

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS75118-LMx-52 (03/12)

Short Title: Incorporate Wallburg.

(Local)

Sponsors: Senator Bingham.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF WALLBURG.

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF WALLBURG.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

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

"ARTICLE II. CORPORATE BOUNDARIES.

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

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Wallburg is the Mayor and Town Council, which shall have five members.

"Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial election in 2003 provided for by Section 4.1 of this Charter, Jack Craven is hereby appointed Mayor and Ronnie Bailey, Zane Hedgecock, Sue Martin, Daphne Rogers, and Mark Swaim are appointed Council Members of the Town of Wallburg, and they shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter. If any person named in this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint a person to serve until the initial municipal election is held in 2003.

"Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified voters of the entire Town shall elect the members of the Town Council and, except as

1 provided in this section, they shall serve four-year terms. In 2003, the two candidates
2 receiving the highest numbers of votes shall be elected to four-year terms and the three
3 candidates receiving the next highest numbers of votes shall be elected to two-year
4 terms. In 2005, and quadrennially thereafter, three members shall be elected to four-year
5 terms. In 2007, and quadrennially thereafter, two members shall be elected to four-year
6 terms.

7 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified
8 voters of the entire Town shall elect the Mayor. In 2003, and quadrennially thereafter,
9 the Mayor shall be elected for a term of four years. The Mayor shall be the official head
10 of Town government and shall preside at all meetings of the Council, shall have the
11 right to vote only when there is an equal division on any question or matter before the
12 Council, and shall exercise the powers and duties conferred by law or as directed by the
13 Council.

14 "ARTICLE IV. ELECTIONS.

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

17 "ARTICLE V. ADMINISTRATION.

18 "Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town shall
19 operate under the Mayor-Council form of government as provided in Part 3 of Article 7
20 of Chapter 160A of the General Statutes.

21 "Section 5.2. **Town Attorney.** The Council shall appoint a Town Attorney licensed
22 to practice law in North Carolina. It shall be the duty of the Town Attorney to represent
23 the Town, advise Town officials, and perform other duties as required by law or as
24 directed by the Town Council. The Town Attorney shall serve at the pleasure of the
25 Town Council.

26 "Section 5.3. **Town Clerk.** The Council shall appoint a Town Clerk who shall
27 perform duties as required by law or as directed by the Town Council. The Town Clerk
28 shall serve at the pleasure of the Council.

29 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

30 "Section 6.1. **Commencement of Tax Collection.** From and after the effective date
31 of this act, the citizens and property in the Town of Wallburg shall be subject to
32 municipal taxes levied for the year beginning July 1, 2003, and for that purpose the
33 Town shall obtain from Davidson County a record of property in the area herein
34 incorporated which was listed for property taxes as of January 1, 2003.

35 "Section 6.2. **Budget.** The Town may adopt a budget ordinance for fiscal year
36 2003-2004 without following the timetable in the Local Government Budget and Fiscal
37 Control Act but shall follow the sequence of actions in the spirit of the act insofar as is
38 practical. For fiscal year 2003-2004, ad valorem taxes may be paid at par or face
39 amount within 90 days of adoption of the budget ordinance and thereafter in accordance
40 with the schedule in G.S. 105-360. If the effective date of the incorporation is prior to
41 July 1, 2003, the Town may adopt a budget ordinance for fiscal year 2002-2003 without
42 following the timetable in the Local Government Budget and Fiscal Control Act but
43 shall follow the sequence of actions in the spirit of the act insofar as practical. No ad
44 valorem taxes may be levied for the 2002-2003 fiscal year.

1 "Section 6.3. **Ad Valorem Taxes.** The Town Council shall not increase the ad
2 valorem tax rate more than \$0.10/\$100.00 valuation above the ad valorem tax rate
3 established on the date of incorporation of the Town of Wallburg without the vote or
4 consent of a majority of the qualified voters of the Town of Wallburg. The election on
5 the question of increasing the ad valorem tax rate shall be conducted in accordance with
6 G.S. 160A-209."

7 **SECTION 2.** The Davidson County Board of Elections shall conduct an
8 election on a date set by the Board, to be not less than 60 nor later than 120 days after
9 this act becomes law, for the purpose of submission to the qualified voters for the area
10 described in Section 2.1 of the Charter of the Town of Wallburg the question of whether
11 or not the area shall be incorporated as the Town of Wallburg. Registration for the
12 election shall be conducted in accordance with G.S. 163-288.2.

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

14 "[]FOR []AGAINST

15 Incorporation of the Town of Wallburg."

16 **SECTION 4.** In the election, if a majority of the votes are cast "For the
17 Incorporation of the Town of Wallburg", Sections 1 and 2 of this act shall become
18 effective on the date that the Davidson County Board of Elections certifies the results of
19 the election. Otherwise, Sections 1 and 2 of this act shall have no force and effect.

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