

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 499
HOUSE BILL 674

AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON IN
YADKIN COUNTY, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. (a) The Yadkin County Board of Elections shall conduct an election on August 13, 1991, for the purpose of submitting to the qualified voters of the area described in Section 2.1 of the Charter of Jonesville-Arlington contained in Section 2 of this act, the question of whether the Towns of Jonesville and Arlington shall be merged and their obligations assumed by the merged entity. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

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

"[] FOR merger of the Towns of Arlington and Jonesville and the assumption of their obligations by the merged entity.

[] AGAINST merger of the Towns of Arlington and Jonesville and the assumption of their obligations by the merged entity."

(c) In the election, if a majority of the votes cast in each of the respective Towns of Jonesville and Arlington are "FOR merger of the Towns of Arlington and Jonesville and the assumption of their obligations by the merged entity" then Sections 2, and 4 through 7 of this act become effective as set forth in Section 9 of this act. Otherwise, Sections 2, and 4 through 7 of this act do not become effective.

Sec. 2. The following constitutes the Charter of the Town of Jonesville-Arlington, being the merged entity of the Towns of Arlington and Jonesville:

"CHARTER OF THE TOWN OF JONESVILLE-ARLINGTON.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and General Powers.** The inhabitants of the former Town of Jonesville and the inhabitants of the former Town of Arlington are a body corporate and politic under the name of 'The Town of Jonesville-Arlington' (also referred to as the 'Town') until that name is changed in accordance with law. Under that name they have all powers, duties, rights, privileges and immunities conferred and imposed upon municipal corporations by the general law of the State.

"ARTICLE II. CORPORATE BOUNDARIES.

"Sec. 2.1. **Town Boundaries.** The corporate limits of the Town of Jonesville-Arlington consist of all of the territory that was within the corporate limits of the Town of Arlington and all of the territory that was within the corporate limits of the Town of Jonesville on the date of ratification of the act establishing this Charter. An official map of the Town, showing the current boundaries, as they may be changed from time to time

in accordance with law, is maintained permanently in the office of the Town Clerk and is available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in the office of the Secretary of State, the Yadkin County Register of Deeds and the appropriate boards of elections.

"ARTICLE III. GOVERNING BODY.

"Sec. 3.1. **Mayor and Town Council.** The Mayor and the Town Council constitute the governing body of the Town.

"Sec. 3.2. **Town Council; Composition; Terms of Office.** The Council is composed of six members who reside in the respective districts as provided in Article IV of this Charter but who are elected by all the qualified voters of the Town for terms of four years or until their successors are elected and qualified.

"Sec. 3.3. **Mayor; Term of Office; Duties.** The Mayor is elected by all the qualified voters of the Town for a term of two years or until a successor is elected and qualified.

"ARTICLE IV. ELECTIONS.

"Sec. 4.1. **Conduct of Town Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of the State. Elections are conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Sec. 4.2. **Election of Town Council.** For purposes of electing members of the Town Council, the Town is divided into two districts, one district on each side of Highway 21. Three Council members shall be elected from each district. Council members shall reside in the district from which they are elected. All members shall be elected to serve staggered four-year terms.

"ARTICLE V. ADMINISTRATION.

"Sec. 5.1. **Town to Operate Under Council-Manager Plan.** The Town operates under the council-manager form of government in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes."

Sec. 3. (a) Filing for election of officials of the Towns of Arlington and Jonesville for the 1991 regular municipal election shall take place as required by law. If the referendum provided for in Section 1 of this act results in merger of the two Towns, then the 1991 election for the two Towns is cancelled, and any terms of office of the elected officials of the two Towns that would have expired are extended until June 30, 1992. There shall be a special filing period commencing upon certification of the election results and ending at 5:00 p.m. on the tenth business day after the date of certification, for candidacies for Mayor and the governing board of the merged Town for an election to be held in November of 1991. Six council members shall be elected. For purposes of the election, the Town is divided into two districts, one on each side of Highway 21. Three Council members shall be elected from each district. The three highest vote getters shall be elected to four-year terms and the next three highest vote getters shall be elected to two-year terms. G.S. 163-125 does not apply in the case of any officer of either Town seeking office in the merged Town.

(b) The governing body of the merged Town, if elected as set forth in subsection (a) of this section shall have its first organizational meeting on June 30, 1992, which is the effective date of the merger provided for in this act. Between the date that the officers are elected and qualified and June 30, 1992, the governing bodies of the two Towns may meet separately or jointly to discuss Town business and take necessary action on Town matters, including preparation of a budget for fiscal year 1992-93, and may, by adopting concurrent ordinances and otherwise following the procedures set forth in Part 4 of Article 5 of Chapter 160A of the General Statutes, change the name of the merged Town. Meetings of the governing bodies during this period are subject to all applicable notice and meeting procedures required by general law.

Sec. 4. The governing body of the merged Town, if elected as set forth in Section 3 of this act may, at its first organizational meeting on June 30, 1992, or at any time thereafter, amend the Charter of the Town of Jonesville-Arlington to change the name of the merged Town pursuant to the procedure set forth in Part 4 of Article 5 of Chapter 160A of the General Statutes.

Sec. 5. (a) All property, real, personal and mixed, including accounts receivable, belonging to the former Town of Arlington or Jonesville shall vest in, belong to, and be the property of the Town of Jonesville-Arlington. The governing bodies of the Towns of Jonesville and Arlington are authorized and directed to take such actions and to execute such documents as will carry into effect the provisions and the intent of this section.

(b) All judgments, liens, rights of liens, and causes of action of any nature in favor of the former Town of Arlington or Jonesville shall vest in and remain and inure to the benefit of the Town of Jonesville-Arlington.

(c) All taxes, assessments, water or sewer charges, and any other charges or fees, owing to the former Town of Arlington or Jonesville shall be owed to and collected by the Town of Jonesville-Arlington.

(d) All actions, suits, and proceedings pending against or having been instituted by the former Town of Arlington or Jonesville shall not be abated by this act or by the merger provided herein, but shall be continued and completed in the same manner as if merger had not occurred, and the Town of Jonesville-Arlington shall be a party to all such actions, suits, and proceedings in the place and stead of the former Town of Arlington or Jonesville and shall pay or cause to be paid any judgments rendered against the former Town of Arlington or Jonesville in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(e) All obligations of the former Town of Arlington or Jonesville, including outstanding indebtedness, shall be assumed by the Town of Jonesville-Arlington, and all such are hereby constituted obligations of the Town of Jonesville-Arlington, and the full faith and credit of the Town of Jonesville-Arlington shall be deemed to be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond anticipation notes of the former Town of Arlington or Jonesville, and all the taxable property located in the former Town of Arlington or Jonesville shall be subject to taxation by the Town of Jonesville-Arlington for such payment.

(f) All ordinances of the former Town of Arlington or Jonesville and the Town of Jonesville-Arlington shall continue in full force and effect within the area to which they apply at the time of ratification of this act as ordinances of the Town of Jonesville-Arlington until June 30, 1993, unless otherwise provided by the governing body of the Town of Jonesville-Arlington.

(g) All franchises heretofore granted by the former Town of Arlington or Jonesville that are still in force shall continue as valid franchises of the Town of Jonesville-Arlington for the purposes granted within the area comprising the former Town of Arlington or Jonesville.

(h) No person employed by either the former Town of Arlington or Jonesville shall be terminated solely due to the merger provided for in this act.

(i) The Towns of Arlington and Jonesville are hereby abolished.

(j) All references to the "Town of Jonesville-Arlington" are references to the merged entity established under this act. In the event that the name of the merged entity is changed as provided in Section 3(b) or Section 4 of this act, the new name shall be substituted for and shall have the same effect as the name "Town of Jonesville-Arlington" wherever used in this act.

Sec. 6. Chapter 365 of the 1901 Session Laws, being the Charter of Jonesville, and the Charter of Arlington as adopted by the Municipal Board of Control, having served the purposes for which they were enacted, or having been consolidated into this act are repealed.

Sec. 7. This act does not repeal, modify, or in any manner affect any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind of the Town of Jonesville or of the Town of Arlington.

Sec. 8. If any provision of this act is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. (a) Sections 2, and 4 through 7 of this act become effective only if the election held under Section 1 of this act results in merger of the Towns of Arlington and Jonesville as provided in Section 1(c) of this act, and in that event, Sections 2, and 4 through 7 become effective June 30, 1992. The remainder of this act is effective upon ratification.

(b) If a joint resolution adopted by the governing bodies of the Towns of Arlington and Jonesville, or by a study commission established under Article 20 of Chapter 153A of the General Statutes, directed or requested the Yadkin County Board of Elections to take actions prior to the ratification of this act in preparation for the August 13, 1991, election provided for in Section 1 of this act, any actions taken by the Yadkin County Board of Elections for that purpose are validated. The Yadkin County Board of Elections may alter the timetable established in Chapter 163 of the General Statutes as necessary to hold the August 13, 1991, election provided for in Section 1 of this act.

In the General Assembly read three times and ratified this the 2nd day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives