

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 844
HOUSE BILL 1483

AN ACT TO REVISE THE CHARTER OF THE CITY OF ELIZABETH CITY,
CHANGE THE FORM OF GOVERNMENT OF THE CITY OF ELIZABETH
CITY AND SCHEDULE NONPARTISAN MUNICIPAL ELECTION.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of the Charter of the City of Elizabeth City being Chapter 158, Session Laws of 1963 is rewritten to read:

"Sec. 4. That the City of Elizabeth City shall be divided into four wards or electoral districts to be known respectively as the First, Second, Third and Fourth Wards pursuant to Article 4 of Chapter 160A of the North Carolina General Statutes, as same may be amended from time to time.

First Ward Boundaries. The First Ward shall be bounded as follows:

Beginning at the center of the intersection of Edgewood Drive and Parkview Drive which point is also the approximate point of intersection of Parkview Drive and Park Drive; thence in a Northwardly direction down the centerline of Park Drive to its point of intersection with the centerline of Rivershore Road; thence along the centerline of Rivershore Road in a Northwardly direction to its point of intersection with the centerline of North Williams Circle; thence westwardly along the centerline of N. Williams Circle to a point where same intersects the centerline of West William Circle; thence Northwardly along the centerline of West Williams Circle to a point where same intersects the centerline of North Williams Circle; thence Southwardly along the centerline of north Williams Circle to a point where same intersects the centerline of Park Street; thence along the centerline of Park Street in a Westwardly direction to a point where same intersects the centerline of Southern Avenue; thence in a Northwardly direction along the centerline of Southern Avenue to a point where same intersects the centerline of B Street; thence Westwardly along the centerline of B Street to a point where same intersects the centerline of Herrington Road; thence Northwardly along the centerline of Herrington Road to the point where same intersects the centerline of South Road Street; thence along the centerline of South Road Street in a Northwardly direction to a point where same intersects the centerline of North Road Street; thence Northwardly along the centerline of North Road Street to the point where same intersects the centerline of Ward Street; thence along the centerline of Ward Street and the Easterly prolongation thereof in an Easterly direction to the point where same intersects the city limits of the City of Elizabeth City; thence commencing in a general southwardly direction along the city limits of the City of Elizabeth City, its various courses and distances, to its point of intersection with the centerline of River Road;

thence westwardly along the centerline of River Road to its point of intersection with the centerline of Crescent Drive; thence southwardly along the centerline of Crescent Drive to its point of intersection with the centerline of Parkview Drive; thence westwardly along the centerline of Parkview Drive to the point and place of beginning. Second Ward Boundaries. The Second Ward shall be bounded as follows:

Beginning at the center of the intersection of West Church Street and South Road Street; thence along the centerline of West Church Street in a Westwardly direction to its intersection with the centerline of Hughes Blvd.; thence along the centerline of Hughes Blvd. in a southwardly direction to its point of intersection with the centerline of the Norfolk- Southern Railway right of way (spur track); thence along the centerline of the Norfolk-Southern Railway right of way in a Westwardly direction to its point of intersection with the city limits of the City of Elizabeth City; thence commencing in a general northwardly direction and then southwardly direction along the city limits of the City of Elizabeth City, its various courses and distances, to the point of intersection of the city limits of the City of Elizabeth City with the Easterly prolongation of the centerline of Ward Street; thence along the Eastwardly prolongation of the centerline of Ward Street in a Westwardly direction to the centerline of Ward Street; thence along the centerline of Ward Street in a Westwardly direction to its point of intersection with the centerline of North Road Street; thence along the centerline of North Road Street in a Southerly direction to its point of intersection with the centerline of South Road Street; thence along the centerline of South Road Street to the point and place of beginning. Third Ward Boundaries. The Third Ward shall be bounded as follows:

Beginning at the center of the intersection of West Church Street and South Road Street; thence along the centerline of West Church Street in a Westwardly direction to its point of intersection with the centerline of Hughes Blvd.; thence along the centerline of Hughes Blvd. in a southerly direction to its point of intersection with the centerline of Norfolk-Southern Railway right of way (spur track); thence along the centerline of the Norfolk-Southern Railway right of way in a Westwardly direction to its point of intersection with the city limits of the City of Elizabeth City; thence commencing in a general southwardly direction and eastwardly direction along the city limits of the City of Elizabeth City, its various courses and distances, to its point of intersection with the centerline of Peartree Road; thence in a Northerly direction along the centerline of Peartree Road to a point where same intersects the centerline of South Road Street; thence in a Northerly direction along the centerline of South Road Street to the point and place of beginning. Fourth Ward Boundaries. The Fourth Ward shall be bounded as follows:

Beginning at a point marked by the intersection of the centerline of Peartree Road with the City limits of the City of Elizabeth City; thence in a Northerly direction along the centerline of Peartree Road to a point where same intersects the centerline of south Road Street; thence in a Southerly direction along the centerline of South Road Street to a point where same intersects the centerline of Herrington Road; thence in a Southerly direction along the centerline of Herrington Road to a point where same intersects the centerline of B Street; thence in an Easterly direction along the centerline of B Street to a point where same intersects the centerline of Southern Avenue; thence in a Southerly

direction along the centerline of Southern Avenue to a point where same intersects the centerline of Park Street; thence in an Easterly direction along the centerline of Park Street to a point where same intersects the centerline of North Williams Circle; thence in a Northerly direction along the centerline of North Williams Circle to a point where same intersects the centerline of West Williams Circle; thence in a Southerly direction along the centerline of West Williams Circle to a point where same intersects the centerline of north Williams Circle; thence along the centerline of North Williams Circle in an Easterly direction to a point where same intersects the centerline of Rivershore Road; thence in a Southerly direction along the centerline of Rivershore Road to a point where same intersects the centerline of Park Drive; thence in a Southerly direction along the centerline of Park Drive to a point where same intersects the centerline of Parkview Drive which point is also the approximate center of the intersection between Parkview Drive and Edgewood Drive; thence along the centerline of Parkview Drive in an easterly direction to its point of intersection with the centerline of Crescent Drive; thence Northerly along the centerline of Crescent Drive to its point of intersection with the centerline of River Road; thence eastwardly along the centerline of River Road to its point of intersection with the City limits of the City of Elizabeth City; thence commencing Southwardly and then Northwardly along the city limits of the City of Elizabeth City, its various courses and distances, to the point and place of beginning.

Sec. 2. Sections 5 and 6 of the Charter of the City of Elizabeth City being Chapter 158, Session Laws of 1963 are rewritten to read:

"Sec. 5. A nonpartisan election shall be held in the City of Elizabeth City as scheduled by G.S. 163-279(a)(4), or any successor statute. The first election shall be held on the fourth Tuesday before the Tuesday after the first Monday in November in the year 1987 and biennially thereafter for the election of such officers of the city as are herein provided and for the submission to popular vote of such issues as are directed by the City Council or the General Assembly of the State of North Carolina.

Sec. 6. Municipal elections and runoff elections shall be conducted as provided in G.S. 163-293, or any successor statute. Runoff elections shall be governed by the procedures set forth in G.S. 163-293, or any successor statute; and if a runoff election is required, same shall be held as scheduled in G.S. 163- 279(a)(4), or any successor statute. The first runoff election date, if required, shall be held on Tuesday after the first Monday in November in the year 1987."

Sec. 3. Sections 9 and 10 of the Charter of the City of Elizabeth City being Chapter 158, Session Laws of 1963, are rewritten to read:

"Sec. 9. All powers of the city, except as herein otherwise provided, shall be vested in a city council of eight members and a mayor. The term of the city council members shall be for four years and the term of the mayor shall be for two years. City council members and the mayor shall serve and their terms shall continue until their respective successors are elected and duly qualified. The term of office shall begin on the first Monday in December after each election or as otherwise provided pursuant to G.S. 160A-68, or any successor statute.

Sec. 10. Pursuant to Section 4 of the Charter of the City of Elizabeth City and Article 4 of Chapter 160A of the North Carolina General Statutes, as same may be amended from time to time, the city shall be divided into four wards or electoral districts and two seats of the eight city council members shall be apportioned and assigned to each ward or electoral district.

The qualified voters of each ward or electoral district shall vote for and elect candidates to the two 'ward seats' of city council so assigned and apportioned to the respective ward or electoral district. No person may be a candidate for a 'ward seat' unless that person is a resident and qualified voter of the ward or electoral district for which 'ward seat' said person desires to be elected.

The qualified voters residing in the entire city shall vote for and elect a candidate for the office of mayor. No person may be a candidate for mayor unless that person is a resident and qualified voter of the city.

There shall be elected one council member from each ward or electoral district and the mayor at each biennial municipal election to fill the offices of the council members and mayor whose terms will expire upon the election and qualifications of their successors on the first Monday in December after each biennial election.

In the event there should be a tie between two candidates for any office after a runoff election, the Pasquotank County Board of Elections shall determine the winner by lot as provided by G.S. 163-293(f), or any successor statute.

If a vacancy occurs in the office of mayor or an office of a council member, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining council members. Provided, no person may be so elected to the office of mayor unless said person is a resident and qualified voter of the city; and no person may be so elected to the office of council member from any ward or electoral district unless said person is a resident and qualified voter of that ward or electoral district.

If any council member should change his or her residence from the ward or electoral district from which he or she was elected or the mayor from the city, his or her term of office shall immediately expire and a vacancy as to that office shall immediately occur."

Sec. 4. (a) Notwithstanding the scheduling of municipal elections in the City of Elizabeth City and the date upon which terms of office for Mayor and council members commence as provided in the amendments to the Charter of the City of Elizabeth City adopted in Sections 2 and 3 of this act, the nonpartisan municipal election for the office of mayor and four council members, originally scheduled to be conducted on October 7, 1985, shall be conducted in accordance with the schedule and procedures hereinafter prescribed, and except as provided by this section, the provisions of Chapter 163 of the General Statutes of North Carolina shall apply.

(b) The public notice relative to the election to be conducted in accordance with this section shall be published in a newspaper having general circulation in Elizabeth City on November 2, 1986. At least one other publication shall be made no later than one week following the date of the first publication.

(c) The nonpartisan municipal election for mayor and for one council member from each ward as delineated in Section 1 of this act shall be conducted on Tuesday,

December 2, 1986, and a runoff election, if required shall be conducted on Tuesday, January 6, 1987.

(d) The public notice relative to a runoff election, if one is required, to be conducted in accordance with this section shall be published in a newspaper having general circulation in Elizabeth City no later than 10 days following the election, and at least one other publication shall be made no later than one week following the date of the first publication.

(e) Each person offering himself or herself as a candidate for election to the offices of Mayor or council member from any of the four wards pursuant to the election herein scheduled by Section 4 of this act shall do so by filing a notice of candidacy with the Pasquotank County Board of Elections pursuant to G.S. 163-294.2. Candidates may file their notices of candidacy at any time after 12:00 noon on the Friday preceding the eighth Saturday and before 12:00 noon on the Friday preceding the fifth Saturday before the municipal election scheduled for December 2, 1986. A public notice relative to the time period during which interested persons may file notices of candidacy shall be published in a newspaper having general circulation in Elizabeth City no later than 10 days before the filing period opens, and at least one other publication shall be made no later than one week following the date of the first publication. Except as otherwise stated herein, G.S. 163-294.2 shall apply to filing notices of candidacy.

(f) The terms of the Mayor and city council members elected pursuant to this section shall commence on February 2, 1987, upon qualification and their terms shall expire on the same dates their terms would have expired had said Mayor and city council members been elected at the elections scheduled for October 7, 1985.

(g) The provisions of this section shall be temporary and shall apply only to the election and if required, the runoff election scheduled herein. The provisions of Section 4 of this act shall expire following final certification of the election and if required, the runoff election scheduled herein.

(h) In the event any portion of this section is held unconstitutional or invalid by a State or Federal Court or is unenforceable because of objection interposed by the United States Department of Justice under the Voting Rights Act of 1965 (as amended) or if the United States Department of Justice imposes requirements in addition to those set forth herein in connection with the election and if required, the runoff election, herein scheduled, which additional requirements are prerequisites to obtaining a non-objection by the United States Attorney General under the Voting Rights Act of 1965 (as amended), then and in any of said events, the State Board of Elections shall have authority to make reasonable interim rules and regulations with respect to the election and if required, the runoff election herein scheduled, and to implement any additional requirements which may be imposed as set forth above, in addition to or in lieu of the procedures set forth in this section, and such rules and regulations shall expire at the time set forth in subsection (g) of this section.

Sec. 5. To the extent any provision of Chapter 158 of the Session Laws of 1963 is inconsistent with any provision of this act, same is hereby repealed.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1986.