

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

2

HOUSE BILL 616
Committee Substitute Favorable 5/5/89

Short Title: Leland Incorporation.

(Local)

Sponsors:

Referred to:

March 15, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF LELAND, SUBJECT TO A
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Town of Leland is enacted to read:

6 "CHARTER OF THE TOWN OF LELAND.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Section 1.1. Incorporation and corporate powers. The inhabitants of the Town of
10 Leland are a body corporate and politic under the name 'Town of Leland'. Under that
11 name they have all the powers, duties, rights, privileges, and immunities conferred and
12 imposed upon cities by the general law of North Carolina.

13 "CHAPTER II.

14 "CORPORATE BOUNDARIES.

15 "Sec. 2.1. Town Boundaries. Until modified in accordance with law, the boundaries
16 of the Town of Leland are as follows:

17 Lying and being in Brunswick County and beginning at a point of the confluence of
18 Sturgeon Creek and the Brunswick River, said beginning point being located in
19 Northwest Township, Brunswick County, North Carolina, and thence from said
20 beginning point in a general Westerly direction with the run of Sturgeon Creek to the
21 confluence of Sturgeon Creek and Mill Creek, thence in a general Westerly direction
22 and continuing with the run of Sturgeon Creek to its intersection with the Southern
23 right-of-way line of the new four lane U. S. Highway 74-76, thence in a Southeasterly

1 direction with the Southern right-of-way line of the new U. S. Highway 74-76 to the
2 interchange of said highway with U. S. Highway 17, and thence continuing with an
3 extension of the Southern right-of-way line of the new four lane U. S. Highway 74-76
4 as it would proceed through the interchange without alteration to the point where such
5 extension would intersect with the Southern right-of-way line the new U. S. Highway
6 74-76 East of said interchange and thence continuing with said Southern right-of-way
7 line of the new U. S. Highway 74-76 in a Northeasterly direction to a point in the center
8 of the Brunswick River, thence in a general Northerly direction along the center of the
9 Brunswick River to the point of confluence of the Brunswick River and Sturgeon Creek,
10 said point being the point of beginning.

11 "CHAPTER III.

12 "GOVERNING BODY.

13 "Sec. 3.1. Structure of governing body; number of members. The governing body of
14 the Town of Leland is the Town Council and the Mayor. The Town Council has four
15 members.

16 "Sec. 3.2. Manner of electing board. The qualified voters of the entire Town elect
17 the members of the Council.

18 "Sec. 3.3. Term of office of Council members. In 1989, four members of the
19 Council shall be elected. The two persons receiving the highest numbers of votes are
20 elected for four-year terms, and the two persons receiving the next highest numbers of
21 votes shall be elected for two-year terms. In 1991 and biennially thereafter, two
22 members of the Council shall be elected for four-year terms.

23 "Sec. 3.4. Selection of Mayor; term of office. The qualified voters of the entire
24 Town elect the Mayor. A Mayor shall be elected in 1989 and biennially thereafter for a
25 two-year term. The Mayor has the same voting rights and privileges and is subject to
26 the same voting limitations and requirements as are Council members under the general
27 law. In determining a quorum, a majority vote of the Council, or in being excused from
28 voting, the Mayor is treated as a member of the Council. The Mayor, after participating
29 with Council members in a vote that results in a tie, may not vote a second time to break
30 that tie.

31 "CHAPTER IV.

32 "ELECTIONS.

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

36 "CHAPTER V.

37 "ADMINISTRATION.

38 "Sec. 5.1. Mayor-Council plan. The Town of Leland operates under the Mayor-
39 Council plan as provided by Part 3 of Article 7 of Chapter 160A of the General
40 Statutes."

41 Sec. 2. Until members of the Town Council are elected in 1989 in
42 accordance with the Town Charter and the law of North Carolina, the Leland Charter
43 Commission shall serve as the interim governing body. The Chairman of the Leland
44 Charter Commission shall be interim Mayor and the other members of the Commission

1 serve as interim Council members from the time that the results of the election are
2 certified until noon on Thursday, December 7, 1989, when their successors shall take
3 office as provided by this Charter. Vacancies in the interim Council shall be filled by
4 appointment made by the remaining members. A vacancy in the office of interim
5 Mayor is filled by appointment made by the interim governing board.

6 Sec. 3. From and after July 1, 1989, the citizens and property in the Town of
7 Leland shall be subject to municipal taxes levied for the year beginning July 1, 1989,
8 and for that purpose the Town shall obtain from Brunswick County a record of property
9 in the area herein incorporated which was listed for taxes as of January 1, 1989, and the
10 businesses in the Town shall be liable for privilege license tax from the effective date of
11 the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal
12 year 1989-90 without following the timetable in the Local Government Budget and
13 Fiscal Control Act.

14 Sec. 4. (a) The Brunswick County Board of Elections shall conduct an
15 election on a date set by it, to be not less than 60 nor more than 120 days after the date
16 of ratification of this act, for the purpose of submission to the qualified voters of the
17 area described in Section 2.1 of the Charter of Leland, the question of whether or not
18 such area shall be incorporated as Leland. Registration for the election shall be
19 conducted in accordance with G.S. 163-288.2.

20 (b) In the election, the question on the ballot shall be:

21 " FOR Incorporation of Leland

22 AGAINST Incorporation of Leland."

23 Sec. 5. In such election, if a majority of the votes cast are not cast "FOR
24 Incorporation of Leland", then Sections 1 through 3 of this act shall have no force and
25 effect.

26 Sec. 6. In such election, if a majority of the votes cast shall be cast "FOR
27 Incorporation of Leland" then Section 1 through 3 of this act shall become effective on
28 the date that the Brunswick County Board of Elections determines the result of the
29 election. The Brunswick County Board of Elections shall provide a special filing period
30 for candidates for the 1989 regular Town municipal election if the date this act becomes
31 effective is after the opening date for filing provided by G.S. 163-294.2.

32 Sec. 7. This act is effective upon ratification.