

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

2

HOUSE BILL 576
Committee Substitute Favorable 4/6/95

Short Title: Summerfield Incorporated.

(Local)

Sponsors:

Referred to:

March 28, 1995

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

4 The General Assembly of North Carolina enacts:

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

6 "CHARTER OF THE TOWN OF SUMMERFIELD.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

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

13 "Sec. 1.2. **Map.** An official map of the Town, showing the current boundaries, is
14 maintained permanently in the office of the Town Clerk and is available for public
15 inspection. A true copy of such shall be filed in the office of the Guilford County
16 Register of Deeds.

17 "CHAPTER II.

18 "CORPORATE BOUNDARIES.

1 "Sec. 2.1. **Town Boundaries.** Until modified in accordance with law the boundaries
2 of the Town of Summerfield are as follows:
3 BEGINNING at the intersection of the middle of United States Highway 220 and the
4 southern bank of the Haw River: Thence in a generally western direction following the
5 middle of the Haw River To the Bruce Township Line. Thence south along the Bruce
6 Township Line to the intersection with the corner of Map 10-654, Block 1038, Lot 4.
7 Thence in a generally western direction along the northern boundary of Lot 4. Thence in
8 a generally southern direction along the eastern line of Lots 4, and 14, and Map 10-654,
9 Block 1037, Lot 15; to the intersection of the northern boundary of Lot 2. Thence in a
10 generally eastern direction along the northern boundary of Lot 2, and map 10-654, Block
11 984, Lot 6 until reaching a point in the middle of Belford Road. Thence in a generally
12 northern direction along the center line of Belford Road to the intersection of the southern
13 corner of Map 10-654, block 983, Lot 33. Thence in generally northern direction
14 following the southern and western boundaries of Lot 33 to the southern most line of Lot
15 18. Thence in a generally eastern direction along the southern boundaries of Map 10-
16 654, Block 983, Lots 18, 17, and 4. Thence in a generally southern direction along the
17 western boundary of map 10-654, Block 983, Lot 2. Thence in a generally eastern
18 direction along the southern boundaries of Map 10-654, Block 983, Lots 2, 3, 21, and 36.
19 Thence generally north along the eastern boundary of Lot 36 until reaching point on the
20 southern edge of Highway 150. Thence east following the southern edge of Highway
21 150 to the intersection of map 10-654 Block 972, Lot 1. Thence generally south east and
22 thence north following the boundaries of Lot 1. The east following Highway 150 to the
23 western boundary of Map 10-654, Block 972, Lot 15. Thence south along the western
24 boundaries of Lots 15 and 21. Thence east along the southern boundary of Lot 21.
25 Thence south along the western boundary of Lot 18. Thence generally east following the
26 southern boundary of Lots 18, 17, and 20. Thence generally north along the eastern
27 boundary of Lots 20 and 11 until the intersection Lot 3. Thence generally north east
28 along the southern boundary of Lot 3 and generally east along the southern boundary of
29 Lot 13 until reaching a point on the western edge of Brookbank Road. Thence generally
30 north following the western edge of Brookbank Road until a point on the southern edge
31 of Highway 150, Thence generally east along the southern edge of Highway 150 to the
32 intersection of the western corner of Map ACL-1-37, Block 917, Lot 66. Thence
33 generally southeast, north east and thence north west along the boundaries of Lot 66 to a
34 point on the southern side of Highway 150. Thence generally east along the southern
35 edge of Highway 150 to the western corner of Map ACL-1-37, Block 917, Lot 35.
36 Thence generally south along the western boundary of Lot 35. Thence generally east
37 along the southern boundary of Lots 35, 16, and 14 to the western boundary of Lot 32.
38 Thence south along the western boundary of Lot 32. Thence generally east along the
39 southern boundaries of Lots 32, 33, 6, and 55. Thence generally south along the western
40 boundary of Lot 34 and 59. Thence generally east along the southern boundary of Lot
41 59. Thence generally south along the western boundary of Lot 13 until reaching the
42 northern most edge of Centerfield Road. Thence generally east until the intersection of
43 State Road 2120. Thence generally south west along State Road 2120 to the intersection

1 of Greenlawn Drive. Thence along Greenlawn Drive to the intersection of the G.S. Miles
2 Subdivision line. Thence following the western boundary of the G.S. miles Subdivisions
3 until reaching the northern boundary of Map ACL-1-35, Block 905, Lot 10. Thence west
4 following the northern boundary of Lot 10 and the generally south following the
5 boundaries of Lots 10, 9, 82, 41, 11, and 46. Thence east along the southern boundary of
6 Lot 46 to the western edge of Pleasant Ridge Road. Thence south following the western
7 edge of Pleasant Ridge Road until reaching the northern boundary of Lot 44. Thence
8 generally west along the northern boundary of Lot 44. Thence south along the western
9 boundaries of Lots 44 and 63. Thence east along the southern boundary of Lot 63 until
10 reaching the eastern edge of Pleasant Ridge Road. Thence south along the eastern edge
11 of Pleasant Ridge Road until reaching the southern boundary of the A. J. Norman
12 Subdivision. Thence east along the southern boundary of the A. J. Norman subdivision
13 to the western boundary of map ACL-1-35, Block 905, Lot 21. Thence south, east and
14 north along the boundaries of Lot 21. Thence east along the southern boundary of Lots
15 19, 51, 2, and 52 to the center Summerfield Road. Thence south along the center line of
16 Summerfield road to the intersection of United States Highway 220. Thence generally
17 north along the center line of Highway 220 to the intersection of North Carolina Highway
18 150. Thence east along the center line of Highway 150 to the intersection of Stradder
19 road. Thence north along the center line of Stradder road to the intersection of
20 Scalesville road. Thence generally west to the intersection with Highway 200. Thence
21 generally north along Highway 220 to the intersection of the Haw River and the point of
22 beginning.

23 "Sec. 2.2. **Annexation.** The Town may not annex under Part 2 of Article 4A of
24 Chapter 160A of the General Statutes without a petition signed by the owners of a
25 majority of the property being annexed. This requirement is in addition to any other
26 requirement of Part 2, and the form for the petition shall be the same as that in G.S.
27 160A-31 except for the modification to be by the owners of a majority of the property.
28 The Town may also submit any annexation under Part 2 to the qualified voters of the area
29 proposed for annexation for approval. The election shall be called and conducted in
30 accordance with G.S. 163-287 and G.S. 163-288.2.

31 "CHAPTER III.

32 "GOVERNING BODY.

33 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing
34 body of the Town of Summerfield is the Town Council, which has six members.

35 "Sec. 3.2. **Manner of Electing Council.** The qualified voters of the entire Town
36 elect the members of the Council.

37 "Sec. 3.3. **Term of Office of Council Members.** Members of the Council are
38 elected to four-year terms except that of those elected at the initial election in 1996, the
39 three highest vote getters who are elected shall serve until the organizational meeting
40 after the 1999 Town election, and the next three highest vote getters shall serve until the
41 organizational meeting after the 1997 Town election. In 1997 and quadrennially
42 thereafter, three members of the Council shall be elected for four-year terms. In 1999

1 and quadrennially thereafter, three members of the Council shall be elected for four-year
2 terms.

3 "Sec. 3.4. **Vacancies.** Notwithstanding G.S. 160A-63, persons appointed by the
4 Town Council to fill vacancies on the Council serve the remainder of the unexpired term.

5 "Sec. 3.5. **Selection of Mayor; Term of Office.** The Mayor shall be elected by the
6 Council at the organizational meeting after each Town election to serve at its pleasure.
7 The Mayor has the right to vote on all matters before the Council.

8 **"CHAPTER IV.**

9 **"ELECTIONS.**

10 "Sec. 4.1. **Conduct of Town Elections.** Town elections shall be conducted on a
11 nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292.
12 Elections shall be conducted by the Guilford County Board of Elections in accordance
13 with general law except as modified by this Charter.

14 **"CHAPTER V.**

15 **"ADMINISTRATION.**

16 "Sec. 5.1. The Town of Summerfield shall operate under the Mayor-Council plan as
17 provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

18 Sec. 2. (a) From and after the effective date of this act, the citizens and property in the
19 Town of Summerfield shall be subject to municipal taxes levied for the year beginning
20 July 1, 1996, and for that purpose the Town shall obtain from Guilford County a record
21 of property in the area herein incorporated which was listed for taxes as of January 1,
22 1996; and the businesses in the Town shall be liable for privilege license tax from the
23 effective date of the privilege license tax ordinance.

24 (b) The Town may adopt a budget ordinance for fiscal year 1995-96 without
25 following the timetable in the Local Government Budget and Fiscal Control Act, but shall
26 follow the sequence of actions in the spirit of the act insofar as is practical. No ad
27 valorem taxes shall be levied for fiscal year 1995-96.

28 (c) The Town may adopt a budget ordinance for fiscal year 1996-97 without
29 following the timetable in the Local Government Budget and Fiscal Control Act, but shall
30 follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal
31 year 1996-97, ad valorem taxes may be paid at par or face amount within 90 days of
32 adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S.
33 105-360 as if the taxes had been due and payable on September 1, 1996.

34 Sec. 3. At the date of the primary election for county officers in 1996
35 established under G.S. 163-1, the Guilford County Board of Elections shall conduct a
36 special election for the purpose of submission to the qualified voters of the area described
37 in Section 2.1 of the Charter of the Town of Summerfield the question of whether or not
38 such area shall be incorporated as the Town of Summerfield. Registration for the
39 election shall be conducted in accordance with G.S. 163-288.2.

40 Sec. 4. In the election, the question on the ballot shall be:

41 **"[] FOR [] AGAINST**
42 **INCORPORATION OF THE TOWN OF SUMMERFIELD".**

1 Sec. 5. In the election, if a majority of the votes are cast "For incorporation of
2 the Town of Summerfield", Sections 1 and 2 of this act shall become effective on the date
3 that the Guilford County Board of Elections certifies the results of the election.
4 Otherwise, those sections shall have no force and effect, and the election under Section 6
5 is voided.

6 Sec. 6. The initial election for the Summerfield Town Council shall take place
7 on the date of the county primary election in 1996 as established by G.S. 163-1. The
8 election shall be conducted under the same provisions of general law for municipal
9 elections, except the filing period shall be the same as for county officers, and except that
10 the absentee voting period under G.S. 163-302 for the incorporation referendum shall be
11 the same as for the county primary election.

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