

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 395
HOUSE BILL 661

AN ACT TO INCORPORATE THE VILLAGE OF SUGAR MOUNTAIN, SUBJECT
TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. A Charter is enacted for the Village of Sugar Mountain to read:
"CHARTER OF THE VILLAGE OF SUGAR MOUNTAIN.

"Chapter I.

"Incorporation and Corporate Powers.

"Sec. 1.1. Incorporation and corporate powers. The inhabitants of the Village of Sugar Mountain are a body corporate and politic under the name 'Village of Sugar Mountain'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed upon cities by the general law of North Carolina.

"Chapter II.

"Corporate Boundaries.

"Sec. 2.1. Village boundaries. Until modified in accordance with law, the boundaries of the Village of Sugar Mountain are as follows:

Beginning in the southwest margin of N.C. Highway 184, the northeastern corner of the FUNB 1 tract and thence the following bearings and distances:

South 87 degrees 18 minutes west, 262.63 feet; south 14 degrees 53 minutes west, 70.56 feet; north 87 degrees 39 minutes west, 207.16 feet; south 00 degrees 04 minutes east, 194.85 feet; north 89 degrees 11 minutes west, 261.21 feet; south 00 degrees 47 minutes east, 331.42 feet; south 00 degrees 44 minutes east, 19.50 feet; south 07 degrees 56 minutes east, 15.00 feet; south 07 degrees 56 minutes east, 169.38 feet; north 89 degrees 31 minutes west; 119.89 feet; north 07 degrees 46 minutes west, 169.85 feet; north 10 degrees 26 minutes west, 14.46 feet; north 89 degrees 34 minutes west, 41.93 feet; north 89 degrees 08 minutes west, 101.69 feet; south 00 degrees 59 minutes west, 15.00 feet; south 00 degrees 59 minutes west, 66.76 feet; north 87 degrees 25 minutes west, 71.76 feet; north 87 degrees 25 minutes west, 30.00 feet; south 4 degrees 05 minutes west, 134.72 feet; north 87 degrees 54 minutes west, 30.00 feet; north 87 degrees 54 minutes west, 299.03 feet; north 10 degrees 27 minutes east, 16.77 feet; north 76 degrees 39 minutes west, 124.06 feet; south 40 degrees 11 minutes west, 204.67 feet; north 75 degrees 06 minutes west, 214.61 feet; north 38 degrees 15 minutes east, 207.29 feet; north 75 degrees 06 minutes west, 457.45 feet; north 78 degrees 57 minutes west, 553.55 feet; north 33 degrees 50 minutes west, 535.34 feet; north 00 degrees 28 minutes west, 653.92 feet; north 87 degrees 49 minutes west, 1212.24 feet; south 89 degrees 09 minutes west, 448.65 feet; south 01 degree 14 minutes west, 1114.62 feet; north 80

degrees 37 minutes west, 254.49 feet; north 80 degrees 37 minutes west, 1166.96 feet; north 01 degree 34 minutes west, 603.29 feet; north 87 degrees 15 minutes west, 377.10 feet; south 06 degrees 36 minutes west, 574.42 feet; north 86 degrees 18 minutes west, 1597.90 feet; south 05 degrees 15 minutes west, 1356.17 feet; south 87 degrees 53 minutes west, 1306.36 feet; north 35 degrees 45 minutes east, 730.15 feet; north 41 degrees 15 minutes west, 1434.91 feet; south 48 degrees 27 minutes west, 909.72 feet to an iron in the road; thence south 17 degrees 50 minutes west, 196.48 feet; south 38 degrees 48 minutes west, 149.90 feet; south 58 degrees 45 minutes west, 116.71 feet; south 02 degrees 41 minutes east, 314.55 feet; south 06 degrees 21 minutes east, 200.29 feet; south 10 degrees 08 minutes east, 274.54 feet; south 45 degrees 13 minutes west, 243.42 feet; south 26 degrees 19 minutes west, 152.92 feet; south 18 degrees 43 minutes west, 153.67 feet; south 32 degrees 13 minutes west, 120.09 feet; north 82 degrees 14 minutes west, 165.61 feet; south 47 degrees 09 minutes west, 132.31 feet to an iron in the road; thence south 36 degrees 11 minutes east, 803.69 feet; south 05 degrees 20 minutes west, 1141.29 feet; south 77 degrees 38 minutes east, 206.06 feet; south 85 degrees 13 minutes east, 1310.91 feet; south 01 degree 48 minutes east, 437.99 feet; south 87 degrees 23 minutes west, 170.61 feet; south 01 degree 07 minutes east, 256.44 feet; north 89 degrees 37 minutes west, 260.63 feet; north 89 degrees 37 minutes west, 604.17 feet; south 01 degree 35 minutes west, 1194.53 feet; south 71 degrees 53 minutes west, 281.55 feet; south 73 degrees 39 minutes west, 1037.13 feet; south 00 degrees 18 minutes west, 914.33 feet; south 01 degree 36 minutes west, 242.91 feet; south 01 degree 36 minutes west, 682.14 feet; south 60 degrees 34 minutes east, 369.02 feet; south 88 degrees 42 minutes east, 1455.07 feet; south 02 degrees 54 minutes west, 906.42 feet; south 89 degrees 27 minutes east, 420.35 feet; south 89 degrees 41 minutes east, 483.96 feet; south 89 degrees 41 minutes east, 1100.00 feet; south 89 degrees 41 minutes east, 100.00 feet; south 89 degrees 41 minutes east, 1400.00 feet; north 09 degrees 15 minutes east, 1809.52 feet; north 45 degrees 00 minutes east, 565.69 feet; north 74 degrees 58 minutes east, 1542.76 feet; north 37 degrees 03 minutes east, 664.00 feet; north 81 degrees 15 minutes east, 1829.61 feet; north 27 degrees 39 minutes east, 1127.12 feet; north 58 degrees 29 minutes east, 2415.39 feet to the center line of N.C. Highway 184; thence along and with the center of the highway north 42 degrees 29 minutes west, 174.77 feet; north 50 degrees 22 minutes west, 156.40 feet; north 58 degrees 32 minutes west, 154.52 feet; north 64 degrees 34 minutes west, 210.60 feet; north 69 degrees 56 minutes west, 155.68 feet; north 59 degrees 16 minutes west, 200.57 feet; north 43 degrees 56 minutes west, 129.22 feet; north 24 degrees 25 minutes west, 31.40 feet; north 20 degrees 35 minutes west, 169.52 feet; north 00 degrees 52 minutes west, 152.20 feet; north 18 degrees 46 minutes east, 197.48 feet; north 32 degrees 24 minutes east, 351.94 feet; north 30 degrees 21 minutes east, 43.47 feet; thence leaving N.C. Highway 184 north 60 degrees 57 minutes west, 95.54 feet; north 60 degrees 57 minutes west, 267.02 feet; north 04 degrees 14 minutes west, 107.27 feet; north 62 degrees 14 minutes east, 32.46 feet; north 20 degrees 09 minutes east, 34.00 feet; north 07 degrees 23 minutes east, 45.00 feet; north 11 degrees 47 minutes west, 40.00 feet; north 35 degrees 43 minutes east, 50.00 feet; north 63 degrees 58 minutes east, 55.19 feet; south 26 degrees 32 minutes east, 18.38 feet; north 34

degrees 16 minutes east, 55.92 feet; south 48 degrees 12 minutes east, 68.33 feet; south 51 degrees 17 minutes east, 326.54 feet; north 45 degrees 43 minutes east, 115.65 feet; north 48 degrees 36 minutes east, 66.00 feet; north 49 degrees 24 minutes west, 323.74 feet; north 46 degrees 11 minutes east, 22.07 feet; north 46 degrees 42 minutes east, 697.85 feet; north 03 degrees 22 minutes east, 124.86 feet; north 82 degrees 58 minutes east, 222.11 feet; south 59 degrees 18 minutes east, 434.39 feet to the west margin of N.C. Highway 184; thence along and with the west margin of N.C. Highway 184 north 15 degrees 00 minutes east, 90.04 feet; north 05 degrees 00 minutes east, 90.03 feet; north 04 degrees 45 minutes west, 84.11 feet; thence leaving the west margin of N.C. Highway 184 south 74 degrees 17 minutes west, 49.42 feet; north 59 degrees 35 minutes west, 48.02 feet; north 85 degrees 25 minutes west, 78.03 feet; north 44 degrees 08 minutes west, 62.28 feet; north 12 degrees 05 minutes west, 81.26 feet; north 38 degrees 59 minutes west, 85.76 feet; north 85 degrees 17 minutes east, 225.66 feet to the west margin of N.C. Highway 184; thence with the west margin of N.C. Highway 184 north 20 degrees 47 minutes west, 103.45 feet; north 24 degrees 20 minutes west, 100.04 feet; north 27 degrees 50 minutes west, 100.03 feet; north 31 degrees 20 minutes west, 100.04 feet; north 34 degrees 50 minutes west, 100.05 feet; north 34 degrees 50 minutes west, 15.00 feet; north 24 degrees 28 minutes west, 44.28 feet; north 42 degrees 14 minutes west, 67.41 feet; north 48 degrees 08 minutes west, 58.54 feet; thence north 48 degrees 08 minutes west, 153.07 feet to the beginning, but it does not include Lot 59 of Map Book 90, of Avery County, located on N.C. Highway 184, it does not include Lot 63 of Map Book 090, Avery County, and it also does not include the property designated as Parcel DM-16-A containing 298.18 acres, shown on the maps recorded in Plat Book 12 at pages 56 through 63, Avery County Registry, except that it does include a well site containing 0.18 acres and a water tank site containing 0.721 acres shown on the Map recorded in Plat Book 12, page 60, Avery County Registry.

"Chapter III.

"Governing Body.

"Sec. 3.1. Structure of governing body; number of members.

The Governing body of the Village of Sugar Mountain is the Village Council, which has four members, and the Mayor.

"Sec. 3.2. Manner of electing board. The qualified voters of the entire Village nominate and elect the members of the Council.

"Sec. 3.3. Term of office of Council members. Until members are elected in accordance with this section, the Village Council shall consist of Leanne Jochl, Bill Dacchille, Edward Hardin, and Richard Unrath. In the 1985 municipal election, the two persons receiving the highest numbers of votes shall be elected for four- year terms, and the two persons receiving the next highest numbers of votes shall be elected for two-year terms. In 1987 and biennially thereafter, two members shall be elected for four-year terms.

"Sec. 3.4. Election of Mayor; term of office. Until a Mayor is elected in accordance with this section, Marjorie Unrath shall serve as Mayor. In 1985 and biennially thereafter, a Mayor shall be elected for a two-year term.

"Chapter IV.

"Elections.

"Sec. 4.1. Conduct of Village elections. The Mayor and Village Council shall be elected on a nonpartisan basis and the results determined by the plurality method as provided by G.S. 163-292.

"Chapter V.

"Administration.

"Sec. 5.1. Council-manager plan. The Village of Sugar Mountain operates under the council-manager plan as provided by Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 5.2. Interim budget. The Board of Commissioners may adopt a budget ordinance for the 1985-86 fiscal year, following their qualification for office, without having to comply with the budget preparation and adoption timetable set out in the Local Government Budget and Fiscal Control Act. If the initial budget is adopted after January 1, 1986, property taxes may be paid at par within 90 days of adoption of the budget ordinance, and thereafter according to the schedule in G.S. 105-360 as if the taxes had been due on September 1, 1985.

"Chapter VI.

"Extraterritorial Jurisdiction and Annexation.

"Sec. 6.1. Extraterritorial jurisdiction. The Village may not exercise any extraterritorial jurisdiction or extraterritorial powers under Article 19 of Chapter 160A of the General Statutes.

"Sec. 6.2. Annexation. The town may not annex under Part 2 of Article 4A of Chapter 160A of the General Statutes."

Sec. 1.1. (a) The Avery County Board of Elections shall conduct an election no later than August 27, 1985, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of the Village of Sugar Mountain, the question of whether or not such area shall be incorporated as the Village of Sugar Mountain. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(b) In the election, those voters who favor the incorporation of the Village of Sugar Mountain as provided in this act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of Sugar Mountain", and those voters who are opposed to the incorporation of the Village of Sugar Mountain as provided in this act shall vote a ballot upon which shall be printed the words: "AGAINST Incorporation of Sugar Mountain".

Sec. 1.2. In such election, if a majority of the votes cast are not cast "FOR Incorporation of Sugar Mountain", then Section 1 of this act shall have no force and effect.

Sec. 1.3. In such election, if a majority of the votes cast shall be cast "FOR Incorporation of Sugar Mountain" then Section 1 of this act shall become effective on the date that the Avery County Board of Elections determines the result of the election.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.