

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 351  
Committee Substitute Reported Without Prejudice 5/19/99

Short Title: Colfax Incorporated.

(Local)

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Sponsors:

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Referred to:

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March 8, 1999

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

4 The General Assembly of North Carolina enacts:

5 Section 1. A charter for the Town of Colfax is enacted to read:

6 "CHARTER OF THE TOWN OF COLFAX.

7 "CHAPTER 1.

8 "INCORPORATION AND CORPORATE POWERS.

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

13 "CHAPTER 2.

14 "CORPORATE BOUNDARIES.

15 "Section 2.1. The Town of Colfax may not annex any additional area South of  
16 Interstate Highway 40 that is East of South Bunker Hill Road pursuant to Article 4A of  
17 Chapter 160A of the General Statutes.

18 "Section 2.2. Until changed in accordance with law, the boundaries of the Town of  
19 Colfax are as follows:

1 BEGINNING at a point at the intersection of Sandy Ridge Road and Business Interstate  
2 40; thence in a Westerly direction along the Northern right-of-way line of Business  
3 Interstate 40 to the intersection of the Interstate 40 Bypass and Business Interstate 40;  
4 thence in a Westerly direction along the Northern right-of-way of Interstate 40 Bypass to  
5 the Western right-of-way of South Bunker Hill Road; thence in a Southerly direction  
6 along the Western right-of-way of South Bunker Hill Road to the Forsyth County line;  
7 thence following North along the Eastern side of the Forsyth County line to the intersect  
8 of the Northern boundary of the Deep River Township with the Forsyth County line, but  
9 excluding both the 421 Curb Market property on Highway 421 currently annexed and  
10 serviced by the Town of Kernersville, and the Triad Park property North of Highway 421  
11 jointly owned by Forsyth and Guilford Counties; thence in an Easterly direction to a point  
12 at the intersection of the Deep River Township and the Southwestern boundary of the  
13 Town of Oak Ridge; thence following South-southeasterly along the Southern boundary  
14 of the Town of Oak Ridge to a point approximately one-quarter mile North of the  
15 Northern boundary of Deep River Township to the intersect of a South-flowing creek that  
16 feeds to Reedy Fork Creek and Leabourne Road; thence continuing Westerly along the  
17 Western right-of-way of Leabourne/Cude Road continuing South to the Greensboro City  
18 Limits at Pleasant Ridge Road; thence following Southwesterly along the Western right-  
19 of-way of the City of Greensboro; thence following in a Westerly direction to the area of  
20 the intersection of Highway 421 and Sandy Ridge Road; thence along the Western right-  
21 of-way in a Southerly direction along the right-of-way to the City of Greensboro to the  
22 North side of the intersection of Sandy Ridge Road to intersect with Interstate 40; thence  
23 the point and place of Beginning.

### "CHAPTER 3.

#### "GOVERNING BODY.

26 "Section 3.1. The governing body of the Town of Colfax is the Town Council, which  
27 has five members.

28 "Section 3.2. The qualified voters of the entire Town elect the members of the Town  
29 Council.

30 "Section 3.3. From the effective date of this Charter until the 2000 municipal  
31 elections, the Interim Mayor, Mayor Pro Tempore, and the other three members of the  
32 Town Council will be:

33	Interim Mayor	Lynn Cummings
34	Mayor Pro Tempore	Garland Stack
35	Council	Woody Atkins
36	Council	Virginia Atkins
37	Council	Bob Powell

38 The Interim Mayor and Mayor Pro Tempore named by this section shall only serve as  
39 such if another council member is not chosen for that position as provided by Section 3.5  
40 of the Charter.

41 "Section 3.4. At the time of the regular Town election in 2000, five council members  
42 shall be elected. The persons receiving the three highest numbers of votes shall be  
43 elected for four-year terms, and the two persons receiving the next highest numbers of

1 votes shall be elected for two-year terms. In 2002 and quadrennially thereafter, two  
2 council members shall be elected for four-year terms. In 2004 and quadrennially  
3 thereafter, three council members shall be elected for four-year terms.

4 "Section 3.5. At the organizational meeting of the initial council and at the  
5 organizational meeting after each election, the council shall elect one of its members to  
6 serve at its pleasure as Mayor and one as Mayor Pro Tempore.

7 **"CHAPTER 4.**

8 **"ELECTIONS.**

9 "Section 4.1. The Town Council shall be elected by the nonpartisan plurality method  
10 as provided in G.S. 163-292. Elections shall be governed by general law except as  
11 provided otherwise by this Charter.

12 **"CHAPTER 5.**

13 **"ADMINISTRATION.**

14 "Section 5.1. The Town of Colfax shall operate under the Mayor-Council plan as  
15 provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

16 **"CHAPTER 6.**

17 **"TAXATION.**

18 "Section 6.1. Notwithstanding G.S. 160A-209(d), except with the approval of the  
19 qualified voters of the Town in a referendum under G.S. 160A-209, the Town may not  
20 levy ad valorem taxes in excess of twenty cents (20¢) on the one hundred dollar  
21 (\$100.00) valuation. This section does not limit taxation to pay the debt service on  
22 general obligation indebtedness incurred by the Town in accordance with law."

23 Section 2. From and after the effective date of the incorporation, the citizens  
24 and property in the Town of Colfax shall be subject to municipal taxes levied for the year  
25 beginning July 1, 1999, and for that purpose the Town shall obtain from Guilford County  
26 a record of property in the area herein incorporated which was listed for taxes as of  
27 January 1, 1999, and the businesses in the Town shall be liable for privilege license tax  
28 from the effective date of the privilege license tax ordinance. The Town may adopt a  
29 budget ordinance for fiscal year 1999-2000, without following the timetable in the local  
30 government budget and fiscal control act, but shall follow the sequence of actions in the  
31 spirit of the act insofar as is practical. For fiscal year 1999-2000 ad valorem taxes may  
32 be paid at par or face amount within 90 days of adoption of the budget ordinance, and  
33 thereafter in accordance with the schedule in G.S. 105-36, as if taxes had been due and  
34 payable on September 1, 1999.

35 **"CHAPTER 7.**

36 **"MUNICIPAL ELECTION.**

37 Section 3.(a) The Guilford County Board of Elections, shall conduct an election  
38 on the Tuesday after the first Monday in November of 1999, for the purpose of  
39 submission of the proposed Charter to the qualified voters of the area described in  
40 Section 2.1 of the Charter of the Town of Colfax. Registration for the election shall be  
41 conducted in accordance with G.S. 163-288.2.

42 Section 3.(b) In the election, the question on the ballot shall be:

43 **"[ ]FOR [ ]AGAINST**

**INCORPORATION OF THE TOWN OF COLFAX."**

1  
2           Section 4. In such election, if a majority of the votes cast are not cast "For  
3 Incorporation of the Town of Colfax", then Sections 1 and 2 of this act shall have no  
4 force or effect.

5           Section 5. In such election, if a majority of the votes cast shall be cast "For  
6 Incorporation of the Town of Colfax", then Sections 1 and 2 of this act shall become  
7 effective on the date that the Guilford County Board of Elections determines the result of  
8 the election.

9           Section 6. This act is effective when it becomes law.