

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 419
SENATE BILL 419

AN ACT TO INCORPORATE GRANDFATHER VILLAGE, SUBJECT TO A
REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. A Charter is enacted for Grandfather Village to read:

"CHARTER OF GRANDFATHER VILLAGE.

"Chapter I.

"Incorporation and Corporate Powers.

"Sec. 1.1. Incorporation and corporate powers. The inhabitants of Grandfather Village are a body corporate and politic under the name 'Grandfather Village'.

"Sec. 1.2. Powers. As a body politic and corporate and under the name and style 'Grandfather Village', the village shall 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 Grandfather Village are as follows:

BEGINNING at a point in the center line of NC Highway 105, corner of 128 acre Tract III conveyed to Grandfather Enterprises, Inc. by Deed dated November 1, 1980, recorded in Book 124, Page 776, Avery County Registry; thence with the center line of NC Highway 105 the following courses and distances: North 73°22' East 101.89 feet, North 67°26' East 102.22 feet, North 61°10' East 101.87 feet, North 54°55' East 102.45 feet, North 48°41' East 101.91 feet, North 43°39' East 101.72 feet, North 42°19' East 1000.71 feet, North 42°06' East 99.61 feet, North 40°55' East 100.81 feet, North 36°05' East 100.94 feet, North 30°19' East 101.50 feet, North 24°03' East 101.86 feet, North 16°44' East 102.28 feet, North 11°02' East 3.30 feet, North 06°50' East 275.82 feet, North 02°27' East 597.23 feet, North 02°24' East 60.93 feet, North 02°39' East 99.49 feet, North 02°30' East 100.55 feet, North 03°13' East 99.39 feet, North 05°02' East 100.37 feet, North 07°58' East 98.58 feet, North 10°40' East 100.26 feet, North 14°21' East 98.30 feet, North 16°52' East 103.18 feet, North 19°11' East 1196.52 feet, North 19°19' East 99.51 feet, North 20°10' East 72.34 feet, North 20°52' East 35.18 feet, North 26°57' East 119.85 feet, North 34°14' East 101.15 feet, North 41°36' East 120.30 feet, North 46°12' East 86.54 feet, North 48°17' East 378.11 feet, North 46°39' East 112.45 feet, North 42°30' East 94.96 feet, North 38°58' East 146.47 feet, North 39°49' East 1513.89 feet, North 39°08' East 99.70 feet, North 38°27' East 101.04 feet, North 37°38' East 99.84 feet, North 29°43' East 102.76 feet, North 22°11' East 102.47 feet, North

32°33' East 100.20 feet, North 25°31' East 1301.01 feet to a point in the center line of NC Highway 105, corner of 959 acre Tract I as conveyed to Grandfather Enterprises, Inc. by Deed dated November 1, 1980, recorded in Book 124, Page 776, Avery County Registry; thence leaving the center line of NC Highway 105 and running with the line of Grandfather Enterprises, Inc. (now Wilmor Corp.), the following courses and distances: South 57°01' East 265.52 feet, South 52°05' East 105.70 feet, South 39°19' East 129.32 feet, South 17°09' East 162.85 feet, South 36°22' West 170.71 feet, South 58°06' West, 139.39 feet, South 39°16' West 200.34 feet, South 51°59' East 170.77 feet, North 55°37' East 171.10 feet, South 86°32' East 116.34 feet, North 63°25' East 193.60 feet, South 06°28' East 196.60 feet, North 76°03' East 66.80 feet, South 03°03' East 221.00 feet, South 08°22' East 187.20 feet, South 10°48' East 81.36 feet, South 29°47' East 66.80 feet, South 34°30' East 80.10 feet, South 84°10' East 130.10 feet, South 50°21' East 70.60 feet, South 25°06' East 99.60 feet, South 34°03' East 134.56 feet, South 06°51' West 175.60 feet, South 13°56' West 97.90 feet, North 76°25' East 201.20 feet, South 07°00' East 110.00 feet, South 49°32' East 143.00 feet, North 34°12' East 79.65 feet, North 14°21' East 83.00 feet, North 12°59' East 123.90 feet, North 40°58' East 150.45 feet, North 29°51' West 74.12 feet, North 79°21' East 111.28 feet, North 84°56' East 127.98 feet, North 74°26' East 100.98 feet, South 85°27' East 155.97 feet, South 58°13' East 109.85 feet, South 82°16' East 130.09 feet, South 67°32' East 109.89 feet, North 84°32' East 48.49 feet, North 67°36' East 89.59 feet, South 86°55' East 144.83 feet, North 08° 24' West 361.00 feet, North 67°29' East 321.45 feet, South 39°00' East 393.10 feet, North 64°16' East 86.36 feet, South 68°55' East 63.13 feet, North 73°51' East 59.78 feet, North 87°18' East 65.27 feet, South 75°28' East 110.68 feet, South 15°12' East 131.65 feet, South 15°31' East 242.13 feet, South 00°56' West 211.03 feet, South 25°58' West 183.02 feet, South 26°19' West 59.50 feet, South 59°01' West 134.89 feet, South 47°07' West 224.94 feet, South 26°44' East 180.00 feet, South 26°41' East 142.15 feet, North 78°00' East 200.00 feet, South 13°52' East 188.06 feet, South 78°00' West 200.00 feet, South 09°22' East 55.00 feet, South 01°53' West 236.19 feet, South 30°00' West 239.76 feet, and 57°18' East 806.98 feet to a point in the line of Grandfather Mountain, Inc.; thence with the line of Grandfather Mountain, Inc. the following courses and distances: South 45°35' West 5634.30 feet, South 51°10' West 3973.39 feet, North 80°09' West 45.63 feet, North 81°16' West 55.95 feet, North 87°54' West 62.15 feet, South 81°48' West 52.96 feet, South 72°24' West 56.66 feet, South 64°15' West 53.33 feet, South 55°29' West 55.42 feet, South 46°05' West 511.24 feet, South 36°54' West 58.54 feet, South 23°53' West 58.83 feet, South 12°13' West 54.57 feet, South 08°43' West 47.16 feet, South 02°13' West 100.14 feet, South 07°31' West 48.36 feet, South 23°51' West 63.71 feet, and South 55°07' West 113.07 feet to a point, corner of the 128 acre tract referred to above; thence with the line of said 128 acre tract the following courses and distances: North 34°38' West 535.22 feet, South 70°31' West 149.30 feet, South 86°16' West 129.25 feet, South 84°13' West 231.20 feet, North 78°05' West 231.90 feet, North 45°33' West 188.79 feet, North 07°51' West 211.68 feet, North 16°25' West 205.70 feet, North 21°35' West 206.44 feet, North 15°27' West 241.64 feet, North 65°10' West 134.27 feet, North 38°22' West 49.19 feet, North 00°26' East 110.36 feet, North 07°36' West 131.25 feet, North 24°59' West 73.20 feet, North

16°55' West 220.00 feet, North 61°55' East 180.85 feet, North 80°45' East 308.90 feet, North 82°47' East 133.90 feet, North 16°21' West 170.90 feet, North 22°08' West 168.70 feet, North 35°19' East 230.67 feet, and North 07°39' West 122.64 feet to the point of BEGINNING. Containing approximately 1009 acres by D.M.D. as shown on maps of survey prepared by Robert E. Grindstaff, RLS L-1294, dated January 19, 1982, March 17, 1982, and October 23, 1980, Map No.s 182005-1, 382050-0, and 1080238-1, respectively.

"Chapter III.

"Governing Body.

"Sec. 3.1. Type and number of members. The governing body of Grandfather Village 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 in accordance with the general laws of North Carolina.

"Sec. 3.3. Term of office of Council members. Until members are elected in accordance with this section, the Village Council shall consist of Robert C. Bowness, William B. Cocke, Jr., Hugh A. Fields, and Andre Tennille. In the 1987 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, Robert H. Crawford shall serve as Mayor. In 1987 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. Grandfather Village 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 1987-88 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, 1988, 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, 1987.

"Sec. 5.3. Boards and commissions. The Village Council shall appoint a Village Advisory Council which shall consist of not less than five nor more than nine members who shall be owners of real property within the corporate limits, but who shall not

necessarily be a qualified voter or resident of Grandfather Village. Such Advisory Commission shall advise the Village Council on all matters involving village services, police and fire protection, utility services and other matters.

In addition the Village Council may appoint such other commissions and committees as may be deemed necessary or advisable in providing local governmental services to the village.

"Sec. 5.4. Streets. The Village Council may acquire and maintain a system of public streets and roads and may also acquire, maintain and provide for private streets and roads for the purpose of assuring adequate police and security services to its residents. In maintaining private streets and roads, the Council may limit public access to private roads and streets by utilizing traffic control signals, signs, security gates and other appropriate means.

Notwithstanding G.S. 40A-3(b)(1) or the provisions of Article 9 of Chapter 136 of the General Statutes, the village may not so acquire by condemnation any privately owned property in the area described in Chapter II of this Charter for the purpose of opening, widening, or extending any private road, street or sidewalk or acquiring rights-of-way for roads, streets or highways.

In providing for its streets and road system, the village may not apply for and is not eligible to receive Powell Bill Funds administered by the State of North Carolina under G.S. 136-41.1."

Sec. 2. (a) The Avery County Board of Elections shall conduct an election no later than August 15, 1987, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of Grandfather Village, the question of whether or not such area shall be incorporated as Grandfather Village. 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 Grandfather Village as provided in this act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of Grandfather Village", and those voters who are opposed to the incorporation of Grandfather Village as provided in this act shall vote a ballot upon which shall be printed the words: "AGAINST Incorporation of Grandfather Village".

Sec. 3. In such election, if a majority of the votes cast are not cast "FOR Incorporation of Grandfather Village", then Section 1 of this act shall have no force and effect.

Sec. 4. In such election, if a majority of the votes cast shall be cast "FOR Incorporation of Grandfather Village" 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. For the 1987 municipal election, notwithstanding G.S. 163-294.2(c), candidates shall file their notices of candidacy not later than 12:00 noon on the first Friday in September of 1987 if the referendum is held on or after July 1, 1987.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 19th day of June, 1987.