

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 437
HOUSE BILL 436

AN ACT TO INCORPORATE THE VILLAGE OF CLEMMONS IN FORSYTH
COUNTY, SUBJECT TO REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. (a) The Forsyth County Board of Elections shall conduct an election on the date of the general election in November 1986, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of the Village of Clemmons, the question of whether or not such area shall be incorporated as the Village of Clemmons. Registration for the election shall be conducted in accordance with the provisions of Chapter 163 of the General Statutes.

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

Sec. 2. In such election, if a majority of the votes cast are not cast "FOR Incorporation of Clemmons", then Sections 3 through 7 of this act shall have no force and effect.

Sec. 3. In such election, if a majority of the votes cast shall be cast "FOR Incorporation of Clemmons" then: (1) Sections 3 through 7 of this act shall become effective on the date that the Forsyth County Board of Elections determines and certifies the result of the election, and (2) Ronald Willard, Bob Caudill, Felix C. Hege, John F. Hunter and Dennis E. Brewer are hereby appointed as the Village Council of the Village of Clemmons to serve until their successors are elected and qualify as provided in Article IV of the Charter.

Sec. 4. The Village Council appointed pursuant to the preceding section shall possess and may exercise all the powers granted by the Charter and general laws of North Carolina to the Village of Clemmons. They may meet and organize at any time within 60 days following certification of the election results. They shall select from among their members a Chairman, to exercise the powers of Mayor until a Mayor is elected and qualified as provided in Article IV of the Charter. The Chairman so selected shall vote as a member of the Council, but shall have no right to break a tie vote in which he participated.

Sec. 5. The Village Council may adopt a budget ordinance for the 1986-87 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. The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the Village for the fiscal year 1986-87, and subsequent years. They may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 1986. The Village may obtain from Forsyth County, and the County Tax Supervisor shall provide upon request, a record of all property, and the names of the owners and the valuation thereof, within the corporate limits which was listed for taxation as of January 1, 1986.

Sec. 6. The current land use regulations adopted and enforced by Forsyth County pursuant to Article 18 of Chapter 153A of the General Statutes, or applicable local act of the General Assembly, shall remain in effect in the Village of Clemmons as provided in G.S. 160A-360. In addition, the Village Council may request that Forsyth County continue to enforce any or all of those regulations, as provided in G.S. 160A-360(d).

All other ordinances of the County of Forsyth which were effective on the effective date of the Charter within the area described in Section 2.1 of the Charter and which would have required approval by the Town under G.S. 153A-122 to be effective within the corporate limits shall remain in effect until the Town of Clemmons adopts a resolution under G.S. 153A-122 withdrawing its permission for the ordinance to apply, or until repealed by the County of Forsyth, whichever occurs first; provided that if the ordinance is amended before the resolution is adopted, the ordinance shall continue to apply as amended.

Sec. 7. The following provisions of law shall constitute the Charter of the Village of Clemmons:

"CHARTER OF THE VILLAGE OF CLEMMONS.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Sec. 1.1. Incorporation and General Powers. The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate under the name of the 'Village of Clemmons' and shall be vested with all property which may be acquired by the Village, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same.

The Village of Clemmons shall be vested with all municipal powers, functions, rights, privileges and immunities conferred by the Constitution and laws of the State of North Carolina upon municipalities and especially Chapter 160A of the General Statutes.

"Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Village, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Village Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Sec. 1.3. Rate Limitation on Taxation. Notwithstanding the provisions of G. S. 160A-209(d), and the rate limitation set out in that subsection, G. S. 160A-209(d), the Village Council may levy property taxes only up to a combined rate of fifteen cents (15c) on the one hundred dollar (\$100.00) appraised value of property subject to taxation, without an approving vote of the people. Any tax levy approved by the people shall not count for the purposes of rate limitation imposed herein.

"ARTICLE II. CORPORATE BOUNDARIES.

"Sec. 2.1. Corporate Boundaries. The corporate boundaries of the Village of Clemmons shall be as follows until changed in accordance with law:

All references to lots and blocks contained herein are references to tax lots and tax blocks as they are depicted on the Forsyth County Tax Maps on March 27, 1985. BEGINNING at a point, said point being located at the intersection of the center lines of the Lewisville-Clemmons Road and Peace Haven Road; thence north with the center line of Lewisville-Clemmons Road to a point beyond the intersection of Lewisville-Clemmons Road and Sedalia Drive, the northwest corner of Tax Block 4466 and at a common point with Tax Block 4233; thence east along the common boundary of Tax Block 4233 and Tax Block 4466 to a point in the west line of Tax Block 4463; thence north along the common boundary line of Tax Block 4233 and 4463 to a point, the northwest corner of Tax Lot 21, Block 4463; thence east along the common boundary line between Tax Blocks 4233 and 4463 to a point, the northeast corner of Tax Lot 36, Block 4463; thence south along the common boundary line between Tax Blocks 4233 and 4463 around to a point, the southeast line of Tax Lot 48, Block 4463 and the northwest corner of Lot 65B and the northeast corner of Lot 65E, Block 4233; thence southeast with an extension of the boundary line between Lots 65B and 65E to the point where it intersects with the center line of Peace Haven Road; thence southwest with the center line of Peace Haven Road to the point where it intersects with an extension of the center line of Kinnamon Road; thence east with the center line of Kinnamon Road to the point where it intersects with the north line of Block 4288; thence in an easterly direction along the southern boundary line of Tax Block 4233 and the northern boundary lines of Tax Blocks 4288 and 4268 and a portion of the west line of Tax Block 4278 around to the point where it intersects with the center line of Muddy Creek, a common point of Tax Blocks 4233, 3897 and 4278; thence in a southeasterly direction with the southwest line of Tax Block 3897 and the northwestern boundary lines of Tax Blocks 4278 and 4287 along the center line of Muddy Creek to a point, a common point of Tax Blocks 4230, 4287 and 3897; thence west with the common boundary lines of Tax Blocks 4287 and 4230 to a point in the east line of Tax Lot 36, Tax Block 4287; thence south to a point, the southeast corner of Tax Lot 26, Block 4287; thence west to a point, a common point of Tax Blocks 4276, 4287 and 4230; thence south along the common boundary line of Tax Blocks 4276 and 4230 to a point in the north line of Tax Block 4222, a corner for 4276, 4230 and 4222; thence east along the common boundary line of Tax Blocks 4276 and 4222 to a point in the east line of Tax Block 4274, a corner for Blocks 4274, 4276 and 4222; thence south along the common boundary line of Tax Blocks 4274 and 4222 to a point in the center line of U. S. Highway 158; thence southwest with the center line of U. S. Highway 158 to a point 200 feet northeast of the

intersection of the center lines of U. S. Highway 158 and an extension of the center line of Hampton Road; thence south with a line 200 feet to the east of Hampton Road to a point, the northeast corner of Tax Lot 1B, Block 4227; thence east along the common boundary line of Blocks 4227 and 4237 to a point in the west line of Tax Block 4210, a corner of 4227, 4210 and 4237; thence with the southern boundary line of Tax Block 4210 along the northern boundary lines of Blocks 4237, 4238, 4239, 4240 and 4241 around to a point, the northeast corner of Tax Lot 1, Block 4241; thence southwest along a common boundary line of Blocks 4241 and 4210 to a point, a corner of Block 4241 and 4210; thence west along the common boundary line of 4241 and 4210 to a point, a corner of Tax Blocks 4241, 4210 and 4242; thence southwest along the common boundary lines of Tax Blocks 4242 and 4210 to a point, the northeast corner of Tax Lot 101, Block 4210; thence including all of Tax Lots 101, 110F, 110D, 110C and 110E, Block 4210; continuing thence from a point, said point being the southeast corner of Tax Lot 4, Tax Block 4219; thence west along the common boundary line of Tax Block 4219 and 4209 to the point where it intersects with the center line of Arden Street; thence south with the center line of Arden Street to a point, a corner of Block 4218 and 4209; thence west along the common boundary line of Blocks 4218 and 4209 to a corner, the southwest corner of Tax Lot 42G, Block 4218; continuing thence west with the southern boundary line of Tax Lot 42A, Block 4209, and an extension thereof to the point where it intersects with the center line of Hampton Road; thence north with the center line of Hampton Road to the point where it intersects with the extension of the south line of Block 4214, a corner of Blocks 4214 and 4235; thence west along the north boundary line of Tax Block 4235 and the southern boundary lines of Blocks 4214 and 4250 to a point, the southwestmost point of Tax Lot 15, Block 4250; continuing thence west with an extension of the southern boundary line of Tax Block 4250 to the point where it intersects with the east line of Tax Lot 5, Block 4235; thence south on a line paralleling Middlebrook Drive 250 feet to the east to a point, the southeast corner of Tax Lot 38G, Block 4208; thence west along the south line of Tax Lot 38G, Block 4208 and an extension thereof to the point where it intersects with the center line of Middlebrook Drive; thence south with the center line of Middlebrook Drive to a point, said point being the intersection of the extension of the north boundary line of Tax Lot 40F, Block 4208; thence east along the north boundary line of Tax Lot 40F, Block 4208, to a point; thence southeast along a common boundary line of Blocks 4208 and 4209 to a point, the southeast corner of Tax Lot 40F, Block 4208, a common point of Blocks 4208, 4209, and 4277; thence south along the common boundary line of Blocks 4209 and 4277 to a point, the southeast corner of Tax Lot 5, Block 4277; thence west along the common boundary line of Blocks 4277 and 4209 to a corner; thence south along the common boundary line of Blocks 4277 and 4209 to a corner; thence south along the common boundary line of Blocks 4277 and 4209 to a point in the center line of Idols Road; thence southeast with the center line of Idols Road to a point, said point being the intersection of the northern extension of the common boundary line between Tax Lots 7A and 6B, Block 4204, and the center line of Idols Road; from said point including all of Tax Lots 6B and 5B, Block 4204; thence continuing north from a point, said point being the northeast corner of Tax Lot 3 and the northwest corner of Tax Lot 5B, Tax

Block 4204 along the northern extension of the common boundary line between said Tax Lot 3 and Tax Lot 5B to the point where it intersects with the center line of Idols Road; thence southwest along the center line of Idols Road to a point in the northwest line of Block 4204, a corner of Blocks 4206 and 4208L; thence along the east line of Tax Block 4206 (in the east line of Tanglewood Park) the west lines of Blocks 4208L, 4208G and 4208N to a point in the south line of Tax Block 4208, the northwest corner of Tax Lot 101D, Block 4208N; thence east along the south line of Tax Block 4208 and the north lines of Tax Block 4208N to a point, the northeast corner of Tax Lot 387, Block 4208N; continuing thence east to a point, the southeast corner of Tax Lot 18E, Block 4208; thence south to a point, the northeast corner of Tax Lot 287, Block 4208M; thence south to a point, the southeast corner of Tax Lot 286, Block 4208M; thence southeast to a point, the northeast corner of Tax Lot 269, Block 4208M; thence southwest to a point, the southwest corner of Tax Lot 20, Block 4208M, a corner of 4208M, 4208G and 4208; thence southeast to a point, the southeast corner of Tax Lot 20, Block 4208; thence northeast to a point, the northeast corner of Tax Lot 20, Block 4208; thence northwest to a point, the intersection of the northeast line of Tax Lot 20 and the center line of Clinard Road; thence Northeast along the center line of Clinard Road to a point, the intersection of a western extension of the north line of Tax Lot 21B, Tax Block 4208; thence east to a point, the northeast corner of Tax Lot 21B, Block 4208; thence northeast to a point, the northeast corner of Tax Lot 22, Block 4208; thence west to a point, the southeast corner of Tax Lot 23, Block 4208; thence north, the northeast corner of Tax Lot 23, Block 4208; thence west to a point, the northwest corner of Tax Lot 23, Block 4208; thence north along the west line of Tax Lot 104, Block 4208, to the point where it intersects with the center line of Clinard Road; continuing thence northeast along the center line of Clinard Road to the point where it intersects with an eastern extension of the south line of Tax Lot 5, Block 4244; thence west with the south lines of Tax Lots 5, 2 and 1, to a point in the west line of Block 4244, the southwest corner of Tax Lot 1, Block 4244; thence north along 4244's west line to the point where it intersects with the center line of U.S. Highway 158; thence west along the center line of U.S. Highway 158 to the point where it intersects with the center line of Lasater Road; thence west along the center line of Lasater Road to the point where it intersects with the center line of Harper Road; thence south along the center line of Harper Road to the point where it intersects with the center line of U.S. Highway 158; thence southwest along the center line of U.S. Highway 158 to a point, said point being located at the intersection of the southern extension of the west line of Tax Lot 216B, Block 4207 in the center line of U.S. Highway 158; thence north with the west line of Tax Lot 216B, Block 4207 and the northern extension thereof to the point where it intersects with the center line of Fair Oaks Drive; thence continuing around in a clockwise direction along the center line of Fair Oaks Drive around to the point where it intersects with the center line of Lasater Road; thence west along the center line of Lasater Road around and beyond the intersection of Lasater Road and North Lake Shore Drive to a point, said point being the intersection of an extension of the east line of Tax Lot 13, Block 4207E and the center line of Lasater Road; thence following the outer boundary lines of Tax Block 4207E in a generally clockwise direction around to the

point where it intersects with the east line of Tax Block 4234; thence northeast along the northeast line of Tax Blocks 4234 to a point, the northernmost corner of Tax Lot 305, Block 4234; thence southeast with the south line of Tax Block 4244 across Lasater Road and continuing to a point, the southeastmost corner of Tax Lot 7, Block 4234 and a corner of Tax Lot 4207; thence east with an extension of the south line of Tax Block 4234 to a point in the west line of Tax Lot 1, Tax Block 4247; thence in a generally clockwise direction along the outer boundary line of Tax Block 4248 around to a point, the southeast corner of Tax Lot 1, Block 4234 and a corner of Blocks 4248, 4234, 4207F; thence north along the west line of Tax Block 4207F to the point where it intersects with the center line of South Peace Haven Road; thence southeast along the center line of Peace Haven Road across Blanket Bottom Creek to a point in the center line of Peace Haven Road and the southeast line of Tax Block 4207A, a corner of 4207B and a corner of Blocks 4207B and 4207; thence south along the common line of Tax Blocks 4207B and 4207 to a point in the north line of Tax Lot 1, Block 4207D; thence east with the north line of Tax Block 4207D around to the point where it intersects with the center line of Harper Road; thence southwest along the center line of Harper Road to the point where it intersects with the northern right of way line of U.S. Highway Interstate 40; thence northeast with the northern right of way line of U.S. Highway Interstate 40 to a point 250 feet southwest of the center line of the Lewisville-Clemmons Road; thence north on a line paralleling Lewisville-Clemmons Road 250 feet from the center line of said road to the point where it intersects with the center line of Peace Haven Road; thence northeast along the center line of Peace Haven Road to the point where it intersects with Lewisville-Clemmons Road being the point and place of beginning.

"ARTICLE III. MAYOR AND VILLAGE COUNCIL.

"Sec. 3.1. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Village voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Village government and shall preside at all meetings of the Village Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor may determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Village. The Village Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Sec. 3.2. Composition of Village Council. Except for the initial Village Council, the Village Council shall consist of four members who shall be elected by all of the voters of the Village voting at large in the manner provided in Article IV of this Charter.

"Sec. 3.3. Terms; Qualifications; Vacancies.

(a) The Mayor shall be elected for a term of two years. The members of the Village Council, except as provided in Section 4.3 of this Charter, shall be elected for terms of four years.

(b) To be eligible to be elected as Mayor or as a member of the Village Council or to serve in any of those offices a person shall be a qualified voter and a resident of the Village.

(c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Councilman after election and qualification, the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

"Sec. 3.4. Organizational Meeting. The organizational meeting of the Village Council shall be as provided in G.S. 160A-68.

"Sec. 3.5. Ordinances. The enacting clause of all ordinances shall be 'Be it ordained by the Village Council of the Village of Clemmons'.

"ARTICLE IV. ELECTION PROCEDURE.

"Sec. 4.1. Procedure. Elections shall be conducted in accordance with Subchapter IX of Chapter 163 of the General Statutes.

"Sec. 4.2. Results of elections. All elections in the Village of Clemmons shall be conducted under the nonpartisan plurality method, and the results determined under G.S. 163-292.

"Sec. 4.3. Election of Mayor and Council Members. In 1987 and biennially thereafter, a Mayor shall be elected for a term of two years. In 1987, Council members shall be elected, with the two Council members receiving the largest number of votes elected for terms of four years, and the two with the next highest number of votes elected for terms of two years. In 1989 and biennially thereafter, two Council members shall be elected for terms of four years.

"ARTICLE V. VILLAGE ATTORNEY.

"Sec. 5.1. Appointment; Qualifications; Terms; Compensation. The Village Council shall appoint a Village Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Village during his tenure. The Village Attorney shall serve at the pleasure of the Village Council and shall receive such compensation as the Council shall determine.

"Sec. 5.2. Duties of Village Attorney. It shall be the duty of the Village Attorney to prosecute and defend suits for and against the Village; to advise the Mayor, Village Council, and other Village officials with respect to the affairs of the Village, to draw all legal documents relating to the affairs of the Village; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Village may be concerned; to attend meetings of the Village Council as required by the Council, and to perform such other duties as may be required of him by virtue of his position as Village Attorney.

"ARTICLE VI. FORM OF GOVERNMENT.

"Sec. 6.1. Council-Manager Form of Government. The Village of Clemmons shall be governed by the Council-Manager form of Government."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1985.