

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 614

Short Title: Swift Creek Incorporated.

(Local)

Sponsors: Representative Ellis.

Referred to: Local and Regional Government I, if favorable, Finance.

March 26, 1997

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE VILLAGE OF SWIFT CREEK.

The General Assembly of North Carolina enacts:

Section 1. A charter of the Village of Swift Creek is enacted as follows:

"THE CHARTER OF THE VILLAGE OF SWIFT CREEK.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1-1. **Incorporation and Corporate Powers.** The inhabitants of the Village of Swift Creek are a body corporate and politic under the name 'Village of Swift Creek'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina. The General Assembly intends by this act to assist in fulfilling the broad public purpose of environmental preservation, protection of watersheds, and enhancement of natural resources.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2-1. **Village Boundaries.** Until modified in accordance with the law, the boundaries of the Village of Swift Creek are as follows:

In Wake County, beginning at the intersection of Tryon Road and Lake Wheeler Road, thence following Lake Wheeler Road in a direction generally south to its

1 intersection with Hilltop Needmore Road, thence following Hilltop Needmore Road in a
2 direction generally west to its intersection with Sunset Lake Road, thence following
3 Sunset Lake Road in a direction generally northwest to its intersection with Holly Springs
4 Road, thence following Holly Springs Road generally northeast to its intersection with
5 Kildaire Farm Road, thence following Kildaire Farm Road in a direction generally north
6 to its intersection with Penny Road, thence following Penny Road in a direction generally
7 east to its intersection with Holly Springs Road, thence following Holly Springs Road in
8 a direction generally northeast to its intersection with Tryon Road, thence following
9 Tryon Road in a direction generally east to the point and place of BEGINNING. This
10 description includes all named roads to their outer right-of-way, but excludes any area
11 which on January 1, 1997, was within the corporate limits of the Town of Cary, the Town
12 of Holly Springs, or the City of Raleigh.

13 "CHAPTER III.

14 "GOVERNING BODY.

15 "Sec. 3-1. **Structure of the Governing Body; Number of Members.** The
16 governing body of the Village of Swift Creek is the Board of Aldermen which has five
17 members.

18 "Sec. 3-2. **Manner of Electing Board.** The qualified voters of the entire Village
19 nominate and elect the Board.

20 "Sec. 3-3. **Term of Office of Board Members.** Except for the initial Board,
21 members of the Board are elected to four-year terms. In 1997, all members of the Board
22 are elected to one-year terms. In 1998, five members shall be elected to the Board. The
23 three members receiving the highest number of votes shall serve four-year terms. The
24 two receiving the next highest number of votes shall serve two-year terms. In 2000, and
25 quadrennially thereafter, two members shall be elected to the Board. In 2002, and
26 quadrennially thereafter, three members shall be elected to the Board.

27 "Sec. 3-4. **Mayor; Term of Office.** The Mayor shall be selected by the qualified
28 voters of the Village. The Mayor shall be elected in 1997 for a one-year term, and in
29 1998 and quadrennially thereafter for a four-year term. The Mayor shall vote on all
30 issues before the council unless excused under G.S. 160A-75.

31 "CHAPTER IV.

32 "ELECTIONS.

33 "Sec. 4-1. **Method.** Board members shall be elected on a nonpartisan plurality basis
34 and the results determined in accordance with G.S. 163-292.

35 "Sec. 4-2. **Results.** Election results shall be determined by the Wake County Board
36 of Elections according to Chapter 163 of the General Statutes.

37 "Sec. 4-3. **Filing Period.** The filing period for municipal office shall open at 12:00
38 noon on the second Monday in August and end at 12:00 noon on the second Monday
39 thereafter.

40 "Sec. 4-4. **General Law.** Except as provided by this Charter, town election shall be
41 conducted in accordance with Chapter 163 of the General Statutes. Elections in even-
42 numbered years shall be conducted by the same method as in odd-numbered years.

43 "CHAPTER V.

"ADMINISTRATION.

1
2 "Sec. 5-1. **Mayor-Board Plan.** The Village of Swift Creek shall operate under the
3 Council-Manager Plan as provided in Part 2 of Article 7 of Chapter 160A of the General
4 Statutes.

5 "Sec. 5-2. **Interim Board.** From the effective date of this Charter until the
6 organizational meeting of the Board of Aldermen after the 1998 municipal election, the
7 members of the Board shall be:

8 "Sec. 5-3. **Taxation and Funds.** The Village of Swift Creek is eligible to receive
9 distributions of State funds during the fiscal year 1997-98."

10 Section 2. (a) From and after the effective date of this act, the citizens and property
11 in the Village of Swift Creek shall be subject to municipal taxes levied for the year
12 beginning July 1, 1997, and for that purpose the Village shall obtain from Wake County a
13 record of property in the area herein incorporated which was listed for taxes as of January
14 1, 1997; and the businesses in the Village shall be liable for privilege license tax from the
15 effective date of the privilege license tax ordinance.

16 (b) If the effective date of this act is before July 1, 1997, the Village may adopt a
17 budget ordinance for fiscal year 1996-97 without following the timetable in the Local
18 Government Budget and Fiscal Control Act, but shall follow the sequence of actions in
19 the spirit of the act insofar as is practical. The Village may adopt a budget ordinance for
20 fiscal year 1997-98 without following the timetable in the Local Government Budget and
21 Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar
22 as is practical. For fiscal year 1997-98, ad valorem taxes may be paid at par or face
23 amount within 90 days of adoption of the budget ordinance, and thereafter in accordance
24 with the schedule in G.S. 105-360 as if the taxes had been due and payable on September
25 1, 1997.

26 Section 3. The Wake County Board of Elections shall conduct on a date no
27 later than August 1, 1997, a special election for the purpose of submission to the qualified
28 voters of the area described in Section 2.1 of the Charter of the Village of Swift Creek the
29 question of whether or not such area shall be incorporated as the Village of Swift Creek.
30 The date shall be set by the Wake County Board of Elections. Registration for the
31 election shall be conducted in accordance with G.S. 163-288.2.

32 Section 4. In the election, the question on the ballot shall be:

33 **"[] FOR [] AGAINST**

34 **INCORPORATION OF THE VILLAGE OF SWIFT CREEK".**

35 Section 5. In the election, if a majority of the votes are cast "For incorporation
36 of the Village of Swift Creek", Sections 1 and 2 of this act shall become effective on the
37 date that the Wake County Board of Elections certifies the results of the election. If
38 necessary, the Wake County Board of Elections shall establish a special candidate filing
39 period for the 1997 municipal election. Otherwise, those sections shall have no force and
40 effect.

41 Section 6. This act is effective when it becomes law.