

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 576
Committee Substitute Favorable 4/6/95
Committee Substitute #2 Favorable 5/4/95
Committee Substitute #3 Favorable 5/31/95

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.

"CORPORATE BOUNDARIES.

1
2 "Sec. 2.1. **Town Boundaries.** Until modified in accordance with law the boundaries
3 of the Town of Summerfield are as follows:
4 BEGINNING at the intersection of the middle of United States Highway 220 and the
5 southern bank of the Haw River: Thence in a generally western direction following the
6 middle of the Haw River To the Bruce Township Line.
7 Thence south along the Bruce Township Line to the intersection with the corner of
8 Guilford County Tax Map ACL-10-654, Block 1038, Lot 4.
9 Thence in a generally eastern direction along the northern boundary of Lot 4.
10 Thence in a generally southern direction along the eastern line of Lots 4 and 54, and
11 Guilford County Tax Map ACL-10-654, Block 1037, Lots 14 and 15 to the intersection
12 of the northern boundary of Lot 2.
13 Thence in a generally eastern direction along the northern boundary of Lot 2, and
14 Guilford county Tax Map ACL-10-654, Block 984, Lot 6 and Lot 4 until reaching a point
15 in the middle of Belford Road.
16 Thence in a generally northern direction along the center line of Belford Road to the
17 intersection of the southern corner of Guilford County Tax Map ACL-10-654, Block 983,
18 Lot 33.
19 Thence in generally northern direction following the southern and eastern boundaries of
20 Lot 33 to the southern most line of Lot 18.
21 Thence in a generally eastern direction along the southern boundaries of Guilford County
22 Tax Map ACL-10-654, Block 983, Lots 18, 17, and 4.
23 Thence in a generally southern direction along the western boundary of Guilford County
24 Tax Map ACL-10-654, Block 983, Lot 2.
25 Thence in a generally eastern direction along the southern boundaries of Guilford County
26 Tax Map 10-654, Block 983, Lots 2, 31, 21, and 36.
27 Thence generally north along the eastern boundary of Lot 36 until reaching a point on the
28 southern edge of Highway 150.
29 Thence east following the southern edge of Highway 150 to the intersection of Guilford
30 County Tax Map 10-654 Block 972, Lot 1.
31 Thence generally south then east and then north following the boundaries of Lot 1.
32 Thence east following Highway 150 to the western boundary of Guilford County Tax
33 Map 10-654, Block 972, Lot 15.
34 Thence south along the western boundaries of Lots 15 and 21.
35 Thence east along the southern boundary of Lot 21.
36 Thence south along the western boundary of Lot 18.
37 Thence generally east following the southern boundary of Lots 18, 17, and 20.
38 Thence generally north along the eastern boundary of Lots 20 and 11 until the
39 intersection with the southern boundary of Lot 3.
40 Thence generally north east along the southern boundary of Lot 3 and generally east
41 along the southern boundary of Lot 13 until reaching a point in the center of Brookbank
42 Road.

1 Thence generally north following the center of Brookbank Road until a point on the
2 southern edge of Highway 150,
3 Thence generally east along the southern edge of Highway 150 to the intersection of the
4 western corner of Guilford County Tax Map ACL-1-37, Block 917, Lot 66.
5 Thence generally southeast, then northeast and then northwest along the boundaries of
6 Lot 66 to a point on the southern side of Highway 150.
7 Thence generally east along the southern edge of Highway 150 to the western corner of
8 Guilford County Tax Map ACL-1-37, Block 917, Lot 35.
9 Thence generally south along the western boundary of Lot 35.
10 Thence generally east along the southern boundary of Lots 35, 16, and 14 to the western
11 boundary of Lot 32.
12 Thence south along the western boundary of Lot 32.
13 Thence generally east along the southern boundaries of Lots 32, 33, and 6 to a point on
14 the eastern edge of Trinity Church Road at the western intersection of Lots 55 and 15.
15 Thence generally south along the western boundary of Lot 15; thence east on the southern
16 boundary of Lot 15, thence south on the western boundary of Lots 34 & 59.
17 Thence generally east along the southern boundary of Lot 59.
18 Thence generally south along the eastern boundary of Lot 13 until reaching the northern
19 most edge of Centerfield Road.
20 Thence generally east until the intersection of State Road 2120.
21 Thence generally southwest along State Road 2120 to the intersection of Greenlawn
22 Drive.
23 Thence along Greenlawn Drive to the intersection of the G.S. Miles Subdivision line.
24 Thence west on northern boundary of G.S. Miles and south along the western boundary
25 following the western boundary of the G.S. Miles Subdivision until reaching the northern
26 boundary of Guilford County Tax Map ACL-1-35, Block 905, Lot 10.
27 Thence west following the northern boundary of Lot 10 and then generally south
28 following the western boundaries of Lots 10, 9, 82, 41, 11, and 46.
29 Thence east along the southern boundary of Lot 46 to the western edge of Pleasant Ridge
30 Road.
31 Thence south following the western edge of Pleasant Ridge Road until reaching the
32 northern boundary of Lot 44.
33 Thence generally west along the northern boundary of Lot 44.
34 Thence south along the western boundaries of Lots 44 and 63.
35 Thence east along the southern boundary of Lot 63 until reaching the eastern edge of
36 Pleasant Ridge Road.
37 Thence south along the eastern edge of Pleasant Ridge Road until reaching the southern
38 boundary of the A. J. Norman Subdivision.
39 Thence east along the southern boundary of the A. J. Norman subdivision and Guilford
40 County Tax Map ACL-1-35, Block 905, Lot 47 to the western boundary of Guilford Tax
41 Map ACL-1-35, Block 905, Lot 21.
42 Thence south, then east and then north along the boundaries of Lot 21.

1 Thence east along the southern boundary of Lots 19, 51, 2, and 52 to the center of
2 Summerfield Road.

3 Thence south along the center line of Summerfield road to the intersection of United
4 States Highway 220.

5 Thence generally north along the center line of Highway 220 to the southern boundary of
6 Guilford County Tax Map ACL-1-35, Block 852, Lot 21; thence generally east along the
7 southern boundary of Lot 21; thence north along the eastern boundary to the intersection
8 of North Carolina Highway 150.

9 Thence east along the center line of Highway 150 to the intersection of Stradder road.

10 Thence north along the center line of Stradder road to the intersection of Scalesville road.

11 Thence generally west to the intersection with Highway 220. Thence generally north
12 along Highway 220 to the intersection of the Haw River and the point of beginning.

13 "Sec. 2.2. **Annexation.** The Town may not annex under Part 2 of Article 4A of
14 Chapter 160A of the General Statutes without a petition signed by the owners of a
15 majority of the property being annexed. This requirement is in addition to any other
16 requirement of Part 2, and the form for the petition shall be the same as that in G.S.
17 160A-31 except for the modification to be by the owners of a majority of the property.
18 The Town may also submit any annexation under Part 2 to the qualified voters of the area
19 proposed for annexation for approval. The election shall be called and conducted in
20 accordance with G.S. 163-287 and G.S. 163-288.2.

21 "CHAPTER III.

22 "GOVERNING BODY.

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

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

27 "Sec. 3.3. **Term of Office of Council Members.** Members of the Council are
28 elected to two-year terms in 1997 and biennially thereafter.

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

31 "Sec. 3.5. **Selection of Mayor; Term of Office.** The Mayor shall be elected in 1997
32 by the Council from among its membership at the organizational meeting after each
33 Town election to serve until the organizational meeting after the municipal election in
34 1999. The Mayor has the right to vote on all matters before the Council. In 1999 and
35 thereafter, the member of the Town Council receiving the highest number of votes in the
36 regular municipal election is mayor for the succeeding term of the Town Council.

37 "CHAPTER IV.

38 "ELECTIONS.

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

43 "CHAPTER V.

"ADMINISTRATION.

1
2 "Sec. 5.1. **Mayor-Council Plan.** The Town of Summerfield shall operate under the
3 Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General
4 Statutes.

5 "Sec. 5.2. **Tax Limitation.** No ad valorem tax may be levied by the Town at a rate in
6 excess of twenty cents (20¢) per one hundred dollars (\$100.00) valuation without the
7 approval of the qualified voters in accordance with the same procedures as specified in
8 G.S. 160A-209(f)."

9 Sec. 2. (a) From and after the effective date of this act, the citizens and property in the
10 Town of Summerfield shall be subject to municipal taxes levied for the year beginning
11 July 1, 1996, and for that purpose the Town shall obtain from Guilford County a record
12 of property in the area herein incorporated which was listed for taxes as of January 1,
13 1996; and the businesses in the Town shall be liable for privilege license tax from the
14 effective date of the privilege license tax ordinance.

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

19 (c) The Town may adopt a budget ordinance for fiscal year 1996-97 without
20 following the timetable in the Local Government Budget and Fiscal Control Act, but shall
21 follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal
22 year 1996-97, ad valorem taxes may be paid at par or face amount within 90 days of
23 adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S.
24 105-360 as if the taxes had been due and payable on September 1, 1996.

25 (d) Until the organizational meeting following the 1997 municipal election the
26 following persons are members of the Town Council: Jim Alexander, Joan T. Beeson,
27 Lynn Lengyel, Douglas Parrish, and Bill Peterson. They shall elect from among their
28 membership a mayor to serve until the organizational meeting after the 1997 municipal
29 election.

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

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

37 **"[] FOR [] AGAINST**

38 **INCORPORATION OF THE TOWN OF SUMMERFIELD".**

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

43 Sec. 6. This act is effective upon ratification.