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of Hampstead relative to NC G.S. 120-167 through G.S. 120-170. The following discussion addresses each of these sections of the General Statutes.

NC G.S. 120-167 Additional criteria; population.

NC G.S. 120-167 refers to population and requires that the permanent population must be at least 100 and a population density (either permanent or seasonal) of at least 250 persons per square mile. The Pender County Board of Elections determined there are 4006 registered voters living in the proposed Town of Hampstead, exceeding the required minimum permanent population. The Division of Community Assistance performed a land use survey of the subject area, identifying 4768 dwelling units. The 2000 US Census Bureau data estimates an average of 2.49 persons per household for Pender County and a vacancy rate for all housing units of 22.8 percent. This suggests that at least 9165 persons (permanent) are likely to reside in a total land area of 21.8 square miles. DCA has calculated Hampstead total population density at 420.43 persons per square mile. It appears that NC G.S. 120-167 is satisfied.

NC G.S. 120-168 Additional criteria; development.

NC G.S. 120-168 refers to development and requires that at least 40 percent of the area must be "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."(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

DCA used an analysis of available county tax information and aerial photographs to determine the degree of development. The survey considered parcels as "developed" if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. Vacant parcels, forested parcels, or agricultural parcels were considered "undeveloped."

DCA's analysis indicated that 38.9 percent of the subject area, as presently proposed, is developed (see Table 1 and Map A). It appears that NC G.S. 120-168 not satisfied.

**Table 1:**  
Development Relative to NC G.S. 120-168

<b>Land Use</b>	<b>Acres</b>
Commercial	647.00
Industrial	6.99
Institutional/Governmental	252.63
Residential	2,855.70
Dedicated open space	979.06
Undeveloped	7,427.16
Total acreage	12,168.54
Total Developed Acreage	4,741.38
<b>% Developed</b>	<b>38.96%</b>

NC G.S. 120-169 Additional criteria; area unincorporated.

NC G.S. 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 Hampstead with the most recently updated Pender County (GIS) data as well as the North Carolina Department of Transportation (GIS) data and found no evidence that any of the subject area is part of an incorporated municipality. It appears that NC G.S. 120-169 is satisfied.

NC G.S. 120-169.1 Additional criteria; services.

NC G.S. 120-169.1(b) requires that the area to be incorporated submit a plan for providing a reasonable level of municipal services. To meet the requirements of this section, the persons submitting the plan for incorporation must propose to provide at least four of the following services:

- 1) Police protection.
- 2) Fire protection.
- 3) Solid waste collection or disposal.
- 4) Water distribution.
- 5) Street maintenance.
- 6) Street construction or right-of-way acquisition.
- 7) Street lighting.
- 8) Zoning.

The proposed Town of Hampstead submitted a plan for providing four out of eight of the above services. Hampstead proposes to provide police, fire, zoning, and street lights. Fire protection will be provided through an agreement with the Hampstead and Sloop Point Volunteer Fire Departments (letters from the volunteer fire departments state that they will charge \$0.06/\$100 valuation to provide service). Police protection will be provided through an agreement with the Pender County Sheriff's Department (a letter from the Sheriff's Department states that there will be no charge for service at the current level, but there will be an additional charge for additional service). Street lighting will be provided by the Town. Zoning will be adopted and administered by the Town. It appears that NC G.S. 120-169.1(b) is satisfied.

NC G.S. 120-170 Findings as to services.

NC G.S. 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. Hampstead has proposed a \$0.11/\$100 property tax rate with an estimated property tax revenue of \$908,134. This amount of revenue is sufficient to support the four services proposed in the petition, which are estimated to cost a total of \$708,845 (fire protection \$495,345; police protection \$120,000; street lighting \$4,000; and zoning \$69,500).

Table 2 provides data on municipalities incorporated since 2000 and compares the tax rate of those municipalities to the tax rate proposed by Hampstead. However, to give some indication of a comparison of Hampstead's tax rate and that assessed by other similar municipalities, DCA compared Hampstead with the North Carolina Department of Treasurer 2006 Municipal Financial Profiles for municipal populations between 2500 to 9,999 persons. Hampstead has proposed a \$0.11/\$100 property tax rate with an estimated property tax revenue of \$908,134. In comparison, the North Carolina Department of Treasurer indicates in its report an average property tax rate of \$0.2921/\$100 assessment and average property tax revenue of \$1,520,336. For the proposed Town of Hampstead to generate similar revenues it would need to levy a property tax rate of \$0.1841/\$100 assessment (assuming a total assessment of \$825,576,502, as estimated by petitioners). As stated above, Hampstead can provide the four proposed services at a reasonable tax rate, but would not likely be able to provide additional services without a property tax rate increase. It appears that G.S. 120-170 is satisfied.

### Conclusion

It appears that the proposed Town of Hampstead satisfies all of the statutory criteria, except G.S. 120-168, development. **Therefore, the Commission is precluded from making a positive recommendation for the incorporation of the proposed Town of Hampstead.**

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Information sources:

Petition for Incorporation of the Town of Hampstead  
2000 US Census (referenced 05/05), <http://www.census.gov/>  
Pender County GIS Department, Parcel Data and Assessment Data  
North Carolina Office of State Treasurer (referenced 07/05)  
[http://www.treasurer.state.nc.us/lgc/units/D\\_NE.htm](http://www.treasurer.state.nc.us/lgc/units/D_NE.htm)

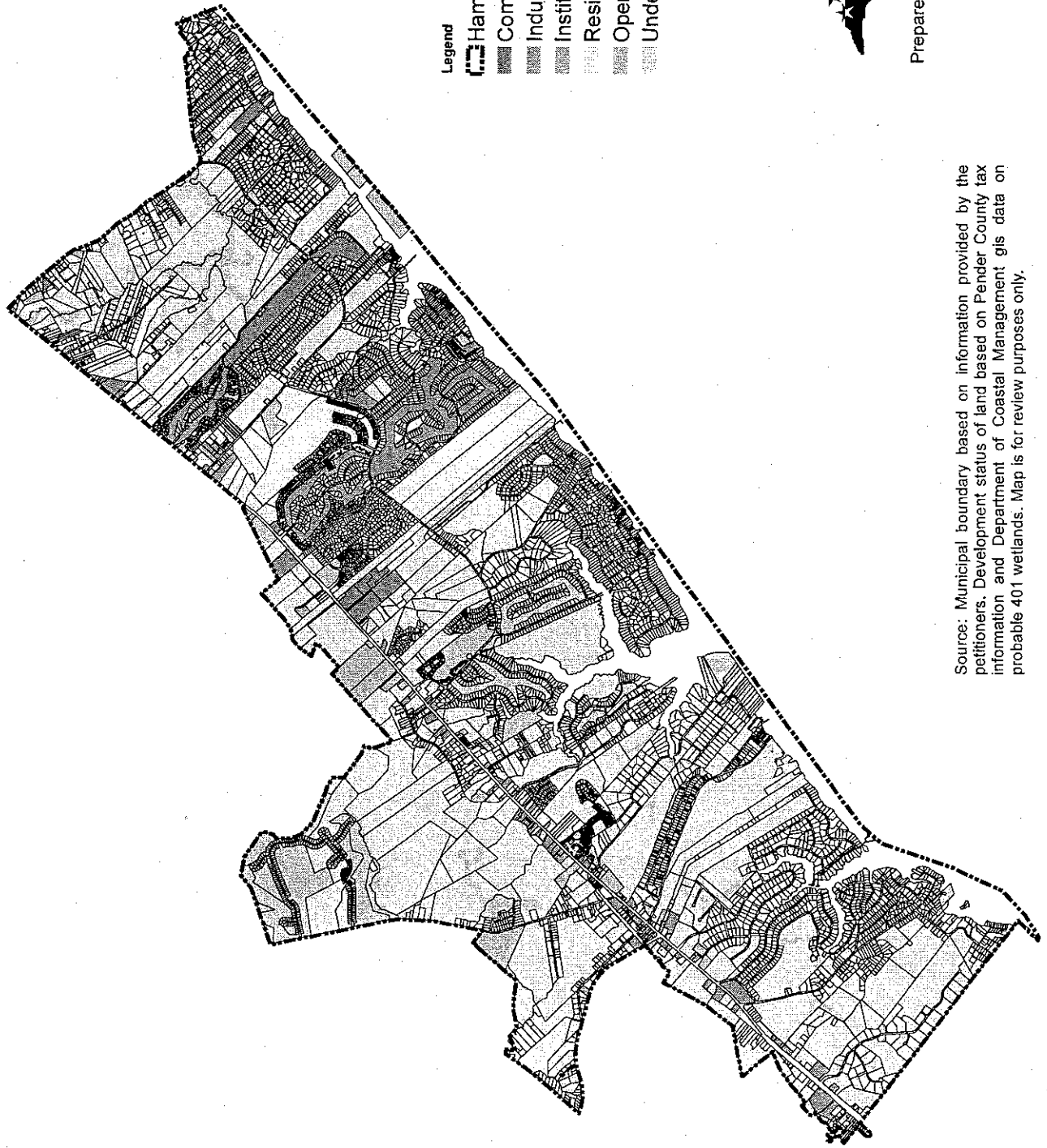
Financial Comparison of Municipalities Incorporated from 2000 to 2005 (FYE 2005)												
Municipality	Hampstead (1)	Ossipee	Midland	Duck	Mills River	Misenheimer	Fed Gross	Wallburg	Midway	Fairview		
County	Pender	Alamance	Cabarrus	Dare	Henderson	Stanly	Stanly	Davidson	Davidson	Union		
Date of Incorp.	Proposed	12/9/2002	11/7/2000	5/1/2002	6/24/2003	6/26/2003	8/1/2002	6/29/2004	6/29/2006	1/15/2002		
Pop. 7/1/2005 (2)	9,165	452	2,820	521	6,147	685	770	2,894	4,399	4,201		
Tax Rate per \$100 (3)	\$ 0.050	\$ 0.050	\$ 0.150	\$ 0.200	\$ 0.075	\$ 0.150	\$ 0.160	\$ 0.050	\$ 0.050	\$ 0.020		
<b>2005 Revenues (4)</b>												
Ad valorem	\$ 340,000	\$ 9,085	\$ 331,911	\$ 1,522,929	\$ 414,986	\$ 21,873	\$ 66,890	\$ 84,366	\$ -	\$ -		
Local Sales Tax	\$ -	\$ 75,801	\$ 103,485	\$ 645,798	\$ 1,360,672	\$ 111,880	\$ 118,498	\$ 301,252	\$ -	\$ -		
Solid Waste fees	\$ -	\$ 11,840	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Utility Franchise	\$ -	\$ 13,834	\$ 86,593	\$ 156,748	\$ 317,449	\$ 21,548	\$ 16,832	\$ 45,529	\$ -	\$ -		
Powell Bill	\$ -	\$ -	\$ 63,753	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Water/Sewer Fees-	\$ -	\$ 49,721	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Beer & Wine	\$ -	\$ 2,062	\$ -	\$ 2,253	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Other	\$ -	\$ 1,787	\$ 39,412	\$ 1,576,837	\$ 63,506	\$ 299,066	\$ 5,316	\$ 50	\$ -	\$ -		
<b>Total 2005 Revenue</b>	<b>\$ 340,000</b>	<b>\$ 164,130</b>	<b>\$ 625,154</b>	<b>\$ 3,904,566</b>	<b>\$ 2,156,612</b>	<b>\$ 454,367</b>	<b>\$ 207,536</b>	<b>\$ 431,197</b>	<b>\$ -</b>	<b>\$ -</b>		
Per capita revenue	\$ 37	\$ 363	\$ 222	\$ 7,494	\$ 351	\$ 663	\$ 270	\$ 149	\$ -	\$ -		
<b>2005 Expenditures (4)</b>												
General Govt.	\$ 76,500	\$ 38,928	\$ 126,469	\$ 404,130	\$ 549,069	\$ 112,425	\$ 12,554	\$ 29,543	\$ -	\$ -		
Police	\$ 120,000	\$ -	\$ -	\$ 523,752	\$ 18,272	\$ 250,346	\$ 11,220	\$ -	\$ -	\$ -		
Fire	\$ 70,000	\$ 17,819	\$ 111,122	\$ 486,349	\$ 339,221	\$ -	\$ 23,280	\$ -	\$ -	\$ -		
Water	\$ -	\$ 57,568	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Solid Waste	\$ -	\$ 30,033	\$ 94,080	\$ 742,498	\$ -	\$ 14,915	\$ 32,333	\$ -	\$ -	\$ -		
Street Maintenance	\$ -	\$ -	\$ 1,200	\$ 102,147	\$ -	\$ 2,221	\$ -	\$ -	\$ -	\$ -		
Street Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Street lighting	\$ 4,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Zoning	\$ 69,500	\$ -	\$ 3,236	\$ 180,819	\$ 75,842	\$ -	\$ 4,196	\$ -	\$ -	\$ -		
Other	\$ -	\$ 10,963	\$ -	\$ 727,440	\$ 5,346	\$ 17,817	\$ -	\$ -	\$ -	\$ -		
<b>Total 2005 Expenditures</b>	<b>\$ 340,000</b>	<b>\$ 155,311</b>	<b>\$ 336,107</b>	<b>\$ 3,167,135</b>	<b>\$ 987,750</b>	<b>\$ 397,724</b>	<b>\$ 83,583</b>	<b>\$ 29,543</b>	<b>\$ -</b>	<b>\$ -</b>		
Per capita expenditures	\$ 37	\$ 344	\$ 119	\$ 6,079	\$ 161	\$ 581	\$ 109	\$ 10	\$ -	\$ -		

NOTES  
(1) Hampstead population as estimated by DCA. Budget estimates for Hampstead is based on information provided in petition  
(2) Office of State Planning: Population Estimates for July, 2005  
(3) NC Revenue Department: FYE 2004-05 Tax Rates Publication  
(4) NC Treasury Department: Municipal Annual Financial Information Summary Report for FYE 2006

Note: Data Compiled by NC Division of Community Assistance on January 8, 2007 based on most recent data available from identified sources



# Map A: Town of Hampstead Incorporation, Phase 2 Study



Legend

- Hampstead
- Commercial
- Industrial
- Institutional/Public
- Residential
- Open Space
- Undeveloped



Prepared: June 7, 2007

Source: Municipal boundary based on information provided by the petitioners. Development status of land based on Pender County tax information and Department of Coastal Management gis data on probable 401 wetlands. Map is for review purposes only.

**1. Sales Tax Revenue Change**

Pender County distributes sales tax revenues on a per capita basis. This analysis uses the 2005-06 actual sales tax distribution to show how the distribution would have changed had Hampstead been incorporated at that time.

**Current**

County	Municipalities	Population	% of Population	Sales Tax Distribution
Pender		45,144	87.91%	38,896,024
	Atkinson	244	0.48%	210,230
	Burgaw	3,566	6.94%	3,072,462
	Saint Helena	434	0.85%	373,934
	Surf City	1,266	2.47%	1,090,784
	Topsail Beach	518	1.01%	446,308
	Wallace	18	0.04%	15,509
	Watha	165	0.32%	142,164
	<b>TOTAL</b>	<b>51,355</b>		<b>44,247,415</b>

**With Incorporation**

County	Municipalities	Population	% of Population	Sales Tax Distribution	Change
Pender		35,979	70.06%	30,999,469	(7,896,554)
	Atkinson	244	0.48%	210,230	0
	Burgaw	3,566	6.94%	3,072,462	0
	Saint Helena	434	0.85%	373,934	0
	Surf City	1,266	2.47%	1,090,784	0
	Topsail Beach	518	1.01%	446,308	0
	Wallace	18	0.04%	15,509	0
	Watha	165	0.32%	142,164	0
	Hampstead	9,165	17.85%	7,896,554	7,896,554
	<b>TOTAL</b>	<b>51,355</b>		<b>44,247,415</b>	

**2. Powell Bill Allocation Change**

Annual state street aid (Powell Bill) allocations are made to incorporated municipalities which establish their eligibility and qualify as provided by G.S. 136-41.1 through 136-41.3. The total amount allocated is seventy-five percent (75%) on the basis of relative population and twenty-five percent (25%) on the basis of relative non-State System local street mileage.

For 2005-06, population-based allocations assumed a statewide qualifying municipal population of 4,606,230 and available funds of \$136,850,768. This created a per capita distribution rate of \$29.71.

Adding the population of the proposed town of Hampstead to the statewide total creates a new population of 4,615,395 and a new per capita distribution rate of \$29.65. The rate change is too small to have a significant impact on the Powell Bill distributions to other Pender County municipalities.

The attached report from the Department of Revenue estimates that the Town of Hampstead would receive \$430,000 in Powell Bill funds based on population. The town

does not plan to maintain streets locally; therefore, there would be no additional allocation based on street miles.

### **3. Other Revenues**

Municipalities receive an amount equal to approximately 3.09% of the gross receipts resulting from the sale of power and light within the respective municipality. In addition, municipalities receive a portion of the telecommunications sales tax and the piped natural gas tax. Municipalities receive a share of the excise tax on beer and wine if they hold a referendum approving the sale of beer and wine within the corporate limits.

The Department of Revenue has estimated the amount of revenue that the town of Hampstead would have received in FY 2005-06 from each of these taxes. This information is included in the attached report.

Prepared by:  
Brian Slivka, Fiscal Research Division  
June 21, 2007

**PRO FORMA ESTIMATE OF REVENUES FOR THE POSSIBLE INCORPORATION  
OF HAMPSTEAD (PENDER COUNTY)  
FOR FISCAL YEAR 2005-06**

Proposed Property Tax Rate per \$100 valuation	0.05
Estimated Permanent Resident Population	9,165
Roads - Locally Maintained	132

**Pro Forma Revenue, Fiscal Year 2005-06**

1. Sales & use tax *	\$1,670,000
2. Electric power franchise tax***	\$400,000
3. Beer & wine excise taxes **, **	\$40,500
4. Piped natural gas excise tax***	\$0
5. Telecommunications sales tax*, ***	\$140,000
6. Powell Bill*	\$430,000
<b>TOTAL</b>	<b>\$2,680,500</b>

\* Items 1, 3, 5, and 6 require a minimum tax rate of \$0.05 per \$100 valuation.

\*\*

A newly incorporated municipality in Pender County would share in the beverage tax revenues only after holding a referendum in which the sales of beer and/or wines are approved.

\*\*\* The electric power franchise tax distribution is equal to 3.09% of the gross receipts from the sale, within the corporate limits of the municipality, of electricity. Effective July 1, 1999, the utility franchise tax on piped natural gas was repealed and replaced with the piped natural gas excise tax. Effective January 1, 2002, the telephone franchise tax was repealed and replaced with a sales & use tax.

**THIS DOCUMENT REPRESENTS A PUBLIC RECORD WHICH MAY BE DISTRIBUTED TO ANYONE REQUESTING IT.**