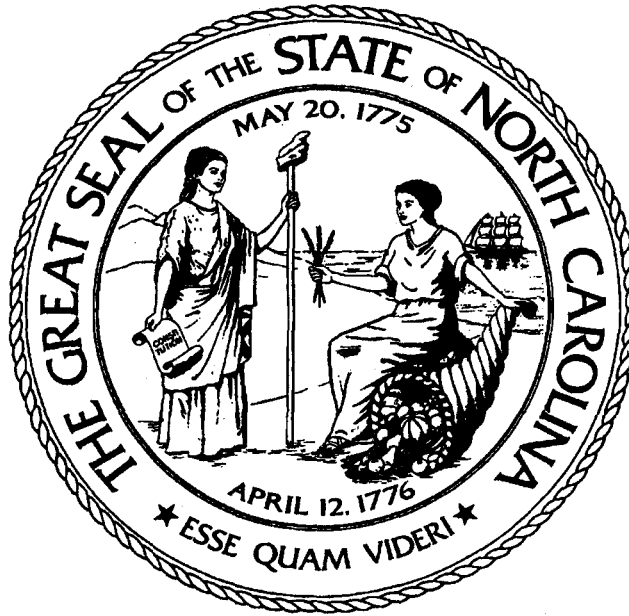


**JOINT LEGISLATIVE COMMISSION
ON MUNICIPAL INCORPORATIONS**



**REPORT TO THE
GENERAL ASSEMBLY
OF NORTH CAROLINA
Proposed Village of Sneads Ferry
February 9, 2009**

REPORT TO THE GENERAL ASSEMBLY

Proposed Incorporation of the Village of Sneads Ferry
February 9, 2009

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 Village of Sneads Ferry in Onslow County on November 27, 2006. 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 Village'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 Village'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. 120-170 (findings as to services). The Commission was unable to determine whether the proposed \$0.05/\$100 property tax was sufficient to provide the four services proposed in the Village's petition because the petitioners did not provide documents or letters from the entities with whom the Village intends to contract estimating the cost of the proposed services.

In light of the Commission's findings, the petitioners raised the proposed property tax from \$0.05/\$100 valuation to \$0.10/\$100 valuation, and provided documents and letters from the entities with whom the Village intends to contract estimating the cost of the proposed four services. Based upon the new information, on February 9, 2009, the Commission found that the petition met all the required statutory criteria (a copy of the report is attached as Appendix G).

Pursuant to G.S. 120-169.1, the Commission requested that the Fiscal Research Division 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 Village of Sneads Ferry (a copy of the report is attached as Appendix H). The data provided by the Division (based upon figures from 2005-2006, and adjusted to reflect the effect of S.L. 2007-323 (the Medicaid relief package)) shows that sales tax revenues in Onslow County are distributed on a per capita basis. If the proposed Village of Sneads Ferry had been incorporated at that time, it would have received approximately \$1,045,581 in sales tax revenues. The incorporation of Sneads Ferry would have a marginal impact on the distribution of Powell Bill funds in the State and Onslow County. If incorporated in 2005-2006, the proposed Village of Sneads Ferry would have received an estimate of \$679,856 in other forms of revenue from the State, including Powell Bill funds, as long as the proposed Village had met the statutory requirements to receive these funds.

On Thursday, July 12, 2007, the Commission held a public hearing at the Sneads Ferry Community Center in Sneads Ferry, North Carolina to receive comments from the public about the incorporation of the proposed Village of Sneads Ferry. Over 200 people attended the public hearing; approximately 31 spoke in favor of incorporation, 31 against. Many people who spoke against incorporation raised concern about whether the proposed property tax rate of \$0.05/\$100 is sufficient to provide the services proposed in the petition to incorporate. They also questioned whether the proposed services are needed given that many are currently being provided by Onslow County.

The Commission finds that the proposed Village of Sneads Ferry does meet the standards required by Article 20 of Chapter 120 of the General Statutes, and therefore the Commission does recommend incorporation of the area as the Village of Sneads Ferry.

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
(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.

NORTH CAROLINA)))) ONSLOW COUNTY)	PETITION FOR THE INCORPORATION OF SNEADS FERRY AS A MUNICIPALITY
--	---

Change February 21, 2008

It is proposed that Sneads Ferry be incorporated as a municipality on the following terms:

1. The proposed name shall be The Village of Sneads Ferry.

2. The map of the proposed Village is attached as Exhibit 1.

3. The list of proposed services to be provided by the Village includes:
 - a. Fire Protection
 - b. Solid Waste Collection or Disposal
 - c. Village Planning and Zoning
 - d. Street Lighting

4. The names of the persons to serve as an interim governing body are:
 - a. Robert D. Bryant--Interim Mayor Pro Tem
 - b. Angela B. Edens
 - c. Scotty J. Everett--Interim Mayor
 - d. Jerry L. Hinnant, Jr.
 - e. Donald H. Howell
 - f. Carolyn P. Lankas
 - g. Brian K. Shepard

5. The proposed Charter for the Village is attached as Exhibit 2.

6. The estimated permanent population of the Village is 5,799 residents. The estimated seasonal population for the Village is 1,381 people, for a total seasonal population of 7,180.

7. The estimated seasonal population density for the Village is two hundred seventy six (276) people per square mile.

8. The estimated assessed property valuation for the Village is One Billion, Sixty Million Dollars (\$1,060,000,000).

21 Feb 2008

9. Approximately forty nine percent (49%) of the area within the Village is developed for residential, commercial institutional or governmental uses or dedicated as public right-of-way.

Land Use	Acres
Residential	1,834.94
Commercial/Government	2,603.56
Public Right-of-way	527.00
Wetland	3,123.00
Undeveloped	8,560.99
Total Acreage	16,648.47
Total Acreage Developed	8,088.50
Percent Developed	48.58 %

10. The recommended governing body is the mayor-council form consisting of a six (6) member Village Council and a Mayor. All candidates for the Village Council and Mayor shall be elected by all qualified voters on a non-partisan basis. The Mayor and Village Council shall be elected to four year terms.
11. The proposed budget provides for an ad valorem tax levy of at least ten cents (\$0.10) on the one hundred dollars (\$100.00) valuation upon all taxable property within the Village corporate limits.
12. The proposed Village does not contain any non-contiguous areas.
13. Attached in support of this petition are the following documents:
- a. Rationale and objectives for incorporation as Exhibit 3;
 - b. Statement of statistics as Exhibit 4;
 - c. Pro-forma budget for fiscal years 2008-2009 and 2009-2010 as Exhibit 5;
 - d. Statement of services as Exhibit 6;
 - e. Notification to municipal and county officials as Exhibit 7;
 - f. Receipts evidencing publication of notice as Exhibit 8;
 - g. Verification of signatures to Petition for Municipal Incorporation as Exhibit 9;
 - h. Petition for Municipal Incorporation signatures from registered voters as Exhibit 10.

THE VILLAGE OF SNEADS FERRY

SERVICES

AMENDED 2/28/08

The Village of Sneads Ferry must provide at least four of the following services according to Section 120-163 of the General Statutes of North Carolina; (1) Police Protection, (2) Fire Protection, (3) Solid Waste Collection, (4) Water Distribution, (5) Street Maintenance, (6) Street Construction or Right of Way Acquisition, (7) Street Lighting and (8) Zoning. The four services chosen from the eight must be in place no later than the first day of the third fiscal year following the effective date of the incorporation. The sections below describe the proposed Village of Sneads Ferry plan for the provision of four of these services.

FIRE PROTECTION

During the first fiscal year, fire protection services will continue to be provided as they currently are—with County allocations and voluntary contributions. At the time of the incorporation referendum, funding will have been committed by the County and in place for that fiscal year. In the second fiscal year and moving forward, the Village of Sneads Ferry will contract with two fire districts: the Sneads Ferry Volunteer Fire Department's jurisdiction is almost completely in the proposed Village boundaries and the remainder of the proposed Village is served by the Turkey Creek Volunteer Fire Department. The amount and terms of the contract with each VFD will be annually negotiated between the Village Council and the VFD's Boards of Directors.

The citizens of Sneads Ferry find the level of protection and service provided by each of these agencies is more than acceptable and look forward to each VFD remaining a vital part of the community through its fund raising activities and volunteer opportunities.

SOLID WASTE COLLECTION AND DISPOSAL

In the last quarter of the first fiscal year, the Village of Sneads Ferry will send out requests for proposals and contract with one or more of the solid waste companies that currently provide serves to this area. In the first quarter of the second fiscal year, all village residents will be able to receive this service within the proposed village limits. This service will be completely paid for by Village government. The issue of commercial solid waste disposal is deferred for consideration by elected officials in the future.

STREET LIGHTING

This service is scheduled to begin in the second fiscal year. The Village of Sneads Ferry will contract with Jones Onslow Electric Membership Corporatiion for one hundred (100) street lights to be erected and brought on line. Public safety requires that dark areas and intersections be appropriately lit. Additional lighting is planned for the third fiscal year.

ZONING

As provided in Section 160A-360(f) of the General Statutes of North Carolina, the Onslow County planning and zoning laws and regulations will remain in effect for a period of 60 days or until the Village of Sneads Ferry adopts its own planning and zoning laws and regulations, whichever is sooner. It is the full intent of the Village to establish and implement its own planning and zoning laws and regulations within 60 days of the effective date of incorporation by adopting *in toto* the planning and zoning laws and regulations of Onslow County that apply to the proposed Village of Sneads Ferry and contract with Onslow County to continue to provide services as they currently do. In the second fiscal year, the Village will hire a Zoning Clerk to provide forms and information locally (saving a 34 mile round trip to the County seat) and also to collect fees from applicants and disburse such fees to the County consistent with the ongoing contract with the County.

BUDGET PROPOSAL

Amended 5/12/2008

	1 st Fiscal Year	2 nd Fiscal Year	3 rd Fiscal Year
	Nov '08-June '09	July '09-June'10	July '10-June'11
Expenditures			
Village Council Administration	\$	\$ 6,200	\$ 7,700
Zoning, Planning, Inspect.		171,172	255,554
Fire Protection		47,450	47,450
Street Lights		350,000	385,000
Waste Collection		10,800	21,600
Contingency/Reserve		270,900	563,040
TOTAL		157,650	698,786
		1,014,172	1,979,130
Revenue			
Property Tax Levy		1,014,172	1,063,130
Waste Collection Fees		-0-	-0-
Sales and Use Tax		-0-	648,000
Utility Franchise Tax		-0-	120,000
Telcom Sales Tax		-0-	40,000
Beer and Wine Tax		-0-	20,000
Powell Bill		-0-	88,000
Zoning, Impact Fees		-0-	-0-
TOTAL		1,014,172	1,979,130

This budget proposal is premised on the following:

- a \$.10 per \$100 tax rate
- the Village pays 100% of residential waste collection based on a \$15.00 monthly rate effective 1st day of the 3rd quarter of the 2nd fiscal year.
- fire protection service is brought on at full strength on day 1 of the 2nd fiscal year.
- most income NOT from property tax goes into contingency/reserve in the 3rd fiscal year.

**VILLAGE OF SNEADS FERRY
STATEMENT OF STATISTICS
NOVEMBER 21, 2006**

Total Acreage: 16,648

Population:

Permanent: 5,799

Seasonal: 1,381

Total: 7,180

Population Density: 276 permanent and seasonal residents per square mile

Assessed Valuation: \$1,060,000,000

Information based on data provided by the Onslow County Geographic Information Services and the Onslow County Tax Records

SNEADS FERRY VOLUNTEER FIRE DEPT

P.O. Box 247

Sneads Ferry, NC 28460-0247

910-327-3055

sneadsferryvfd@embarqmail.com

Date: 28 November 2007

From: Sneads Ferry Volunteer Fire Dept

To: Sneads Ferry Interim Village Council

Subj: REQUEST FOR PROPOSED FUNDING FY 2009 / 10

The Sneads Ferry Volunteer Fire Dept would require \$250,000.00 to operate the fire department for the FY 2009 / 2010. This funding would provide the level of fire protection that the citizens of the proposed Village of Sneads Ferry require.

The Fire Dept further requests copies of all documents being sent to the State as none have been provided as promised in the 15 August 2007 meeting that was held between the council and the fire dept.

M.L. Gallagher

M. L. GALLAGHER

Fire Chief SFVFD

Barbara D Green

BARBARA GREEN

Secretary SFVFD

**Copy to:
SFVFD files**

ENCL # 1



Turkey Creek Volunteer Fire Department
115 Tar Landing Road
Holly Ridge, NC 28445
(910) 327-7221
Tcfd1800@embarqmail.com

September 19, 2007

To Village of Sneads Ferry Interim Council:

The Board of Directors of the Turkey Creek Volunteer Fire Department would entertain discussions of signing a contract for fire protection for the area of Turkey Creek Fire District that is part of the Village of Sneads Ferry. The Turkey Creek Volunteer Fire Department is only interested in entering this agreement if the Sneads Ferry and Turkey Creek rural fire districts stay as rural fire districts and does not become a Municipal Fire district. The Turkey Creek Volunteer Fire Department will provide this protection for the 2009/2010 year at the rate of \$100,000.00. This amount will be negotiated on an annual basis. The Board will be happy to provide a line item budget to justify this amount at which time the Interim Council requests it.

Sincerely,

Richard D. Hardison
Chief
Turkey Creek Volunteer Fire Department

(910) 262-8292

Brittany Saunders
Secretary

ENCL # 2

BOARD OF COMMISSIONERS

Martin Aragona, Jr.

Chairman

Paul Buchanan.

Vice-Chairman

Delma Collins

Joseph McLaughlin

Lionell Midgett

**ONSLow COUNTY
NORTH CAROLINA**

www.co.onslow.nc.us

July 26, 2007

Ms. Scotty Jenkins Everett
C/O The Village of Sneads Ferry
P.O. Box 840
Sneads Ferry, NC 28460

Re: Follow up questions related to Contracted County Services

Ms. Everett:

First, attached is a copy of my previous response to your groups request for information related to contracting for services with the County in support of the 'new' Town of Sneads Ferry (1/8/07 letter).

To further clarify the issues associated with 'planning' services I will attempt to detail how a Memorandum of Understanding (MOU) between the County and the Town might be structured (as pointed out in the 1/8/07 letter) to take certain legislative actions to adopt by reference certain County regulations and ordinances. (This action would continue in place various County regulations and associated development standards unless otherwise modified by the new Town.

The MOU would continue in place all fees or charges associated with the County's current zoning regulations, building inspections, code enforcement, as well as other related services. The County would retain those revenues to support the services provided the Town in those capacities.

If, the Town required or requested additional staff support in excess of those provided under the basis established by the MOU, the County will bill the Town for these specific additional services based upon the salaries and benefits of those County staff providing those services plus any associated costs for printing, advertising, etc.

The County has in part provided various aspects of these services to one or more small towns within Onslow County. We continue to provide some services for the Town of Richlands at this time under similar circumstances. We have done the same for North Topsail Beach, Swansboro and Holly Ridge in the past. Richlands still uses the County's building inspections/review process but has employed its own town planning staff as has the other small towns.

Any MOU between the new Town and County would require the approval of the Onslow County Board of Commissioners.

Fire Services

Currently, the County supports Volunteer Fire Departments through an annual appropriation from the County general fund administered through the 'oversight' of an appointed Fire Commissioner. Attached is a budget sheet that details the Countywide appropriation for FY2006 \$1,279,000; FY2007 \$1,884,433; and FY2008 \$1,884,433 as recommended by myself and approved by the Board of Commissioners.

Administration

118 Old Bridge Street • Jacksonville, North Carolina • 28540

Phone: 910.347.4717 • Fax: 910.455.7878

ATT #1, P-1027

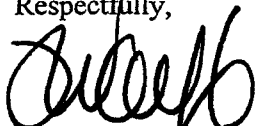
Soon, the Board of Commissioners will consider the establishment of a County Fire District System on a countywide basis. If adopted, the system as proposed would include those towns requesting to be included in the countywide tax district for fire services.

The new Town could opt to be included within the proposed Fire District and the Volunteer Fire Department would continue to function as a component of that system. Details of that effort should be discussed and considered during 2007 with its implementation in FY 2008-2009.

Through an MOU with the County the new Town could continue under the existing system or the new system at its option. Some small towns within Onslow County now also provide additional funding to the appropriate Volunteer Fire Departments for increased 'paid' staffing during hours when volunteer staffing is not available.

Again, any MOU between the Town and the County will require approval of the Board of Commissioners.

Respectfully,

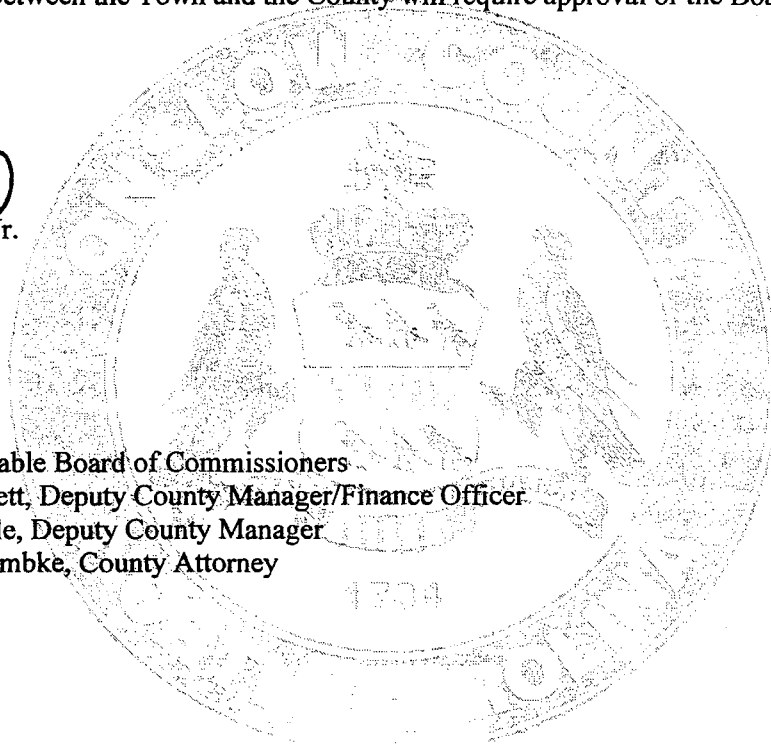


Frank W. Clinton, Jr.
County Manager

FWC:jsw

Attachments

cc: The Honorable Board of Commissioners
Alvin Barrett, Deputy County Manager/Finance Officer
Angela Cole, Deputy County Manager
Ron vonLembke, County Attorney



BOARD OF COMMISSIONERS

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**ONSTLOW COUNTY
NORTH CAROLINA**

www.co.onslow.nc.us

January 8, 2007

Ms. Scotty Jenkins Everett
C/o The Village of Sneads Ferry
P.O. Box 840
Sneads Ferry, NC 28460

Re: County Development Services (Planning & Zoning)

Dear Ms. Jenkins-Everett:

Per your request of January 3, 2007 (copy attached) County staff, the County Attorney and myself have reviewed actions required by the 'potential' new Village of Sneads Ferry for the county to offer planning and zoning service support.

First, any agreement offer for these services would be subject to the approval of the Onslow County Board of Commissioners. Subject to the provisions of any agreement authorized at that time. The additional procedures and actions outlined herein are believed to be required for those services to be rendered on a legitimate basis.

NCGS 160A-461: Allows a municipality and a county to enter into interlocal agreements for the joint exercise of "any power, function, public enterprise, right, privilege, or immunity of local government."

NCGS 160A-360: Requires a newly incorporated municipality to adopt the county's planning regulations or its own planning regulations within 60 days of incorporation: "When a new city is incorporated in an area that is currently being regulated by the county, the county regulations and powers of enforcement shall remain in effect until (i) the city has adopted such regulations, or (ii) a period of 60 days has elapsed following incorporation, whichever is sooner."

*****Although the proposed Village of Sneads Ferry only needs to exercise "zoning" powers within the first three years of incorporation, the Village should consider adopting the following county planning ordinances and entering into an interlocal agreement with the county for their administration and enforcement:**

Onslow County Zoning Ordinance; Onslow County Subdivision Ordinance; Onslow County Minimum Housing Code Ordinance; Onslow County Wireless Telecommunications Ordinance; Onslow County Sexually Oriented Business Ordinance; Onslow County Signs Ordinance; Onslow County Mobile/Manufactured Home Ordinance; Building and Inspections (Onslow County relies on NC Building Code -- it will be necessary for the Village to pass an ordinance that states that all structures within its corporate limits will comply with the current version of the NC Building Code as periodically amended. The interlocal agreement can contract with the County to provide inspection and enforcement).

Administration

118 Old Bridge Street • Jacksonville, North Carolina • 28540

Phone: 910.347.4717 • Fax: 910.455.7878

If the Village adopts zoning regulations, it also must establish a planning board (160A-387), may (but should) establish or designate a board of adjustment (160A-388), and may establish extraterritorial jurisdiction up to one mile from its corporate limits (subject to county approval and establishment of extraterritorial representation on its planning board and board of adjustment). It also must adopt an ordinance defining site-specific development plans that trigger vested rights (160A-385.1).

The Village also must provide for building permitting and inspections by creating its own inspections department, contracting to creating a joint inspections department with another local government (via contract or interlocal agreement), designation an inspector from another local government as a village inspector (with the consent of the other government's body), contracting with a person who is not a county or city employee and holds certificates, or arranging for the County Commissioner's (via a formal resolution) to have County inspector(s) exercise permitting and inspection powers within the village (160A-411).

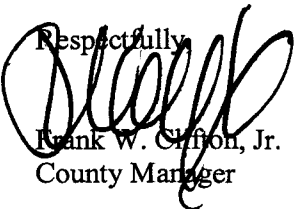
(CAMA requirements for plans apply to counties and municipalities to which the county has delegated its plan-making responsibility. Thus, the County CAMA plan would apply to the village unless and until the village arranges with the County to do its own plan and gets it approved by the CRC).

The Village will be required by FEMA to adopt floodplain regulations and maps immediately upon incorporation to retain eligibility for federal flood insurance. County maps and regulations could be adopted by the Village upon incorporation by reference.

In each case where a service is to be provided (under contract) by the County it would be assumed any agreement to do so would incorporate the county continuing to receive the fees assessed for those services. Any staff time in excess of normal service requirements for these services would be billed accordingly.

Again, any contracts for these services would be subject to the formal agreement approved by the Onslow County Board of Commissioners. Please call should you have any questions.

Respectfully


Frank W. Clifton, Jr.
County Manager

FWC:jsw

Attachment

cc: The Honorable Board of Commissioners
Ron vonLembke, County Attorney
Alvin Barrett, Deputy County Attorney/Finance Officer
Lori Brill, Assistant County Manager
Beth Purcell, Clerk to the Board
Steve Sizemore, Planning & Development Director

From: Eric Caraway [mailto:ericc@waste-ind.com]
Sent: Tuesday, July 31, 2007 11:12 AM
To: 'fishinnant@earthlink.net'
Subject: Waste removal Cost

This information is for The Proposed Village of Sneads Ferry which was requested by Lynn Hinnant

Waste Industries can provide one time a week collection with a cart with landfill paid by the contractor for a range of \$10.00 to \$15.00.

This information is not a bid, but only a guide to be used for the town budget minimum number homes served would be 500 with a max of 3500+.

Thank you the opportunity and please feel free to call me if you have any questions.

Eric Caraway
Waste Industries
910-455-0201

ENCL # 5



**Jones-Onslow
Electric Membership Corporation**


259 Western Boulevard
Jacksonville, N.C. 28546
Telephone: (910) 353-1940

November 9th, 2007

To The Proposed Village of Sneads Ferry Council:

The cost to install 10 or more 100 Watt SV street lights and maintain them will be nine dollars per month for each individual light.

Sincerely,



Ricky Maready

ENCL # 6

VILLAGE OF SNEADS FERRY

137 Crabshell Lane
Sneads Ferry, North Carolina 28460
910 327 3232

February 12, 2008

Ms: Gayle Moses (Bill Drafting)
North Carolina General Assembly
Suit 401, Legislative Office Building
300 N. Salisbury Street
Raleigh, N.C. 27603-5925

Re: Sneads Ferry / Specific Questions

Dear Ms. Moses:

Gayle, in response to your e-mail of 10 Dec.2007, the County Manager serves at the will and pleasure of the County Commissioners. Neither the County Commissioners, County Manager, Attorneys or Contractors can or will sign a contract of what might be, but Onslow County have indicated in two letters that The Village of Sneads Ferry (when incorporated) will be treated the same as other towns in the County.

To answer your Questions in order:

(1) **TAX RATE:** The tax rate for our Budget Proposal of 11/26/2007 is 10 cent per \$ 100.00 evaluation. If you post the numbers of our budget dated 11/26/2007 to Oliver's evaluation (financial comparison sheet "see enclosure #1). You will find the cost of some services have changed.

(2) **FIRE PROTECTION:** For the budget year of 2008 / 2009 will be in progress when the Village incorporates and will continue the remainder of the first year. Year two (2009 / 2010) the Village of Sneads Ferry will replace funding for the part of each Fire District in the Village.

(3) **ZONING:** The Onslow County Zoning Department will continue to operate as they do today. The Fees collected from individuals will pay for all individuals re-zoning request. The \$ 10,000.00 Budget (2009 / 2010) is for anything the Village Council may request for the Zoning, Planning, Inspection Board to research for the Village (not a individual). The County Manager, who serves at the will and pleasure of the County Commissioners stated to Ms. Everett and Bob Bryant, that in the past, the charges are based on number of people and time required to complete the research. At this time we have no items for the County to research. \$ 10,000.00 was budgeted to cover what ever may come up in the 2009 / 2010 budget year. The Village Council will not exceed this amount.

(4) **SOLID WASTE:** Residential Solid Waste will be paid with municipal funds. (No assessed fee). Each resident will be furnished a rollout cart with weekly service. The service is for each resident in the Village. No contractor can or will sign a contract with the Village until we are a Village.

(5) **STREET LIGHTS:** The cost is \$ 9.00 per Street Light multiply by 100 for the year 2009 / 2010 and multiply by 200 for year three. The placement of this lights will be selected by the Village Council, with input from Public Safety, DOT and Citizens of the Village.

(6) You are right. No services are budgeted for the first fiscal year. We will be in the first year when the voting takes place for incorporation. Second year is when the services will be put in place.

I hope this satisfies any Questions you may have. If I can be of any further assistance, please call or e-mail.

Thank you very much.

Interim Mayor



Scotty Jenkins Everett

Attachment: 1

#1 Financial Comparison of Municipalities

cc: The Honorable Representative Robert Grady
The Honorable Senator Harry Brown
The County Manager Frank W. Clifton, Jr.

Gayle Moses (Bill Drafting)

From: Robert Bryant [bbbyrant@embarqmail.com]
Sent: Tuesday, May 13, 2008 8:12 AM
To: Gayle Moses (Bill Drafting); Bass, Oliver
Cc: Rep. Robert Grady; Sen. Harry Brown; Bob Bryant; Angela Edens; Bryan Shepard; Carolyn Lankas; Don & Cathy Howell; Lynn Hinnant; Scotty Everett
Subject: Specific Questions
Attachments: BUDGET PROPOSAL 5-12-2008.rtf

Hi Gayle,
In response to your e-mail 19 April 2008.

1. Funding for "budget year" 2008 / 2009 ends 30 June 2009.
2. The Sheriff is the Sheriff for all of Onslow County "not just the unincorporated area", elected by all citizens of Onslow County and funded from Onslow County budget. Any agreement on extra coverage for The Village of Sneads Ferry would have to be contracted from The Village of Sneads Ferry and the Onslow County Commissioners. At this time this is not a service and no one can sign a agreement for what might be.
3. Solid Waste: We have adjusted our figures for household garbage to Oliver's numbers of 3010 dwellings at \$ 15.00 per month with a cart provided and pickup service once a week. Beginning the 1st day of the 3rd quarter of the second fiscal year. The 3rd fiscal year increases to 3,128 dwellings at \$ 15.00 a month with same services as above.

Note: Our budget proposal has been amended as of 5/12/08 (copy mailed).

Gayle, you ask for one contact for the incorporation effort. In your e-mails you keep referring to concerned citizens of what if may or may not happen. I am asked basically daily how we stand on incorporation and I pass the latest statues on.

Question: Would it help you if I pass your number to them, so they might pass their concerns along to you ?

Thank you - Bob

2006 ORTHOPHOTO



LAND USE	COUNT	ACREAGE TOTAL
WATER	4	17775
COMMERCIAL	294	2603.56
Dwellings	2489	1834.94
Other Buildings	392	699.75
Vacant	2463	7860.22
Right-of-Ways	0	527
Wetlands	642	4517

2000 CENSUS POPULATION - 4,450

2006 TAX VALUE - 1,060,274,735

TOTAL PARCEL COUNT 5,638

ACREAGE 16648.47 SQUARE MILES 26

Legend
 ■ PROPOSED BOUNDARY
 ▬ Contour Lines
 ■ RIGHT-OF-WAY
 ▬ PROPERTY LINES

PROPOSED SNEADS FERRY VILLAGE LIMITS



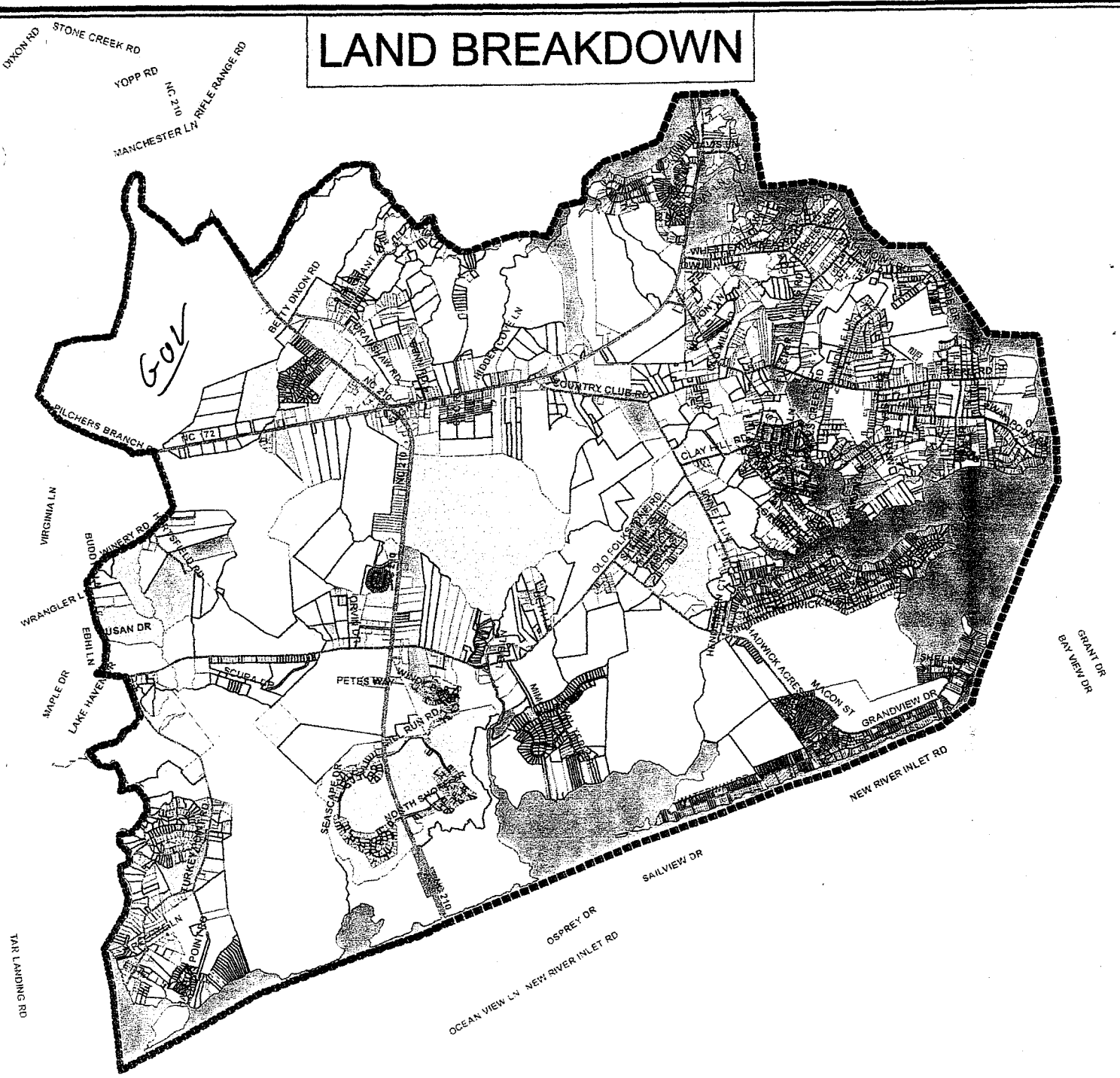
This map is intended for reference only.
 All dimensions are approximate.
 As per NCBE 132-10, this map is not to be
 used or otherwise used for commercial purposes.

MAP PRODUCED BY
 ONSLOW COUNTY GIS
 NOVEMBER 17, 2006

1 inch equals 4,974.325476 feet

Aerial taken March 2006

LAND BREAKDOWN



LAND USE	COUNT	ACREAGE TOTAL
WATER	4	17775
COMMERCIAL	294	2803.56
Dwellings	2489	1834.94
Other Buildings	392	699.75
Vacant	2463	7860.22
Right-of-Ways	0	527
Wetlands	642	4517

2000 CENSUS POPULATION - 4,450

2006 TAX VALUE - 1,060,274,735

TOTAL PARCEL COUNT 5,638

ACREAGE 16648.47 SQUARE MILES 26

- Legend**
- PROPOSED BOUNDARY
 - ▤ Contour
 - ▨ Right-of-Way
 - ▧ Parcel
- LAND BREAKDOWN**
- Water
 - Residential
 - Commercial
 - Dwelling
 - Industrial
 - Other Bldgs
 - Vacant
 - PROPERTY LINES

PROPOSED SNEADS FERRY VILLAGE LIMITS



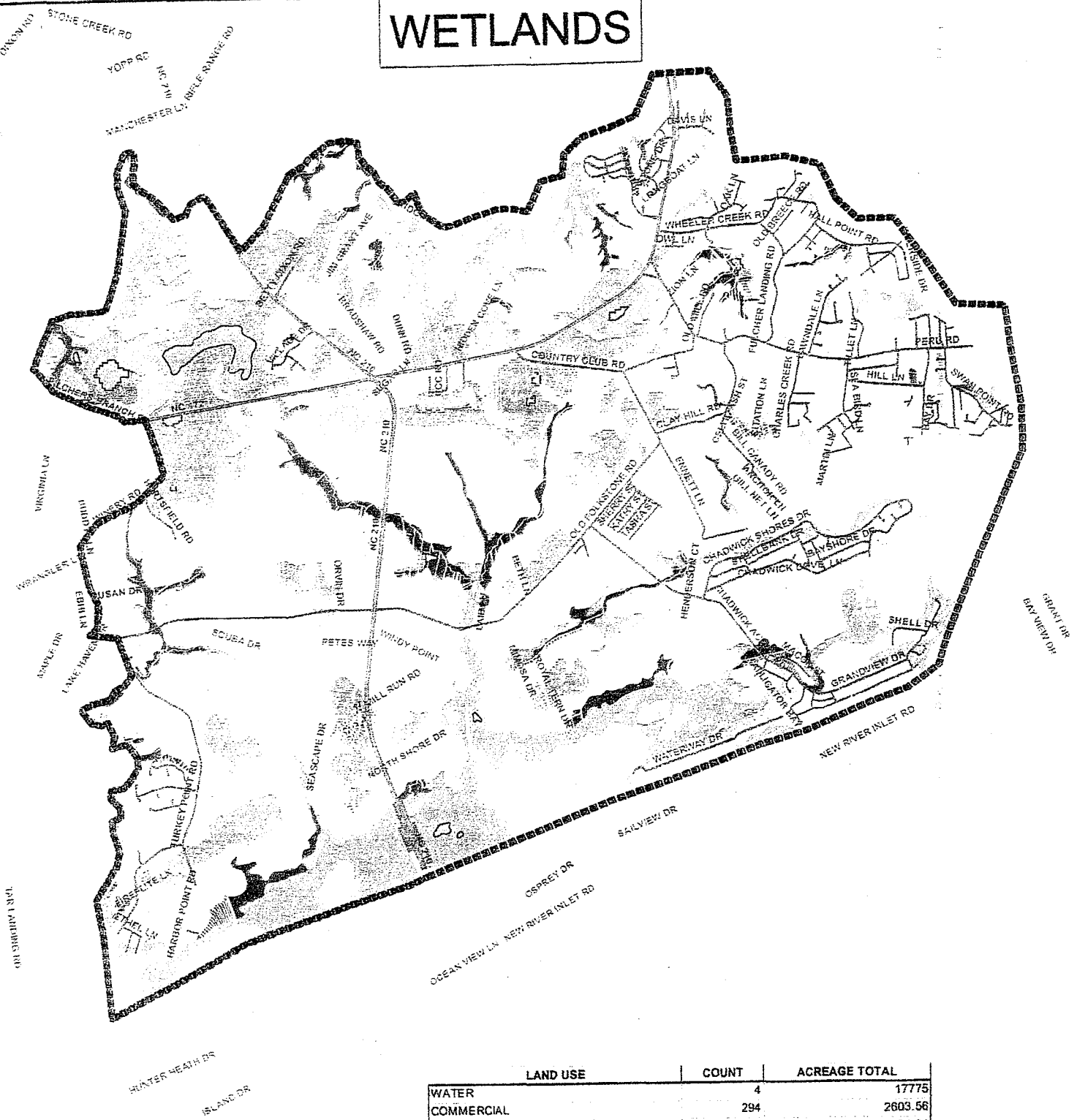
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MAP PRODUCED BY
ONSLOW COUNTY GIS
NOVEMBER 17, 2006

1 inch equals 4,974.325476 feet

Aerial taken March 2006

WETLANDS



LAND USE	COUNT	ACREAGE TOTAL
WATER	4	17775
COMMERCIAL	294	2603.56
Dwellings	2489	1834.94
Other Buildings	392	699.75
Vacant	2463	7860.22
Right-of-Ways	0	527
Wetlands	642	4517

2000 CENSUS POPULATION - 4,450
 2006 TAX VALUE - 1,060,274,735
 TOTAL PARCEL COUNT 5,638
 ACREAGE 16648.47 SQUARE MILES 26

- Legend**
- PROPOSED BOUNDARY
 - Wetland Types: Salt Marsh, Freshwater, Brackish Water, Est. BS, Prime Wet, Human Imp, Pasture, Edge Pine, PROPERTY LINES, Swamp, Wet For
 - ROAD-OF-WAY
 - Other symbols: 0, 5/8 Marsh

PROPOSED SNEADS FERRY VILLAGE LIMITS



This map is intended for reference only. All dimensions are approximate. As per NCOS 52-10, this map is not to be used for other purposes.

MAP PRODUCED BY OSISLOW COUNTY GIS NOVEMBER 17, 2006

1 inch equals 4,974.325476 feet

Aerial taken March 2006

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

D

SENATE DRS75082-LMx-30 (02/10)

Short Title: Incorporate Sneads Ferry.

(Local)

Sponsors: Senator Brown.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE VILLAGE OF SNEADS FERRY.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** A Charter for the Village of Sneads Ferry is enacted to read:

5 "CHARTER OF THE VILLAGE OF SNEADS FERRY.

6 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

7 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Village of
8 Sneads Ferry are a body corporate and politic under the name 'Village of Sneads Ferry.' The
9 Village of Sneads Ferry has all the powers, duties, rights, privileges, and immunities conferred
10 and imposed on cities by the general laws of North Carolina.

11 "ARTICLE II. CORPORATE BOUNDARIES.

12 "Section 2.1. **Village Boundaries.** Until modified in accordance with law, the boundaries
13 of the Village of Sneads Ferry are as follows:

14 BEGINNING at a point where the centerline of Turkey Creek intersects the centerline of the
15 Intracoastal Waterway right-of-way and being the same as shown on a plat recorded in Map
16 Book 10 Page 73 of the Onslow County Registry; thence along the centerline of Turkey Creek
17 in a general Northerly direction to the centerline of NCSR 1529 (commonly known as Turkey
18 Point Road – 60 foot right-of-way); and running thence along the centerline of Turkey Point
19 Road in a general Northwesterly direction where it intersects the centerline of NCSR 1518
20 (commonly known as Old Folkstone Road – 60 foot right-of-way); thence along the centerline
21 of NCSR 1518 in a general Westerly direction to the centerline of NCSR 1528 (commonly
22 known as Winery Road – 60 foot right-of-way); thence along the centerline of NCSR 1528 in a
23 generally Northerly direction to the centerline of N.C. Highway 172 (100 foot right-of-way);
24 thence along the centerline of N.C. Highway 172 in a general Westerly direction to the
25 centerline of a road (commonly know as Pilchers Branch Road) and recorded as Stone Creek
26 Road – Private and being described as a 60 foot ingress & egress easement as per Deed Book
27 947 Page 31 and referenced in Map Book 35 Page 81 & Map Book 43 Page 172 of the Onslow
28 County Registry; thence leaving N.C. Highway 172 and running along the most Western line of
29 the property shown in Map Book 43 Page 172 and the Eastern edge of Stone Creek Road in a
30 general Northwesterly direction to a point in the centerline of Indian Grave Branch; thence
31 along the centerline of said branch in a general Southeasterly direction to the centerline of N.C.
32 Highway 210 (100 foot right-of-way) as shown in Map Book 43 Page 172 of the Onslow
33 County Registry; thence along the centerline of N.C. Highway 210 as measured in a general
34 Southeasterly direction to the projected property line of the U.S. Marine Corps property as
35 shown in Map Book 41 Page 151 of the Onslow County Registry; thence leaving the centerline



1 of N.C. Highway 210 and running along the Southeastern line of the U.S. Marine Corps
2 property as shown in Map Book 45 Page 151 of the Onslow County Registry in a general
3 Northeasterly direction to the run of Everett Creek; thence along the centerline of the run of
4 Everett Creek as measured in a Southeasterly and Northeasterly direction to the centerline of
5 the run of New River; thence along the centerline of the run of New River as measured in a
6 general Southeasterly direction to the centerline of the Intracoastal Waterway; thence along the
7 centerline of the Intracoastal Waterway as measured in a general Southwestern direction to the
8 point and place of beginning.

9 "ARTICLE III. GOVERNING BODY.

10 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing body
11 of the Village of Sneads Ferry is the Mayor and the Village Council, which shall have six
12 members.

13 "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial
14 election in 2011 provided for by Section 4.1 of this Charter, Scotty J. Everett is appointed
15 Mayor and Robert D. Bryant, Angela B. Edens, Jerry L. Hinnant, Jr., Donald H. Howell,
16 Carolyn P. Lankas, and Brian K. Shepard are appointed council members of the Village of
17 Sneads Ferry, and they shall possess and exercise the powers granted to the Mayor and
18 governing body until their successors are elected or appointed and qualified pursuant to this
19 Charter. Robert D. Bryan shall serve as Interim Mayor Pro Tempore. If any person named in
20 this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint
21 a person to serve until the initial election is held in 2011.

22 "Section 3.3. **Manner of Electing Village Council; Term of Office.** The qualified voters
23 of the entire Village shall elect the members of the Village Council and, except as provided in
24 this section, they shall serve four-year terms. In 2011, the three candidates receiving the highest
25 numbers of votes shall be elected to four-year terms and the three candidates receiving the next
26 highest numbers of votes shall be elected to two-year terms. In 2013 and quadrennially
27 thereafter, three members shall be elected to four-year terms. In 2015 and quadrennially
28 thereafter, three members shall be elected to four-year terms. To be eligible for election to the
29 Village Council, an individual must reside in the Village of Sneads Ferry. Vacancies on the
30 Village Council shall be filled in accordance with G.S. 160A-63.

31 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified voters of
32 the entire Village shall elect the Mayor. In 2011 and quadrennially thereafter, the Mayor shall
33 be elected for a term of four years. The Mayor shall attend and preside over meetings of the
34 Village Council, shall advise the Village Council from time to time as to matters involving the
35 Village of Sneads Ferry, and shall have the right to vote as a member of the Village Council on
36 all matters before the Council but shall have no right to break a tie vote in which the Mayor has
37 participated. In the case of a vacancy in the office of Mayor, the remaining members of the
38 Village Council shall choose from their own number a successor for the unexpired term.

39 "Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.** The
40 Mayor Pro Tempore shall be elected from among the members of the Village Council at the
41 organizational meeting after the initial election in 2011 and shall serve for a term of two years.
42 The Mayor Pro Tempore shall act in the absence or disability of the Mayor. If the Mayor and
43 Mayor Pro Tempore are both absent from a meeting of the Village Council, the members of the
44 Village Council present may elect a temporary chair to preside in the absence. The Mayor Pro
45 Tempore shall have the right to vote on all matters before the Village Council and shall be
46 considered a member of the Village Council for all purposes.

47 "Section 3.6. **Compensation of Mayor and Village Council.** The Mayor and members of
48 the Village Council shall be reimbursed for ordinary and necessary expenses and may receive
49 salary and honoraria only upon a majority vote of the qualified voters of the Village who vote
50 on the question in a special referendum.

51 "ARTICLE IV. ELECTIONS.

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

3 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter
4 163 of the General Statutes, with the first regular municipal election to be held in 2011.

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

7 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

8 "Section 5.1. **Form of Government.** The Village shall operate under the Mayor-Council
9 form of government as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

10 "Section 5.2. **Village Attorney.** The Village Council shall appoint a Village Attorney
11 licensed to practice law in North Carolina. It shall be the duty of the Village Attorney to
12 represent the Village, advise Village officials, and perform other duties as required by law or as
13 directed by the Village Council. The Village Attorney shall serve at the pleasure of the Village
14 Council.

15 "Section 5.3. **Village Clerk.** The Village Council shall appoint a Village Clerk who shall
16 perform duties as required by law or as directed by the Village Council. The Village Clerk shall
17 serve at the pleasure of the Village Council.

18 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

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

23 "Section 6.2. **Commencement of Tax Collection.** From and after July 1, 2010, the citizens
24 and property in the Village of Sneads Ferry shall be subject to municipal taxes levied for the
25 year beginning July 1, 2010, and for that purpose the Village shall obtain from Onslow County
26 a record of property in the area herein incorporated which was listed for property taxes as of
27 January 1, 2010.

28 "Section 6.3. **Budget.** The Village may adopt a budget ordinance for fiscal year 2010-2011
29 without following the timetable in the Local Government Budget and Fiscal Control Act but
30 shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year
31 2010-2011, ad valorem taxes may be paid at par or face amount within 90 days of adoption of
32 the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360 as if the
33 taxes had been due and payable on September 1, 2010. If, in the referendum authorized in
34 Sections 2 through 4 of this act, a majority of the votes are cast "For the Incorporation of the
35 Village of Sneads Ferry," the Village may adopt a budget ordinance for fiscal year 2009-2010
36 without following the timetable in the Local Government Budget and Fiscal Control Act, but
37 shall follow the sequence of actions in the spirit of the act insofar as practical. No ad valorem
38 taxes may be levied for the 2009-2010 fiscal year.

39 "Section 6.4. **Ad Valorem Taxes.** The ad valorem tax rate for the Village shall be
40 \$0.10/\$100.00 valuation until June 30, 2012. After June 30, 2012, the Village Council shall not
41 increase the ad valorem tax rate more than \$0.10/\$100.00 valuation above the ad valorem tax
42 rate initially established after incorporation of the Village of Sneads Ferry without the vote or
43 consent of a majority of the qualified voters of the Village of Sneads Ferry. The procedures of
44 G.S. 160A-209 shall be followed for any such election.

45 "ARTICLE VII. ORDINANCES.

46 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Village of
47 Sneads Ferry is authorized to adopt such ordinances as the Village Council deems necessary for
48 the governance of the Village."

49 **SECTION 2.** The Onslow County Board of Elections shall conduct an election on
50 May 4, 2010, for the purpose of submission to the qualified voters for the area described in
51 Section 2.1 of the Charter of the Village of Sneads Ferry the question of whether or not the area

1 shall be incorporated as the Village of Sneads Ferry. Registration for the election shall be
2 conducted in accordance with G.S. 163-288.2. The referendum shall be held only if the
3 referendum and the Charter have been approved under section 5 of the Voting Rights Act of
4 1965. If by March 1, 2010, the conduct of the election and the Charter have not been approved,
5 then the election shall be held on a date set by the Onslow County Board of Elections no later
6 than 120 days after both have been approved.

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

8 "[]FOR []AGAINST

9 Incorporation of the Village of Sneads Ferry."

10 **SECTION 4.** In the election, if a majority of the votes are cast "For the
11 Incorporation of the Village of Sneads Ferry," Section 1 of this act shall become effective on
12 the date that the Onslow County Board of Elections certifies the results of the election.
13 Otherwise, Section 1 of this act shall have no force and effect.

14 **SECTION 5.** Until Section 1 of this act becomes effective and a Village Attorney
15 is appointed, the members of the Sneads Ferry Incorporation Committee, being Robert D.
16 Bryant, Angela B. Edens, Scotty J. Everett, Jerry L. Hinnant, Jr., Donald H. Howell, Carolyn P.
17 Lankas, and Brian K. Shepard shall be responsible for submitting any information required by
18 G.S. 120-30.9F to the Attorney General of the United States. The committee shall
19 simultaneously submit both the issue of the incorporation referendum and the Charter itself.

20 **SECTION 6.** This act is effective when it becomes law.

RATIONALE AND OBJECTIVES

Sneads Ferry as a community goes back to the early 1700's. Settlers moved here primarily from Maryland, Virginia, and northeastern North Carolina seeking land to live on and farm. Its location between Wilmington in the South and Beaufort in the north provided a quiet place where these settlers could farm and raise families.

These settlers were primarily farmers, but they brought with them a wide variety of skills that helped them survive in a new wilderness. This spirit of hard work and independence served them well. There was no room for idleness if you wanted to survive. Once here, the settlers found ample resources to supplement farming. The area was rich in timber, seafood of all kinds, and plenty of wild game.

Throughout the 1700 and 1800's, this location experienced a lot of travel through traffic as the north-south corridor brought in new people, new ideas, and trade.

The Civil War brought stress and hardship to these settlers as families struggled with many of the men away at war. An abundance of fish and oysters were very important to these people and shaped their everyday way of life.

World War II saw continued growth with Camp Davis and Camp Lejeune coming to the area. Many of the families displaced from the base came and resettled in the Sneads Ferry area. These bases brought many jobs to the area and gave families a new source of income. The seafood industry as we know it now expanded and grew into an important source of income during 1950 and 1960's. During this time there were many more shrimp boats and party boats than today. Farmers from all the surrounding areas flocked here to buy fish, shrimp and oysters.

The growth of Camp Lejeune, better roads, retirees, and tourism has caused the area to explode with new activity. For local residents, living here all their lives, this is both a blessing and a curse. They still long for the Sneads Ferry gone by, but know that change is here. Hopefully, ways can be found to blend the old and the new so that Sneads Ferry can maintain its unique nature.

Sneads Ferry, like many other coastal communities in North Carolina, is experiencing rapid growth in residential and commercial development. Incorporation is imperative for the local citizens to be engaged with the future changes this growth will bring to our community. Water access and dockage for our residents and our future generations must be secured before the current development trend erases all opportunity to do so. Preserving the fishing village heritage and character of Sneads Ferry while realizing the inevitable increase in population to our coastal community will be a challenge only local residents can fulfill.

Other key benefits to incorporation of the Village of Sneads Ferry include:

- **Creating the official municipality for citizen's input and participation that will guide and direct the future of Sneads Ferry.**
- **Maintaining the unique identity of Sneads Ferry as surrounding towns grow and expand.**
- **Creating the official municipality to participate in revenue sharing for the enhancement of local services and infrastructure.**
- **Representation on a variety of organizations at the county, state and federal level to articulate the unique needs of Sneads Ferry.**
- **Preserve the water quality, commercial and recreational interest of the Village.**
- **Developing a structured emergency response system for residents that will enhance public safety and disaster recovery.**



November 13, 2006

Onslow County Board Of Commissioners
118 Old Bridge Street
Jacksonville, NC
28563

To Whom It May Concern:

Subject: Notification of Intent to Incorporate the Village of Sneads Ferry

Per the requirements of North Carolina General Statute 120-164, this notice is to inform you of the intent to submit an application to incorporate the Village of Sneads Ferry, North Carolina. An application will be sent to the Joint Legislative Commission on Municipal Incorporations in Raleigh, North Carolina on or before November 24th, 2006.

Any inquiries or comments can be directed to the sender at the above address.

Respectfully,

For the Sneads Ferry Interim Council



November 13, 2006

City of Jacksonville
PO BOX 128
Jacksonville, NC
28541

Attention : City Manager

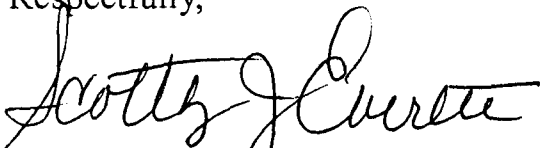
To Whom It May Concern:

Subject: Notification of Intent to Incorporate the Village of Sneads Ferry

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Any inquiries or comments can be directed to the sender at the above address.

Respectfully,


For the Sneads Ferry Interim Council



November 13, 2006

Town of Richlands
PO BOX 245
Richlands, NC
28574

Attention: Town Manager

To Whom It May Concern:

Subject: Notification of Intent to Incorporate the Village of Sneads Ferry

Per the requirements of North Carolina General Statute 120-164, this notice is to inform you of the intent to submit an application to incorporate the Village of Sneads Ferry, North Carolina. An application will be sent to the Joint Legislative Commission on Municipal Incorporations in Raleigh, North Carolina on or before November 24th, 2006.

Any inquiries or comments can be directed to the sender at the above address.

Respectfully,

For the Sneads Ferry Interim Council



November 13, 2006

Town of Holly Ridge
201 South Jenkins Street
Holly Ridge, NC
28445-6927

Attention: Town Manager

To Whom It May Concern:

Subject: Notification of Intent to Incorporate the Village of Sneads Ferry

Per the requirements of North Carolina General Statute 120-164, this notice is to inform you of the intent to submit an application to incorporate the Village of Sneads Ferry, North Carolina. An application will be sent to the Joint Legislative Commission on Municipal Incorporations in Raleigh, North Carolina on or before November 24th, 2006.

Any inquiries or comments can be directed to the sender at the above address.

Respectfully,

For the Sneads Ferry Interim Council



November 13, 2006

Town of Surf City
214 N. New River Drive
POBOX 2475
Surf City, NC
28445-9821

Attention: Town Manager

To Whom It May Concern:

Subject: Notification of Intent to Incorporate the Village of Sneads Ferry

Per the requirements of North Carolina General Statute 120-164, this notice is to inform you of the intent to submit an application to incorporate the Village of Sneads Ferry, North Carolina. An application will be sent to the Joint Legislative Commission on Municipal Incorporations in Raleigh, North Carolina on or before November 24th, 2006.

Any inquiries or comments can be directed to the sender at the above address.

Respectfully,

For the Sneads Ferry Interim Council



November 13, 2006

Town of Swansboro
502 Church Street
Swansboro, NC
28584

Attention : Town Manager

To Whom It May Concern:

Subject: Notification of Intent to Incorporate the Village of Sneads Ferry

Per the requirements of North Carolina General Statute 120-164, this notice is to inform you of the intent to submit an application to incorporate the Village of Sneads Ferry, North Carolina. An application will be sent to the Joint Legislative Commission on Municipal Incorporations in Raleigh, North Carolina on or before November 24th, 2006.

Any inquiries or comments can be directed to the sender at the above address.

Respectfully,

For the Sneads Ferry Interim Council



November 13, 2006

Town of North Topsail Beach
2008 Loggerhead Court
North Topsail Beach, NC
28460

Attention: Town Manager

To Whom It May Concern:

Subject: Notification of Intent to Incorporate the Village of Sneads Ferry

Per the requirements of North Carolina General Statute 120-164, this notice is to inform you of the intent to submit an application to incorporate the Village of Sneads Ferry, North Carolina. An application will be sent to the Joint Legislative Commission on Municipal Incorporations in Raleigh, North Carolina on or before November 24th, 2006.

Any inquiries or comments can be directed to the sender at the above address.

Respectfully,

For the Sneads Ferry Interim Council



November 13, 2006

Marine Corps Base
PSC Box 20004
Camp Lejeune, NC
28542

Attention: Colonel AE Hodges

To Whom It May Concern:

Subject: Notification of Intent to Incorporate the Village of Sneads Ferry

Per the requirements of North Carolina General Statute 120-164, this notice is to inform you of the intent to submit an application to incorporate the Village of Sneads Ferry, North Carolina. An application will be sent to the Joint Legislative Commission on Municipal Incorporations in Raleigh, North Carolina on or before November 24th, 2006.

Any inquiries or comments can be directed to the sender at the above address.

Respectfully,

For the Sneads Ferry Interim Council



November 13, 2006

Marine Corps Base Installations East
PSC Box 20005
Camp Lejune, NC
28542

Attention: Colonel RM Reed

To Whom It May Concern:

Subject: Notification of Intent to Incorporate the Village of Sneads Ferry

Per the requirements of North Carolina General Statute 120-164, this notice is to inform you of the intent to submit an application to incorporate the Village of Sneads Ferry, North Carolina. An application will be sent to the Joint Legislative Commission on Municipal Incorporations in Raleigh, North Carolina on or before November 24th, 2006.

Any inquiries or comments can be directed to the sender at the above address.

Respectfully,

For the Sneads Ferry Interim Council

**Affidavit of Publication
Jacksonville Daily News
Jacksonville, NC**

Personally appeared before me, a Notary Public of the County of Onslow, State of North Carolina, on this the 12th day of November, 2006

Sharon S. Williams

of The Daily News, who being duly sworn, states that the advertisement entitled **INCORPORATION OF THE VILLAGE OF SNEADS FERRY** a true copy of which is printed herewith, appeared in The Daily News, a newspaper published in the City of Jacksonville, NC, County of Onslow, State of North Carolina, 1 day a week for 2 weeks on the following dates:

November 2, 2006
November 12, 2006

NORTH CAROLINA
ONSLOW COUNTY

NOTICE OF INTENT:

Per the requirements of North Carolina General Statute 120-164, the Sneads Ferry Interim Council hereby gives public notice and declares its intent to submit an application for the incorporation of the Village of Sneads Ferry, North Carolina. The application will be submitted to the Joint legislative Commission on Municipal Incorporations in Raleigh, North Carolina on November 24th, 2006. Inquires and questions can be directed to SFIC@att.net or sent to: Sneads Ferry Interim Council, 137 Crab Shell Lane, Sneads Ferry, North Carolina, 28460.

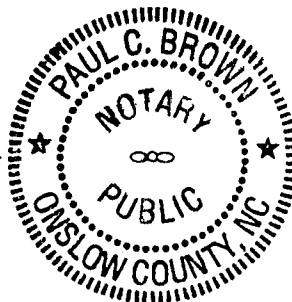
November 2, 12, 2006

Subscribed and sworn to this 12th day of November, 2006

x *Paul C. Brown*

Notary Public

My Commission Expires:
July 11, 2007



Freedom ENC Communications

Jacksonville Daily New
724 Bell Fork Road
Jacksonville, NC 28546
910-353-1171

Mailing Address:
P.O. Box 196
Jacksonville, NC 28541

Customer Receipt

Payment Date: 10/30/2006
Time: 2:26:39 PM

Payment For:	CLSTRANS	Check # or Ref #:	CASH
Description:	15153189	Payment Amount:	\$92.47
Customer Name:	SNEADS FERRY I	Amount Tendered:	\$92.47
Customer ID/Acct#	31106177	Change Due:	\$0.00
Ad Order #:			

Thank you for your patronage!

THE DAILY NEWS,
THURSDAY,
NOVEMBER 2, 2006 **3C**
15-Legal Notices

NOTICE OF INTENT:

Per the requirements of North Carolina General Statute 120-164, the Sneads Ferry Interim Council hereby gives public notice and declares its intent to submit an application for the incorporation of the Village of Sneads Ferry, North Carolina. The application will be submitted to the Joint legislative Commission on Municipal Incorporations in Raleigh, North Carolina on November 24th, 2006. Inquires and questions can be directed to SFIC@att.net or sent to: Sneads Ferry Interim Council, 137 Crab Shell Lane, Sneads Ferry, North Carolina, 28460.

November 2, 12, 2006

8B THE DAILY NEWS,
SUNDAY,
NOVEMBER 12, 2006
15-Legal Notices

NOTICE OF INTENT:

Per the requirements of North Carolina General Statute 120-164, the Sneads Ferry Interim Council hereby gives public notice and declares its intent to submit an application for the incorporation of the Village of Sneads Ferry, North Carolina. The application will be submitted to the Joint legislative Commission on Municipal Incorporations in Raleigh, North Carolina on November 24th, 2006. Inquires and questions can be directed to SFIC@att.net or sent to: Sneads Ferry Interim Council, 137 Crab Shell Lane, Sneads Ferry, North Carolina, 28460.

November 2, 12, 2006

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Main Office: 910-353-1171



The Daily News online:
jdnews.com



CLASSIFIED

BOARD OF ELECTIONS

James Yantorn
Chairman
Gale Earley
Secretary
Landa Bethea

**ONSLow COUNTY
NORTH CAROLINA**

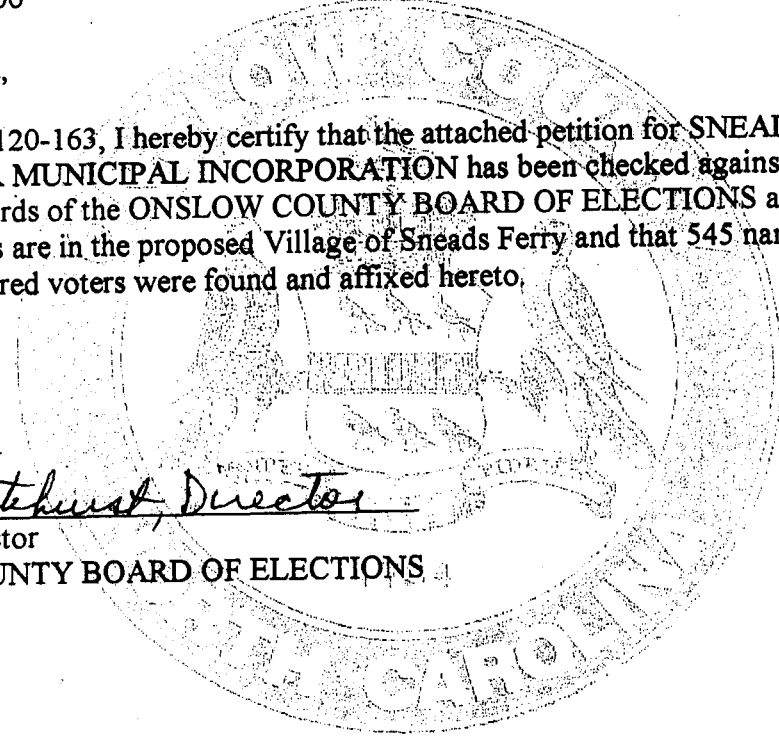
www.co.onslow.nc.us

Robert Bryant
137 Crabshell Lane
Sneads Ferry, NC 28460

December 5, 2006

Dear Mr. Bryant,

Pursuant to GS 120-163, I hereby certify that the attached petition for SNEADS FERRY PETITION FOR MUNICIPAL INCORPORATION has been checked against the registration records of the ONSLOW COUNTY BOARD OF ELECTIONS and that 2803 registered voters are in the proposed Village of Sneads Ferry and that 545 names of qualified registered voters were found and affixed hereto.

The seal of Onslow County, North Carolina, is a circular emblem. It features a central shield with a plow and a sheaf of wheat, symbolizing agriculture. Above the shield is a banner with the text "ONSLow COUNTY". The outer ring of the seal contains the text "ONSLow COUNTY" at the top and "NORTH CAROLINA" at the bottom.
Rose Whitehurst, Director
Chairman/Director
ONSLow COUNTY BOARD OF ELECTIONS

**Assessment of Petition
by
Village of Sneads Ferry
(Onslow 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 Village of Sneads Ferry 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 Village of Sneads Ferry has submitted a petition with the required signatures (19.2% of registered voters).

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 Onslow County Board of Elections has verified the Village of Sneads Ferry 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 Village of Sneads Ferry does include a proposed name.
- A map of the city. The petition of the Village of Sneads Ferry does include a map.
- A list of proposed services to be provided by the proposed municipality. The petition of the Village of Sneads Ferry does include a list of proposed services.
- The names of three persons to serve as interim governing board. The petition of the Village of Sneads Ferry includes the names of three persons to serve as an interim council.
- A proposed charter. The petition of the Village of Sneads Ferry does include a proposed charter.
- A statement of the estimated population and population density. The petition of the Village of Sneads Ferry does include a statement of the estimated population and population density.
- Assessed valuation. The petition of the Village of Sneads Ferry does include an estimate of assessed valuation.
- Degree of development. The petition of the Village of Sneads Ferry does include degree of development.

- Recommendations as to form of government and manner of election. The petition of the Village of Sneads Ferry 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 Village of Sneads Ferry does not 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 did include copies of the notification letters to Onslow County, all municipalities within Onslow 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, “[t]he 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 Jacksonville (NC) Daily News for two successive weeks beginning November 2. An Affidavit of Publication were included in the petition.

**Assessment of Petition
by
Village of Sneads Ferry
(Onslow County)
for
Incorporation**

Relative to NC G.S. 120-166.

North Carolina Department of Commerce

Division of Community Assistance

Division of Community Assistance staff has reviewed the petition for incorporation from Sneads Ferry as it relates to NC G.S. 120-166. That section of the General Statute refers to the nearness of the proposed new 'Village of Sneads Ferry' 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 (2000), 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.

Critical Distance	Population of Neighboring Municipality
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 municipalities of Holly Ridge (pop. 831) and North Topsail Beach (pop. 843) are within a distance of 1 mile of the proposed boundary but do not meet the population threshold. The municipality of Surf City (pop. 1393) is within 4 miles of the proposed boundary but does not meet the population threshold. No other municipalities are within the distance thresholds set in the statute. 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 Village of Sneads Ferry, in accordance with NC G.S. 120-166.

Information sources: The foregoing assessment was based on information contained in the petition, and GIS data provided by the Onslow County GIS Department. 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 on December 6, 2006 from the NC Office of State Budget and Management, State Demographics web site (<http://demog.state.nc.us/>).

Note: 1

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

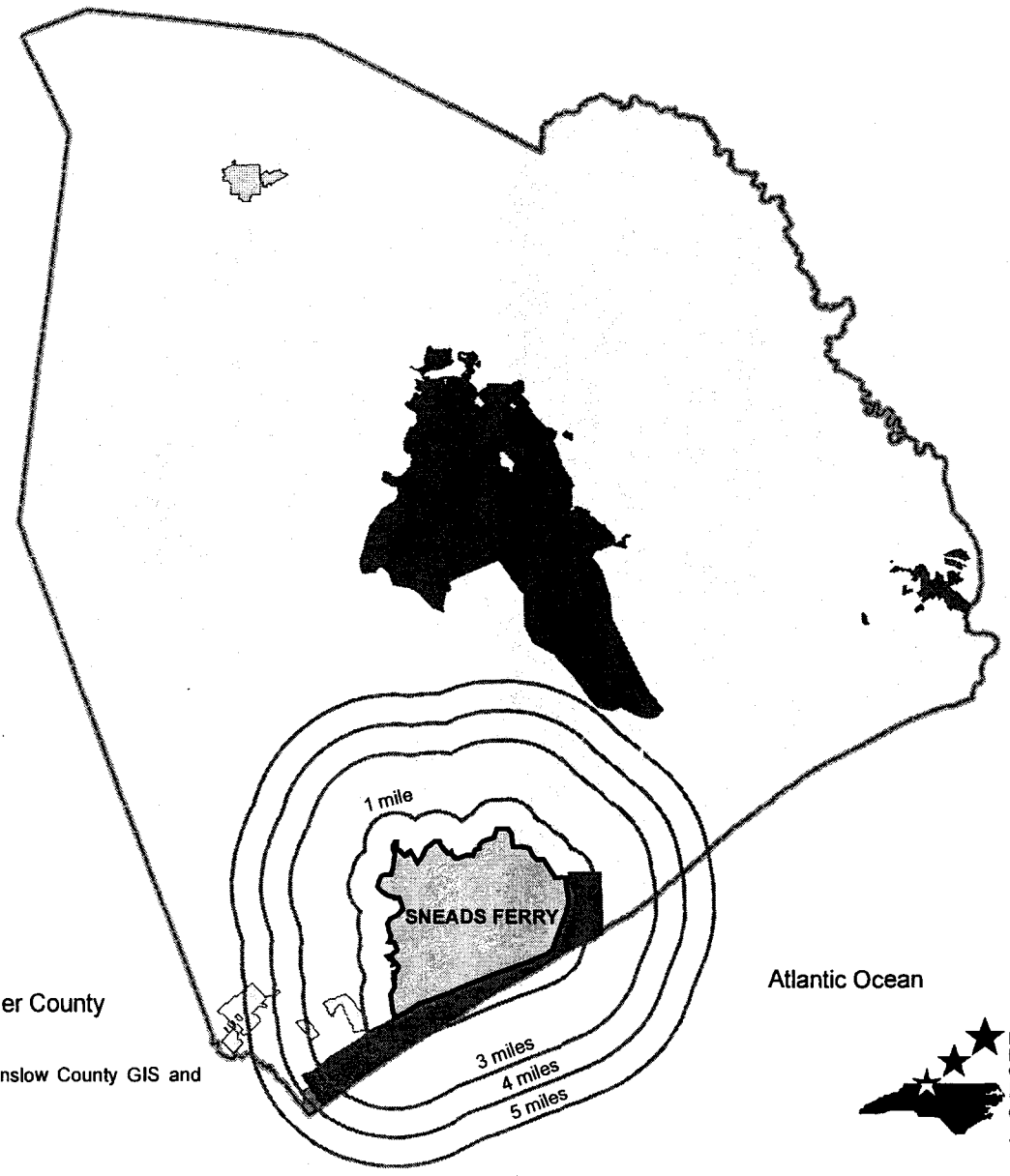
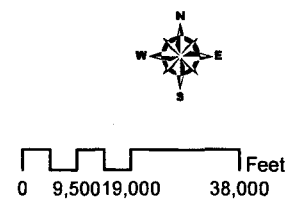
(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality 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.)

Sneads Ferry Nearness to Another Municipality

- Legend**
- Sneads Ferry
 - Onslow County
 - Distance from Sneads Ferry
- Municipalities**
- HOLLY RIDGE
 - JACKSONVILLE
 - NORTH TOPSAIL BEACH
 - RICHLANDS
 - SURF CITY
 - SWANSBORO



Boundary information based on data obtained from Onslow County GIS and with the petition for incorporation.

Map prepared December 6, 2006



**Assessment of Petition
By
Village of Sneads Ferry
(Onslow 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
Revised Report – July 19, 2007 (findings as to services)**

Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Village of Sneads Ferry 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 (permanent and seasonal) of at least 250 persons per square mile. The Onslow County Board of Elections determined there are 2803 registered voters living in the proposed Village of Sneads Ferry, exceeding the required minimum permanent population.

The Division of Community Assistance performed a land use survey of the subject area, identifying 3010 dwelling units.

The 2000 US Census for Onslow County estimates an average of 2.72 persons per household and a nonseasonal vacancy rate of 6.0 percent. The petitioners stated there are 454 temporary lodging units (RV spaces and hotel rooms) in the proposed boundary, which would house 908 persons assuming a peak occupancy rate of 2 persons per unit. This suggests that at least 8604 are likely to reside in a total land area of 26.0 square miles during peak season. DCA has calculated Sneads Ferry total population density at 330.92 persons/sq mile (seasonal) assuming census data for Onslow County. It appears that NC G.S. 120-167 when applying the 2000 Census household size and nonseasonal vacancy rates for Onslow County.

The 2000 US Census Bureau for Stump Sound Township (which encompasses Sneads Ferry) estimates an average of 2.46 persons per household for Stump Sound Township in Onslow County and a nonseasonal housing vacancy rate of 13.0 percent. The petitioners stated there are 454 temporary lodging units (RV spaces and hotel rooms) in the proposed boundary, which would house 908 persons assuming a peak occupancy rate of 2 persons per unit. This suggests that at least 7350 persons are likely to reside in a total land area of 26.0 square miles during peak season. DCA has calculated Snead Ferry's total population density at 282 persons per square mile (seasonal). It appears that NC G.S. 120-167 when applying the 2000 Census household size and nonseasonal vacancy rates for Stump Sound Township.

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 a land use survey combined with 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 41.46 percent of the subject area, as presently proposed, is developed (see Table 1 and Map A). It appears that NC G.S. 120-168 is satisfied.

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

Land Use	Acres
Commercial	472.363
Industrial	16.811
Institutional/Governmental/Utilities	1,459.76
Residential	1,788.55
Open Space/Wetlands	2,194.071
Undeveloped	8,376.07
Total acreage	14,307.624
Total Developed Acreage	5,931.559
% Developed	41.46

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 Village of Sneads Ferry with the most recently updated Onslow 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 Village of Sneads has submitted a sufficient plan for providing four

out of eight of the above services. Sneads Ferry intends to provide fire protection, solid waste collection, street lighting, and zoning. Fire protection will be provided through an agreement with the Sneads Ferry and Turkey Creek Volunteer Fire Departments. Solid waste collection will be provided by contracting with a private service provider. Zoning will be provided through an agreement with Onslow County until the Village is able to hire employees to perform the service. Street lighting will be provided by the Village. Police protection will be provided through a contract with Onslow County Sheriff's Department but only after the proposed Village receives additional revenue other than property tax, and therefore police protection does not qualify as a service for purposes of incorporation. 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. Sneads Ferry has proposed a \$0.05/\$100 property tax rate with an estimated property tax revenue of \$300,000, according to the Village's proposed budget (DCA has estimated a property tax revenue of \$530,000, assuming 100% collection on an estimated \$1,060,000,000 assessed value). The petition from Sneads Ferry does not include letters or other documents from the entities with whom the proposed Village intends to contract stating the estimated cost of the proposed services. Therefore, DCA is unable to determine whether the revenues generated from the proposed \$0.05/\$100 tax rate will be sufficient to provide the proposed services.

The attached table provides data on municipalities incorporated since 2000 that compare their tax rate with the tax rate proposed by Sneads Ferry. However, to give some indication of a comparison of Sneads Ferry's tax rate and that assessed by other similar municipalities, DCA compared Sneads Ferry with the North Carolina Department of Treasurer 2006 Municipal Financial Profiles for municipal populations between 2,500 and 9,999 persons. Sneads Ferry has proposed a \$0.05/\$100 property tax rate, which would generate an estimated property tax revenue of \$530,000 (assuming 100% collection) based on an estimated \$1,060,000,000 assessed value. In comparison, the North Carolina Department of Treasurer indicates in its report an average property tax rate of \$0.299/\$100 assessment and average property tax revenue of \$1,520,336. For the proposed Village of Sneads Ferry to generate similar revenues, it would need to levy a property tax rate of \$0.143/\$100 assessment (assuming a total assessment of \$1,060,000,000).

DCA requires additional information from the petitioners as to the cost of the services it intends to provide before it can determine whether Sneads Ferry can provide the four services proposed in its petition at a reasonable tax rate. It appears that NC G.S. 120-170 is not satisfied.

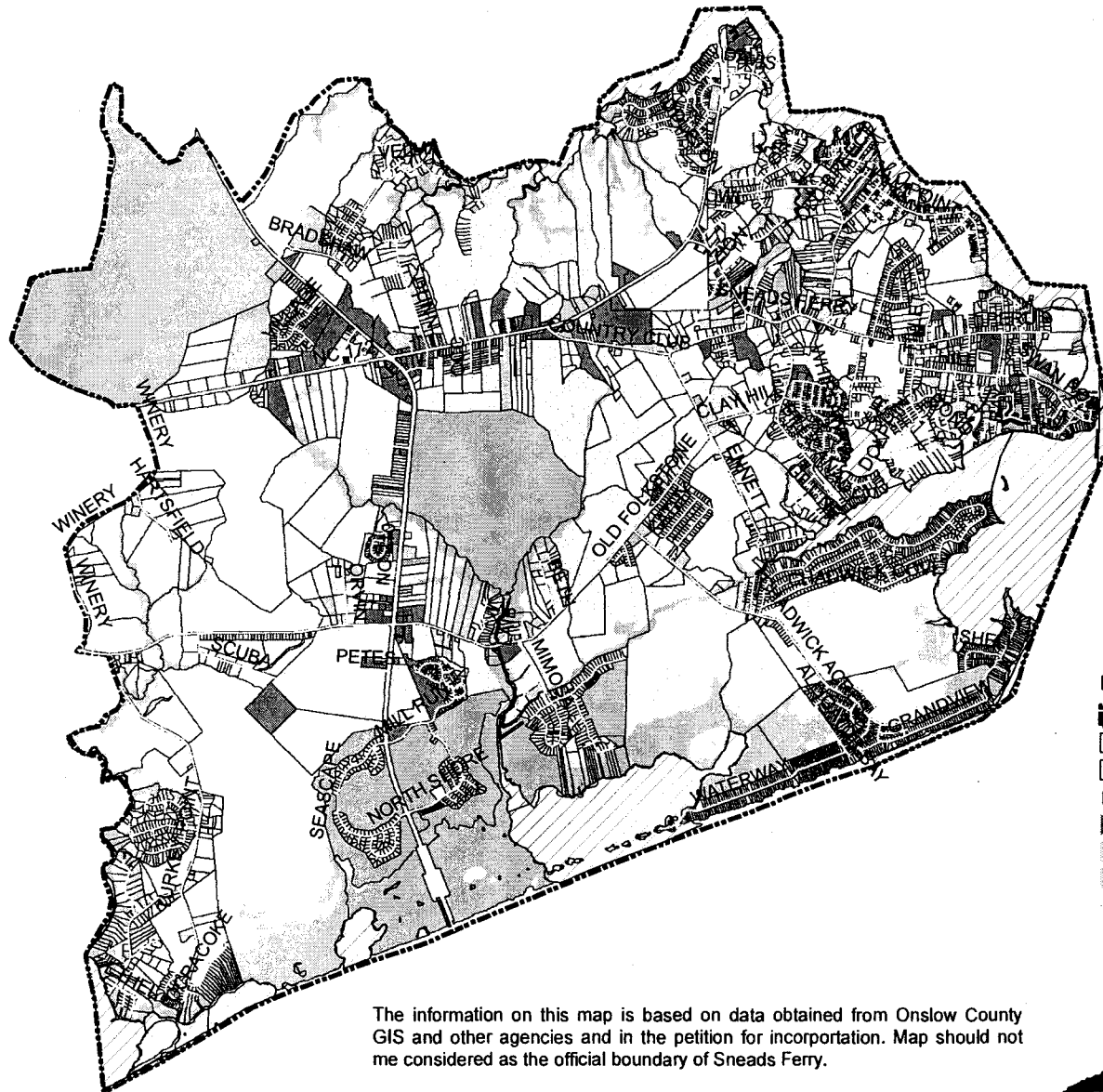
Conclusion

It appears that the proposed Village of Sneads Ferry satisfies the North Carolina General Statutes 120-167 through 120-170, except G.S. 120-170 (finding as to services). **Therefore, the Commission is precluded from making a positive recommendation on the incorporation of the proposed Village of Sneads Ferry.**

Information sources:

Petition for Incorporation of the Village of Sneads Ferry
2000 US Census (referenced 05/07), <http://www.census.gov/>
Onslow County GIS Department, Parcel Data and Assessment Data
North Carolina Office of State Treasurer (referenced 04/07)
http://www.treasurer.state.nc.us/lgc/units/D_NC.htm

Sneads Ferry Incorporation, Phase II Study



The information on this map is based on data obtained from Onslow County GIS and other agencies and in the petition for incorporation. Map should not be considered as the official boundary of Sneads Ferry.

Map prepared May 2, 2007



Financial Comparison of Municipalities Incorporated from 2000 to 2005 (FYE 2005)										
Municipality	Sneads Ferry (1)	Ossipee	Midland	Duck	Mills River	Misenheimer	Fed Cross	Wallburg	Midway	Fairview
County	Onslow	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)	5,799	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
2005 Revenues (3)								No data available		
Ad valorem	\$ 300,000	\$ 9,085	\$ 331,911	\$ 1,522,929	\$ 414,986	\$ 21,873	\$ 66,890	\$ 84,366	\$ -	\$ -
Local Sales Tax	\$ 594,000	\$ 75,801	\$ 103,485	\$ 645,799	\$ 1,360,672	\$ 111,880	\$ 118,498	\$ 301,252	\$ -	\$ -
Solid Waste fees	\$ 490,000	\$ 11,840	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Utility Franchise	\$ 160,000	\$ 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	\$ 5,000	\$ 2,062	\$ -	\$ 2,253	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ 1,787	\$ 39,412	\$ 1,576,837	\$ 63,505	\$ 299,066	\$ 5,316	\$ 50	\$ -	\$ -
Total 2005 Revenue	\$ 1,549,000	\$ 164,130	\$ 625,154	\$ 3,904,566	\$ 2,156,612	\$ 454,367	\$ 207,536	\$ 431,197	\$ -	\$ -
Per capita revenue	\$ 267	\$ 363	\$ 222	\$ 7,494	\$ 351	\$ 663	\$ 270	\$ 149	\$ -	\$ -
2005 Expenditures (4)								No data available		
General Govt.	\$ 569,824	\$ 38,928	\$ 126,469	\$ 404,130	\$ 549,069	\$ 112,425	\$ 12,554	\$ 29,543	\$ -	\$ -
Police	\$ -	\$ -	\$ -	\$ 523,752	\$ 18,272	\$ 250,346	\$ 11,220	\$ -	\$ -	\$ -
Fire	\$ 150,000	\$ 17,819	\$ 111,122	\$ 486,349	\$ 339,221	\$ -	\$ 23,280	\$ -	\$ -	\$ -
Water	\$ -	\$ 57,568	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Solid Waste	\$ 466,000	\$ 30,033	\$ 94,080	\$ 742,498	\$ -	\$ 14,915	\$ 32,333	\$ -	\$ -	\$ -
Street Maintenance	\$ -	\$ -	\$ 1,200	\$ 102,147	\$ -	\$ 2,221	\$ -	\$ -	\$ -	\$ -
Street Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Street lighting	\$ 111,424	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Zoning	\$ 128,876	\$ -	\$ 3,236	\$ 180,819	\$ 75,842	\$ -	\$ 4,196	\$ -	\$ -	\$ -
Other	\$ 122,876	\$ 10,963	\$ -	\$ 727,440	\$ 5,346	\$ 17,817	\$ -	\$ -	\$ -	\$ -
Total 2005 Expenditures	\$ 1,549,000	\$ 155,311	\$ 336,107	\$ 3,167,135	\$ 987,750	\$ 397,724	\$ 83,583	\$ 29,543	\$ -	\$ -
Per capita expenditures	\$ 267	\$ 344	\$ 119	\$ 6,079	\$ 161	\$ 581	\$ 109	\$ 10	\$ -	\$ -

Sources:

- (1) Data on Sneads Ferry 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

**Assessment of Petition
By
Village of Sneads Ferry
(Onslow 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 Village of Sneads Ferry relative to G.S. 120-170. The following discussion addresses this section of the General Statutes.

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 (solid waste, fire, zoning, and street lighting) and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. Sneads Ferry has proposed a \$0.10/\$100 property tax rate with estimated property tax revenue of \$1,014,172 (assuming a 95.6 per cent collection rate). The proposed services and cost of the services is as follows: fire protection provided by the Sneads Ferry and the Turkey Creek Voluntary Fire Departments (\$350,000); planning and zoning services provided by Onslow County (\$10,000); solid waste collection provided by a private contractor (\$541,800 – 3010 dwellings @ \$15/month for 12 months); and street lighting (\$10,800 – 100 lights @ \$9/month for 12 months). The total annual cost of services the proposed Village intends to provide is \$912,600. As a result of the types of services the Village of Sneads Ferry plans to provide and the manner in which those services would be provided, the proposed \$0.10/\$100 property tax rate appears to be reasonable.

The attached table provides data on municipalities incorporated since 2000 that compare their tax rate with the tax rate proposed by Sneads Ferry. However, to give some indication of a comparison of Sneads Ferry tax rate and that assessed by other similar municipalities, DCA compared Sneads Ferry with the North Carolina Department of Treasurer 2006 Municipal Financial Profiles for municipal populations between 2,500 and 9,999 persons.

Sneads Ferry has proposed a \$0.10/\$100 property tax rate, which would generate an estimated property tax revenue of \$1,014,172 based on an estimated \$1,060,000,000 assessed value and 95.6 percent collection rate. In comparison, the North Carolina Department of Treasurer indicates in its report an average property tax rate of \$0.299/\$100 assessment and average property tax revenue of \$1,520,336. For the proposed Village of Sneads Ferry to generate similar revenues it would need to levy a property tax rate of \$0.143/\$100 assessment (assuming a total assessment of \$1,060,000,000). It is important to note that Sneads Ferry's population is within the midrange of the population group. As stated above, Sneads Ferry 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 NC G.S. 120-170 is satisfied.

Conclusion

It appears that the proposed Village of Sneads Ferry satisfies the North Carolina General Statutes 120-167 through 120-170. The Commission is not precluded from making a positive recommendation on the incorporation of the proposed Village of Sneads Ferry.

Information sources:

Petition for Incorporation of the Village of Sneads Ferry
2000 US Census (referenced 05/07), <http://www.census.gov/>
Onslow County GIS Department, Parcel Data and Assessment Data
North Carolina Office of State Treasurer (referenced 04/07)
http://www.treasurer.state.nc.us/lgc/units/D_NC.htm

Financial Comparison of Municipalities Incorporated from 2000 to 2005 (FYE 2005)										
Municipality	Sneads Ferry (1)	Ossipee	Midland	Duck	Mills River	Misenheimer	Red Cross	Wallburg	Midway	Fairview
County	Onslow	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)	5,799	452	2,820	521	6,147	685	770	2,894	4,399	4,201
Tax Rate per \$100 (3)	\$ 0.10	\$ 0.05	\$ 0.15	\$ 0.20	\$ 0.075	\$ 0.150	\$ 0.160	\$ 0.050	\$ 0.050	\$ 0.020
No data available										
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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	\$ 63,505	\$ 299,066	\$ 5,316	\$ 50	\$ -	\$ -
Total 2005 Revenue	\$ 1,014,172	\$ 164,130	\$ 625,154	\$ 3,904,566	\$ 2,156,612	\$ 454,367	\$ 207,536	\$ 431,197	\$ -	\$ -
Per capita revenue	\$ 175	\$ 363	\$ 222	\$ 7,494	\$ 351	\$ 663	\$ 270	\$ 149	\$ -	\$ -
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Police	\$ -	\$ -	\$ -	\$ 523,752	\$ 18,272	\$ 250,346	\$ 11,220	\$ -	\$ -	\$ -
Fire	\$ 350,000	\$ 17,819	\$ 111,122	\$ 486,349	\$ 339,221	\$ -	\$ 23,280	\$ -	\$ -	\$ -
Water	\$ -	\$ 57,568	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Solid Waste	\$ 541,800	\$ 30,033	\$ 94,080	\$ 742,498	\$ -	\$ 14,915	\$ 32,333	\$ -	\$ -	\$ -
Street Maintenance	\$ -	\$ -	\$ 1,200	\$ 102,147	\$ -	\$ 2,221	\$ -	\$ -	\$ -	\$ -
Street Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Street lighting	\$ 10,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Zoning	\$ 10,000	\$ -	\$ 3,236	\$ 180,819	\$ 75,842	\$ -	\$ 4,196	\$ -	\$ -	\$ -
Other	\$ -	\$ 10,963	\$ -	\$ 727,440	\$ 5,346	\$ 17,817	\$ -	\$ -	\$ -	\$ -
Total 2005 Expenditures	\$ 912,600	\$ 155,311	\$ 336,107	\$ 3,167,135	\$ 987,750	\$ 397,724	\$ 83,583	\$ 29,543	\$ -	\$ -
Per capita expenditures	\$ 157	\$ 344	\$ 119	\$ 6,079	\$ 161	\$ 581	\$ 109	\$ 10	\$ -	\$ -

Sources:

- (1) Data on Sneads Ferry is based on information provided in petition
- (2) Office of State Planning: Population Estimates for existing municipalities as of 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

APPENDIX H

1. Sales Tax Revenue Change

Onslow County distributes sales tax revenues on an ad valorem basis. This analysis uses the 2005-06 actual sales tax distribution to show how the distribution would have changed had Sneads Ferry been incorporated at that time. It has also been adjusted, for illustrative purposes only, to show how the change in the local sales tax percentage, which takes place on October 1, 2009 would affect the county's sales tax distribution.

Current

County	Municipalities	Population	% of Population	Sales Tax Distribution
Onslow		159,711	67.12%	22,715,163
	Holly Ridge	843	0.35%	118,432
	Jacksonville	73,531	30.90%	10,455,810
	North Topsail Beach	846	0.36%	121,815
	Richlands	1,001	0.42%	142,118
	Surf City	296	0.12%	40,605
	Swansboro	1,706	0.72%	243,631
	TOTAL	237,934		33,837,573

With Incorporation

County	Municipalities	Population	% of Population	Sales Tax Distribution	Change
Onslow		152,361	64.03%	21,669,582	(1,045,581)
	Holly Ridge	843	0.35%	118,431	0
	Jacksonville	73,531	30.90%	10,455,810	0
	North Topsail Beach	846	0.36%	121,815	0
	Richlands	1,001	0.42%	142,117	0
	Surf City	296	0.12%	40,605	0
	Swansboro	1,706	0.72%	243,630	0
	Sneads Ferry	7,350	3.09%	1,045,581	1,045,581
	TOTAL	237,934		33,837,573	

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 Sneads Ferry to the statewide total creates a new population of 4,613,580 and a new per capita distribution rate of \$29.66. The rate change is too small to have a significant impact on the Powell Bill distributions to other Onslow County municipalities.

The attached report from the Department of Revenue estimates that the Town of Sneads Ferry would receive \$336,486 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 Sneads Ferry 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
February 16, 2009

**PRO FORMA ESTIMATE OF REVENUES FOR THE POSSIBLE INCORPORATION
OF SNEADS FERRY (ONSLow COUNTY)
FOR FISCAL YEAR 2005-06**

Proposed Property Tax Rate per \$100 valuation	0.05
Estimated Permanent Resident Population	7,350
Roads - Locally Maintained	97.1

Pro Forma Revenue, Fiscal Year 2004-05

1. Sales & use tax *	\$1,880,883
2. Electric power franchise tax***	\$213,150
3. Beer & wine excise taxes *,**	\$32,533
4. Piped natural gas excise tax***	\$0
5. Telecommunications sales tax*,***	\$97,686
6. Powell Bill*	\$336,486
TOTAL	\$2,560,739

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

**

A newly incorporated municipality in Onslow 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.

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