

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 664

Short Title: Town of Connelly Springs.

(Local)

Sponsors: Senators Simpson; and Kincaid.

Referred to: Local Government and Regional Affairs.

March 27, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF CONNELLY SPRINGS IN BURKE
3 COUNTY.

4 Whereas, the community of Connelly Springs desires to be incorporated as an
5 incorporated town; Now, therefore,
6 The General Assembly of North Carolina enacts:

7 Section 1. The Charter for the Town of Connelly Springs shall be as follows:

8 "CHAPTER I.

9 "INCORPORATION AND CORPORATE POWERS.

10 "Section 1.1. **Incorporation.** The citizens of the area described in Chapter II of this
11 Charter shall be and constitute a body politic and corporate under the name of 'Town of
12 Connelly Springs', and shall have all of the powers, authority, rights, privileges and
13 immunities conferred upon municipal corporations by the Constitution and general laws
14 of North Carolina.

15 "Section 1.2. **Powers.** The Town shall have all the powers, duties, rights, privileges
16 and immunities now vested in the Town and now or hereafter granted to municipal
17 corporations by the General Assembly of the State of North Carolina, its statutes and by
18 this Charter.

19 "Section 1.3. **Annexation and Limits on Annexation.** The Town of Connelly
20 Springs may not annex, pursuant to Parts 2 or 3 of Article 4A of Chapter 160A of the
21 General Statutes, areas contiguous to its primary corporate limits, unless a petition in
22 support of the annexation signed by seventy-five percent (75%) of the registered voters
23 living in the area proposed for annexation, is filed with the Town Clerk prior to
24 adoption of the annexation ordinance.

"CHAPTER II.**"CORPORATE BOUNDARIES.**

"Section 2.1. Until changed in accordance with law, the boundaries of the Town are: BEGINNING at a point where Smith Creek intersects with Interstate 40 and runs thence, North with Smith Branch to the intersection of Cole Ash Creek; thence, with and along the meanders of Island Creek, commonly referred to and known as Lail's Creek, Northeast to the intersection of the tributary of Catawba River, with the boundary of the Crescent Land and Timber property line; thence, with the Crescent Land and Timber southern boundaries to the residence and property owned presently by Larry Humphries; thence, around the boundaries of the Larry Humphries' property, excluding the Larry Humphries' property from the Corporate Town Limits, to Noland Creek, where the Crescent Land and Timber boundary intersects with Noland Creek); thence, with Noland Creek East and South to the intersection of Noland Creek and State Road 1614, referred to as the Oak Ridge Church Road); thence East with the Oak Ridge Church Road to the intersection of Rhodhiss Road and Decker's old store (now the Handy Mart); thence, Southeast with the Rhodhiss Road, that is, State Road 1611, in a southwest direction to the intersection of Highway 70 at the Knob; thence, in a southeasternly direction with Highway 70 to the intersection of Berea Circle, that is, State Road 1620; thence with State Road 1620 West to the intersection of State Road 1758, that is, Berea Church Road, to the North boundary of Interstate 40; thence with the northern edge and boundary of Interstate 40 West to Coulter Springs Branch; thence, South with the meanders of Coulter Springs Branch to the head of Coulter Springs Branch; thence, through the Deaton property in a northerly direction to the head of Smith Creek; thence, North with Smith Creek to the intersection of Smith Creek and Interstate 40, the point of the BEGINNING, excepting and excluding from said corporate limits the Humphries' property referred to above, a copy of said Deed being recorded in Book 634, Page 414, of the Burke County Registry, attached hereto and incorporated herein by reference, and excluding that tract of realty owned by Hazel Rountree and Louise Burroughs (with life estate to Albert G. Wilson reserved) as shown on Deed recorded in Book 693, Page 941, of the Burke Registry, a copy of which is attached hereto and incorporated herein by reference.

"CHAPTER III.**"GOVERNING BODY.**

"Section 3.1. **Number of Members.** The governing body shall consist of the seven members of the Board of Aldermen.

"Section 3.2. **Manner of Election of Board of Aldermen.** The qualified voters of the entire Town of Connelly Springs shall elect the Board of Aldermen.

"Section 3.3. **Term of Office of Board of Aldermen.** Seven Aldermen are to be elected at the first regular Town Council election to be held in November of 1989. The person receiving the highest number of votes as Alderman shall be ex officio Mayor who will serve a four-year term, together with the three persons receiving the next highest numbers of votes, and they shall also serve a four-year term, and the three persons receiving the next highest numbers of votes shall serve a two-year term.

1 In 1991 and quadrennially thereafter, three Council Members shall be elected for
2 four-year terms. In 1993 and quadrennially thereafter, four Council Members shall be
3 elected with the person receiving the highest number of votes being ex officio Mayor.
4 If a vacancy occurs in the office of the Council Member who is ex officio Mayor, the
5 Council shall designate one of its members to be ex officio Mayor for the remainder of
6 the term.

7 No Council Member may serve more than two consecutive terms.

8 The Board of Aldermen shall in all ways respond to reasonable requests of the
9 Town's constituents giving due consideration to the United States and State
10 Constitutions, to the welfare of the Town, and to the long range effects and impacts of
11 the decisions of the Town.

12 The Board of Aldermen shall, at least annually conduct an inspection of all
13 roadways, town buildings, bridges and territorial city limits. The Town shall maintain
14 public liability insurance and hazard insurance regarding any of the Town property.

15 Any resident maintaining property touching, or lying adjacent or contiguous to the
16 Town shall be permitted to request the Town for voluntary annexation under Part 1 of
17 Article 4A of the General Statutes and such residents' request to become a part of the
18 Town of Connelly Springs shall not be unreasonably withheld.

19 "Section 3.4. **The Mayor.** The Mayor of Connelly Springs duties will be those of
20 administering the Town's Council and maintaining the governmental, administrative and
21 executory functions of the Town Council and the operation of the city government to
22 the fullest extent of this Charter and law.

23 "Section 3.5. **Recall.** Any member of the Town Council may be removed from
24 office in the following manner:

25 (1) Any elector or voter of the Town may make and file with the Town
26 Clerk an affidavit containing the name of the Council Member whose
27 removal is sought, and a statement of the grounds alleged for his/her
28 removal. The Clerk shall thereupon deliver to the elector making such
29 affidavit copies of petition blanks for demanding such a removal,
30 printed forms of which he/she shall keep on hand. Such blanks shall
31 be issued by the Clerk with his/her signature thereto attached and shall
32 be dated and addressed to the Board of Councilmen, indicating the
33 person to whom issued and stating the name of the officer whose
34 removal is sought. A copy of the petition shall be entered in a record
35 book kept for that purpose in the Office of the Clerk. A recall petition
36 to be effective must be returned and filed with the Clerk within 30
37 days after the filing of the affidavit, and to be sufficient, must bear the
38 signature of at least forty percent (40%) of the registered voters of the
39 Town as shown by the registration records for the preceding general
40 municipal election.

41 (2) If a recall petition shall be certified by the Clerk to be sufficient,
42 he/she shall at once submit it to the Town Council with a certificate to
43 that effect and shall notify the officer whose removal is sought of such
44 action. If the officer whose removal is sought does not resign within

five days after such notice, the Council shall order and fix a day for holding a recall election. Any such election shall be held not less than 60, nor more than 180 days, after the petition has been certified to the Town Council, and it may be held at any time or at the same time as any other general or special election within such period; but if no other election is to be held within such period, the Council shall call a special recall election to be held within the time stated above.

(3) The question of recalling any number of officers may be submitted at the same election, but as to each such office, a separate petition shall be filed and there shall be an entirely separate ballot.

(4) The ballots used in a recall election shall submit the following propositions in the order indicated:

For the Recall of (name of officer).

Against the Recall of (name of officer).

Except that the spaces left for the name and date shall be filled by the correct names and date, the ballots used in a recall election shall be in the form substantially as follows:

‘RECALL ELECTION

TOWN OF CONNELLY SPRINGS

_____(Month and Date of Month) _____, 19 ____

For the Recall of _____

Against the Recall of _____.’

(5) If a majority of the votes cast on the question of recalling an officer be against his/her recall, he/she shall continue in office for the remainder of the unexpired term, but subject to the recall as before. If a majority of such votes be for the recall of the officer designated on the ballot, he/she shall regardless of any defects in the recall petition, be deemed removed from office.

(6) If an officer in regard to whom a sufficient recall petition is submitted to the Town Council shall resign before the election, or be removed as a result thereof, the vacancy so caused shall be filled in the manner provided by this Charter for filling vacancies in such office, except as provided in subdivision (8) of this section. But an officer removed by the voters as the result of a recall election or resigning after a sufficient petition for his/her recall has been submitted to the Town Council, shall not be reelected to fill the vacancy caused by his/her own removal or resignation.

(7) No recall petition shall be filed against an officer within three months after he/she takes office, nor, in case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

(8) If the recall of a majority of the members of the Board of Commissioners shall be effected at a single recall election, the successors of the officers recalled shall be elected by the registered,

1 qualified voters of the Town at a special municipal election, and said
2 successors shall serve for the unexpired part of the terms of the
3 officers recalled. The members of the Town Council who have not
4 been recalled are empowered to call said special election and to make
5 all necessary provisions regarding the same in conformity to the
6 Constitution and general laws of North Carolina. If the recall of all of
7 the members of the Town Council shall be effected at a single recall
8 election, they shall be continued in office for the purpose, and only for
9 the purpose, of calling a special municipal election for the election of
10 their successors as above provided, and of ascertaining and declaring
11 the result thereof.

12 "CHAPTER IV.

13 "ELECTIONS.

14 "Section 4.1. **Conduct of Town Elections.** The Town officers shall be elected on a
15 nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292.
16 Elections shall be conducted by the Burke County Board of Elections.

17 "Section 4.2. **Interim Budget.** The Town Council may adopt a budget ordinance
18 for the 1989-90 fiscal year following their qualification for office, without having to
19 comply with the budget preparation and adoption timetable set out in the Local
20 Government Budget and Fiscal Control Act. Ad valorem taxes for fiscal year 1989-90
21 shall be payable at par until 90 days after adoption of the ordinance levying from and
22 thereafter in accordance with the schedule in G.S. 105-360 as if they had been due
23 September 1, 1989.

24 "Section 4.3. **Vacancies.** The provisions of G.S. 160A-63 shall not apply to the
25 Town of Connelly Springs until after the first election of the Town Council.

26 "CHAPTER V.

27 "ADMINISTRATIVE DEPARTMENTS.

28 "Section 5.1. **Administrative Departments and Officers.** The Council, by
29 ordinance not inconsistent with this Charter, may assign additional functions or duties to
30 offices, departments, or agencies. Where the positions are not incompatible, the
31 Council may combine in one person the powers and duties of two or more offices
32 created or authorized by this Charter.

33 Officers of the Town shall become residents of the Town within two months after
34 the start of their employment. The Town Council may by ordinance provide residency
35 requirements for all other Town employees.

36 "CHAPTER VI.

37 "APPOINTIVE BOARDS AND COMMISSIONS.

38 "Section 6.1. **Appointive Boards and Commissions.** All members of appointive
39 boards or commissions shall at the time of their appointment be residents of the Town,
40 and shall maintain their residencies for the duration of their terms in office.

41 "Section 6.2. **Ex Officio Members.** The Mayor and Town Manager shall be ex
42 officio members, without voting privileges, of all boards and commissions.

1 "Section 6.4. **Claims or Demands Against the Town.** The Council shall prescribe
2 by ordinance the manner and limitations of time in which claims or demands against the
3 Town shall be presented, audited and paid.

4 **"CHAPTER VII.**

5 **"CONTRACTS.**

6 "Section 7.1. **Contracts for Town Improvements.** Any Town improvement
7 costing more than thirty thousand dollars (\$30,000) shall be executed by a written
8 contract except where such improvement is authorized by the Council to be executed
9 directly by a Town department in conformity with detailed plans, specifications, and
10 estimates. All contracts for more than thirty thousand dollars (\$30,000) shall be
11 awarded to the lowest responsible bidder after such public notice and competition as
12 provided by law unless the Council rejects all bids.

13 **"CHAPTER VIII.**

14 **"PUBLIC UTILITIES.**

15 "Section 8.1. **Establishment of Municipally Owned and Operated Utilities.** The
16 Town shall have the power to own and operate any public utility, to construct and install
17 all facilities that are reasonably needed, and to lease or purchase any existing utility
18 properties used or useful for public service. The Town may also furnish service to
19 adjacent and nearby territories that may be conveniently and economically served by a
20 municipally owned and operated utility, subject to the limitations of the provisions of
21 the general laws of the State. The Council may provide by ordinance for the
22 establishment of such utility and provide for its regulation and control and the fixing of
23 rates to be charged.

24 The Council may by ordinance provide for the extension, enlargement or
25 improvement of existing utilities and provide reasonable reserves for such purpose."

26 **Sec. 2. Special Election for Approval.** (a) The Board of Elections in Burke
27 County shall call and conduct a special election on a date to be set by the Burke County
28 Board of Commissioners not earlier than 60 days after ratification of this act, but not
29 later than 180 days after the ratification of this act for the purpose of submitting to the
30 qualified voters of the area described herein as the proposed corporate limits of
31 Connelly Springs, a question of whether or not such area shall be incorporated as a
32 municipal corporation known as Connelly Springs. In conducting the election required
33 to be held by this act, the Board of Elections of Burke County shall follow the
34 procedures contained in G.S.163-288.2, in this act, and the procedures contained in
35 Chapter 163 of the General Statutes of North Carolina regarding municipal elections,
36 where the same are not in conflict with this act, except that notice of the election shall
37 be given not later than 10 days before the registration books close and the Board of
38 Elections may set a special schedule under G.S. 163-228.2 with deadlines it determines,
39 if there is insufficient time to meet the time requirements of that section.

40 (b) In the special election, those voters who favor the incorporation of the Town
41 of Connelly Springs as provided in this act shall vote a ballot upon which shall be
42 printed the words: "FOR INCORPORATION OF THE TOWN OF CONNELLY
43 SPRINGS;" and those voters who are opposed to the incorporation of the Town of
44 Connelly Springs as provided in this act shall vote a ballot upon which shall be printed

1 the words: "AGAINST INCORPORATION OF THE TOWN OF CONNELLY
2 SPRINGS."

3 (c) If the majority of the votes cast in such special election shall not be cast
4 "FOR INCORPORATION OF THE TOWN OF CONNELLY SPRINGS,"then the
5 provisions of Section 1 of this act shall have no force and effect.

6 (d) If a majority of the votes cast in the special election shall be cast "FOR
7 INCORPORATION OF THE TOWN OF CONNELLY SPRINGS,"then the provisions
8 of Section 1 of this act shall be in full force and effect from and after the date upon
9 which the Burke County Board of Elections determines the result of the election. The
10 Board of Elections of Burke County may establish a special candidate filing period for
11 the 1989 regular municipal election if Section 1 of this act becomes effective after the
12 date filing is to open under general law.

13 Sec. 3. This act is effective upon ratification.