

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 264

Short Title: Bethania Charter.

(Local)

Sponsors: Senators Horton, Cochrane, McDaniel, and Foxx.

Referred to: Local Government and Regional Affairs

February 27, 1995

A BILL TO BE ENTITLED

AN ACT TO REVIVE THE CHARTER OF THE TOWN OF BETHANIA.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Bethania, being Chapter 65 of the Private Laws of 1839, reads as rewritten:

"Section I. The government of the Town of Bethania, in ~~Stokes county,~~ Forsyth County shall be vested in the following persons and their successors, viz: ~~George J. Wilson, Solomon Transou, Peter Transou, Elias Shaub, and J. G. Deborah Thompson, B.A. Byrd, Seth B. Brown, G. Wayne Purgason, and Willa Lash,~~ and said Commissioners and their successors in office, ~~appointed~~ elected agreeably to this Act, shall be, and they are hereby incorporated into a body corporate and politic, by the name of the Board of Commissioners for the Town of Bethania, and by such name, shall have succession and a common seal, sue and be sued, and by such name, shall have power, from time to time, and at all times hereafter, to adopt such rules and regulations, and pass such bye-laws and ordinances, as to ~~them or~~ a majority of them, may be deemed necessary for the good government of said Town; and such rules, regulations, bye-laws and ordinances, so passed, shall be as binding as if they were here specially enacted, provided they are authorized by general law or by this act, are not inconsistent with the Constitution of the United States, or of this State, ~~and provided that the inhabitants of said Town shall, in full Town meeting, approve of this Act of Incorporation.~~ State.

1           Sec. II. Be it further enacted, That if, at any time hereafter, any of the persons  
2 ~~appointed Commissioners by this Act~~ shall refuse to act, or shall die, or remove out of said  
3 Town, or otherwise be incapable of acting, the remaining Commissioners shall fill up  
4 such vacancy ~~by selecting or appointing some other fit person,~~ in accordance with G.S.  
5 160A-63, which Commissioner, so selected or appointed, shall have the same power, and  
6 be under like restrictions, as those in whose stead they were appointed.

7           Sec. III. Be it further enacted, That said Board of Commissioners shall have  
8 power to appoint a ~~Town Constable and Treasurer,~~ and such other Officers as they may  
9 ~~deem necessary; and the Constable, so appointed, shall have power to collect all taxes,~~  
10 ~~finer and forfeitures, arising by virtue of this Act, in the same form and manner as in~~  
11 ~~ordinary cases by warrant before any Justice of the Peace for said county, and he shall be~~  
12 ~~allowed the same fees.~~ required or authorized by law.

13           Sec. IV. Be it further enacted, That said Board of Commissioners be, and they  
14 are hereby authorized and empowered to lay and collect such taxes on ~~Town~~ property, in  
15 accordance with Chapters 105, 159, and 160A of the General Statutes, not exceeding fifty  
16 cents on each hundred dollars valuation of ~~real estate property~~ in said Town, and twenty  
17 ~~cents on every taxable poll,~~ as they shall deem necessary for the repair of the streets, and  
18 provided by law for the good of the Corporation.

19           Sec. V. Be it further enacted, That all fines and penalties incurred by virtue of  
20 this Act, or by any of said bye-laws, shall be recoverable ~~before any Justice of the Peace for~~  
21 ~~the county of Stokes: Provided, nevertheless, that the right of appeal shall be preserved to either~~  
22 ~~party, as is now by law established in trial before a Justice.~~ as provided by law.

23           Sec. VI. And be it further enacted, That this Act shall be in force from and  
24 after the ratification thereof.

25           Sec. VII. (a)     Until changed in accordance with law, the corporate limits of the  
26 Town are:

27           Beginning at a point in state road 1794 (also known as High Cliffs Road) where said  
28 road crosses a branch tributary to Muddy Creek 300 feet more or less west of its  
29 intersection with the Bethania-Tobaccoville Road; thence, southwardly with said Branch  
30 until it joins Muddy Creek;

31           Thence with the course of Muddy Creek as it meanders southward until it reaches the  
32 Bethania-Tobaccoville Road (state road 1611); thence leaving Muddy Creek and  
33 continuing in a southerly direction along the west property line of Thomas E. and Lawena  
34 Yarbrough (Deed Book 1358, page 58) to a point, Ramey, Inc.'s line; thence, southwardly  
35 along Ramey, Inc.'s south line (Deed Book 1452, page 18; Deed Book 1470, page 1637)  
36 until it reaches the north margin of Reynolda Road (Highway 67); thence, with the north  
37 margin of Reynolda Road 455 feet more or less in an easterly direction until it reached  
38 Muddy Creek;

39           Thence; with Muddy Creek in a northeasterly direction 635 feet more or less until it  
40 joins another branch or creek entering Muddy Creek from the east, said branch or creek  
41 being called Picnic Spring Creek;

42           Thence, following said branch or creek in an easterly direction to its intersection with  
43 Bethania Road (State Road 1688); thence, continuing along said creek in a northeasterly

1 direction until it reaches the western line of K & W Restaurant, Inc. (Deed Book 568,  
2 page 424;

3 Thence, with the western line of K & W Restaurant, Inc., James G. Teta (Deed Book  
4 1379, page 189, and Vivian C. Allred (Deed Book 1585, page 334), 1,626 feet more or  
5 less until it reaches a creek or branch known as Bear Creek at the approximate line of A.  
6 W. Beroth, Jr. (Deed Book 1671, page 1268); thence northeast along Bear Creek 220 feet  
7 more or less to the southeast corner of A. W. Beroth, Jr.; thence, along Beroth's eastern  
8 line in a northerly direction 344 feet more or less to a point, the corner of A. W. Beroth,  
9 Jr., Edwin T. Beroth (Deed Book 1637, page 2016), and Vivian C. Allred: thence, with  
10 Allred's northern and western lines in a northeasterly direction 1,146.43 feet more or less  
11 to a point, a common corner of three tracts of land owned by Allred; thence, continuing in  
12 a northeasterly direction along a line dividing two tract of land owned by Allred, being  
13 also the boundary between the Forest Hills and Old Richmond Fire Districts, 612.96 feet  
14 to a point Allred's northern line, also the south or rear lot line of three lots facing on  
15 Walker Road; thence, along Allred's northern line, west 410 feet more or less to a point;  
16 thence, with Allred's eastern line in a northerly direction to the south margin of Walker  
17 Road; thence, with the south margin of Walker Road in a westerly direction, 80 feet to a  
18 point, Allred's west corner on Walker Road; thence, with Allred's western and northern  
19 lines, in a southwesterly direction 485 feet, more or less to a point at the rear lot line of  
20 the residential lots fronting on the east side of the Bethania-Rural Hall Road (SR 4002,  
21 old Highway 65);

22 Thence, continuing along the east, or rear, lot lines of those lots fronting on the east  
23 side of the Bethania - Rural Hall Road crossing Walker Road, Lash Road, and Bailey  
24 Forest Court to a point, the terminus of said lots 421 feet more or less north of Bailey  
25 Forest Court;

26 Thence, with the north line of the last of said lots westwardly, crossing the Bethania -  
27 Rural Hall Road and continuing with that line to the western, rear line of those lots facing  
28 Bethania - Rural Hall Road on the west; thence, with the west line of those lots facing the  
29 Bethania - Rural Hall Road on the west in a southerly direction crossing Lash Road to a  
30 point in the lands of John F. Butner, Jr.

31 Thence, with Butner's north line (Deed Book 751, page 132) west to a point. Butner's  
32 northwest corner; thence with Butner's west line (Deed Book 751, page 132; Deed Book  
33 951, page 456) south until it intersects the land of David T. Drage et ux (Deed Book 872,  
34 page 176); thence with Drage's north line and the north line of Charles E. Wolfe et ux  
35 (Deed Book 880, page 491) west to the terminus of an old Alley approximately 150 east  
36 of the Bethania - Tobaccoville Road;

37 Thence, along the east, or rear, lines of those lots facing the Bethania-Tobaccoville  
38 Road on the east, in a northerly direction crossing Meredith Road and continuing across  
39 Amelia Road to a point 170 feet more or less north of Amelia Road; the northeast corner  
40 of the lot at the northeast intersection of Amelia Road and Bethania-Tobaccoville Road;

41 Thence; along the north line of said lot in a westerly direction 200 feet more or less to  
42 the east margin of the Bethania - Tobaccoville Road; thence, with the east margin of said

1 road northward to its intersection with High Cliffs Road; thence, in a westerly direction  
2 on the south margin of High Cliffs Road to the point and place of beginning.

3 (b) The description in subsection (a) of this section is in lieu of the area of the  
4 town under this act as originally enacted in 1839, and any area included in the original  
5 town boundaries but not in those described in subsection (a) of this section is removed  
6 from the corporate limits.

7 (c) Notwithstanding Parts 1 through 5 of Article 4A of Chapter 160A of the  
8 General Statutes, only areas described as subject to annexation by the Town of Bethania  
9 in an annexation agreement between the City of Winston-Salem and the Town of  
10 Bethania under Part 6 of that Article may be annexed by the Town of Bethania.  
11 Annexation of any areas so designated, however, must be done in accordance with Parts 1  
12 through 5 of that Article, as applicable.

13 (d) The corporate limits of the Town of Bethania shall also be considered the  
14 primary corporate limits of the City of Winston-Salem for the purposes of Parts 1, 3, and  
15 4 of Article 4A of Chapter 160A of the General Statutes.

16 Sec. VIII. The qualified voters of the Town shall elect the board of  
17 commissioners. The mayor shall be selected by the board of commissioners from among  
18 its membership to serve at its pleasure during that person's continuance as a member of  
19 the board of commissioners.

20 Sec. IX. In 1995, five members of the Board of Commissioners shall be  
21 elected. The three persons receiving the highest number of votes shall be elected for  
22 four-year terms, and the two persons receiving the next highest number of votes shall be  
23 elected for two-year terms. In 1997 and quadrennially thereafter, two members of the  
24 Board of Commissioners shall be elected for four-year terms. In 1999 and quadrennially  
25 thereafter, three members of the Board of Commissioners shall be elected for four-year  
26 terms.

27 Sec. X. The Town officers shall be elected on a nonpartisan basis and the  
28 results determined by the plurality method as provided by G.S. 163-292.

29 Sec. XI. The mayor has the right to vote on all matters before the board of  
30 commissioners, but may not break a tie vote if the mayor participated in the vote."

31 Sec. 2. (a) From and after the effective date of this act, the citizens and property in the  
32 Town of Bethania shall be subject to municipal taxes levied for the year beginning July 1,  
33 1995, and for that purpose the Town shall obtain from Forsyth County a record of  
34 property in the area herein incorporated which was listed for taxes as of January 1, 1995;  
35 and the businesses in the Town shall be liable for privilege license tax from the effective  
36 date of the privilege license tax ordinance.

37 (b) If the effective date of this act is before July 1, 1995, the Town may adopt a  
38 budget ordinance for fiscal year 1994-95 without following the timetable in the Local  
39 Government Budget and Fiscal Control Act, but shall follow the sequence of actions in  
40 the spirit of the act insofar as is practical, and no ad valorem taxes may be levied for the  
41 1994-95 fiscal year. The Town may adopt a budget ordinance for fiscal year 1995-96  
42 without following the timetable in the Local Government Budget and Fiscal Control Act,  
43 but shall follow the sequence of actions in the spirit of the act insofar as is practical. For

1 fiscal year 1995-96, ad valorem taxes may be paid at par or face amount within 90 days  
2 of adoption of the budget ordinance, and thereafter in accordance with the schedule in  
3 G.S. 105-360 as if the taxes had been due and payable on September 1, 1995.

4           Sec. 3. This act is effective upon ratification.