

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 863

Short Title: St. James Incorporation.

(Local)

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Sponsors: Representatives Redwine; and Hill.

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Referred to: Finance.

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April 1, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCORPORATE THE TOWN OF ST. JAMES.

3 The General Assembly of North Carolina enacts:

4 Section 1. A Charter for the Town of St. James is enacted to read:

5 **"CHARTER OF THE TOWN OF ST. JAMES.**

6 **"CHAPTER I.**

7 **"INCORPORATION AND CORPORATE POWERS.**

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

12 **"CHAPTER II.**

13 **"CORPORATE BOUNDARIES.**

14 "Section 2.1. **Corporate Boundaries.** Until modified in accordance with the law, the  
15 corporate boundaries of the Town of St. James are as follows:

16 Beginning at a point in Brunswick County in the southern right-of-way of N.C.  
17 Highway 211 (150' right-of-way) where it intersects the eastern right-of-way of St. James  
18 Drive (60' right-of-way), said point having the following NCGS (NAD 1983)  
19 coordinates: (N) 78344.141 (E) 2276451.136 and being located N 77° 16'46"W 2,027.09'  
20 from NCGS Monument "System"having NCGS (NAD 1983) coordinates: (N) 77897.789

1 (E) 2278428.469 thence from said beginning point and with the southern right-of-way of  
2 N.C. Highway 211 N74°25'16"W a distance of 99.99' to a point; thence leaving the right-  
3 of-way of N.C. 211 S 15°34'51"W a distance of 800.35' to a point; thence with a curve  
4 turning to the left with an arc length of 587.75', with a radius of 1680.00', with a chord  
5 bearing of S 05°33'29"W, with a chord length of 584.76' to a point, thence S 04°27'52"E  
6 a distance of 148.27' to a point; thence with a curve turning to the left with an arc length  
7 of 236.19', with a radius of 550.00', with a chord bearing of S 16°46'00"E, with a chord  
8 length of 234.38' to a point, thence S 29°04'08"E a distance of 66.08' to a point; thence  
9 with a curve turning to the right with an arc length of 182.71', with a radius of 450.00',  
10 with a chord bearing of S 17°26'15"E, with a chord length of 181.46' to a point, thence S  
11 05°48'21"E a distance of 527.02' to a point; thence with a curve turning to the right with  
12 an arc length of 207.11', with a radius of 600.00', with a chord bearing of S 04°04'59"W,  
13 with a chord length of 206.09' to a point, thence S 13°57'20"W a distance of 402.85' to a  
14 point; thence with a curve turning to the right with an arc length of 148.95', with a radius  
15 of 300.00', with a chord bearing of S 28°10'45"W, with a chord length of 147.42' to a  
16 point, thence S 42°24'10"W a distance of 12.48' to a point; thence with a curve turning to  
17 the left with an arc length of 90.86', with a radius of 400.00', with a chord bearing of S  
18 35°53'45"W, with a chord length of 90.66' to a point, thence S 29°23'19"W a distance of  
19 517.06' to a point; thence with a curve turning to the right with an arc length of 42.51',  
20 with a radius of 450.00', with a chord bearing of S 32°05'42"W, with a chord length of  
21 42.50' to a point, thence S 34°48'06"W a distance of 237.35' to a point; thence with a  
22 curve turning to the left with an arc length of 32.93', with a radius of 550.00', with a  
23 chord bearing of S 33°05'11"W, with a chord length of 32.93' to a point, thence S  
24 31°22'15"W a distance of 183.56' to a point; thence with a curve turning to the right with  
25 an arc length of 215.42', with a radius of 450.00', with a chord bearing of S 45°05'06"W,  
26 with a chord length of 213.37' to a point, thence S 58°47'57"W a distance of 260.77' to a  
27 point; thence with a curve turning to the left with an arc length of 314.67', with a radius  
28 of 328.00', with a chord bearing of S 31°18'57"W, with a chord length of 302.74' to a  
29 point, thence S 03°49'57"W a distance of 147.44' to a point; thence with a curve turning  
30 to the right with an arc length of 124.44', with a radius of 450.00', with a chord bearing of  
31 S 11°45'04"W, with a chord length of 124.05' to a point, thence S 19°40'24"W a distance  
32 of 170.28' to a point; thence with a curve turning to the right with an arc length of 60.46',  
33 with a radius of 450.00', with a chord bearing of S 23°31'17"W, with a chord length of  
34 60.42' to a point, thence S 27°22'15"W a distance of 138.07' to a point; thence with a  
35 curve with a curve turning to the right with an arc length of 83.11', with a radius of  
36 125.00', with a chord bearing of S 46°25'01"W, with a chord length of 81.58' to a point,  
37 thence S 65°27'48"W a distance of 123.95' to a point; thence with a curve turning to the  
38 left with an arc length of 243.93', with a radius of 360.00', with a chord bearing of S  
39 46°03'06"W, with a chord length of 239.29' to a point, thence leaving the western right-  
40 of-way of St. James Drive S 26°38'25"W a distance of 1361.82' to a point; thence N  
41 83°47'32"W a distance of 76.07' to a point; thence N 40°40'56"W a distance of 389.99'  
42 to a point; thence S 89°54'30"W a distance of 595.97' to a point; thence N 57°29'54"W a  
43 distance of 381.45' to a point; thence N 61°14'54"W a distance of 748.22' to a point;

1 thence N 67°14'54"W a distance of 498.86' to a point; thence N 61°59'54"W a distance  
2 of 698.34' to a point; thence N 68°59'54"W a distance of 868.05' to a point; thence N  
3 71°44'54"W a distance of 798.25' to a point; thence S 35°45'39"W a distance of 1597.66'  
4 to a point; thence N 72°33'51"W a distance of 334.89' to a point; thence N 22°03'26"W a  
5 distance of 63.98' to a point; thence N 34°28'38"W a distance of 406.82' to a point;  
6 thence N 61°10'21"W a distance of 529.33' to a point; thence S 68°51'52"W a distance of  
7 404.85' to a point; thence N 45°42'34"W a distance of 286.92' to a point; thence S  
8 39°00'35"W a distance of 1149.41' to a point; thence N 52°51'07"W a distance of 245.46'  
9 to a point; thence N 66°04'17"W a distance of 387.18' to a point; thence S 88°51'54"W a  
10 distance of 641.57' to a point; thence S 64°35'37"W a distance of 888.62' to a point;  
11 thence S 08°35'12"E a distance of 162.83' to a point; thence S 14°40'07"E a distance of  
12 51.93' to a point; thence S 16°48'58"W a distance of 172.04' to a point; thence S  
13 14°59'46"W a distance of 60.34' to a point; thence S 35°15'21"W a distance of 213.23' to  
14 a point; thence N 39°03'27"W a distance of 74.23' to a point; thence S 82°56'36"W a  
15 distance of 129.24' to a point; thence S 16°00'33"W a distance of 157.32' to a point;  
16 thence S 05°00'25"E a distance of 573.17' to a point; thence S 26°37'19"E a distance of  
17 69.25' to a point; thence N 88°50'46"E a distance of 127.72' to a point; thence S  
18 26°26'11"E a distance of 379.07' to a point; thence S 29°18'59"W a distance of 70.19' to  
19 a point; thence S 21°44'24"E a distance of 460.72' to a point; thence S 35°06'09"W a  
20 distance of 693.95' to a point; thence S 80°09'13"W a distance of 138.01' to a point;  
21 thence S 54°51'56"W a distance of 523.31' to a point; thence N 83°48'10"W a distance of  
22 374.97' to a point; thence S 89°20'38"W a distance of 632.24' to a point; thence N  
23 81°36'14"W a distance of 267.30' to a point; thence S 73°37'12"W a distance of 120.84'  
24 to a point; thence S 10°29'33"W a distance of 1059.23' to a point; thence S 10°26'52"W a  
25 distance of 2270.42' to a point; thence S 10°38'39"W a distance of 435.51' to the high  
26 water line of the Atlantic Intracoastal Waterway; thence along the high water line of said  
27 waterway S 81°26'39"E approximately 9626' to a point where said high water line  
28 intersects the centerline of Beaver Dam Creek; thence up the run of said creek the  
29 following courses and distances; thence N 10°39'50"E a distance of 664.72' to a point;  
30 thence N 18°40'49"E a distance of 1432.05' to a point; thence N 22°15'28"E a distance of  
31 2039.03' to a point; thence N 43°48'33"E a distance of 948.32' to a point; thence N  
32 42°52'26"E a distance of 1522.17' to a point; thence N 68°08'26"E a distance of 1452.60'  
33 to a point; thence leaving Beaver Dam Creek runs S 23°10'45"E a distance of 88.75' to a  
34 point; thence S 78°14'49"E a distance of 797.09' to a point; thence N 59°31'41"E a  
35 distance of 662.46' to a point; thence S 00°15'02"E a distance of 1047.01' to a point;  
36 thence N 89°03'59"E a distance of 210.00' to a point; thence N 88°56'40"E a distance of  
37 873.45' to a point; thence N 89°04'29"E a distance of 867.18' to a point; thence N  
38 00°18'37"W a distance of 1803.88' to a point in the run of Potter's Branch; thence up the  
39 run of Potter's Branch the following courses and distances; N 50°49'02"E a distance of  
40 190.05' to a point; thence N 56°42'21"E a distance of 188.26' to a point; thence N  
41 84°44'46"E a distance of 208.46' to a point; thence N 86°28'01"E a distance of 187.48' to  
42 a point; thence N 88°55'48"E a distance of 380.47' to a point; thence N 85°06'54"E a  
43 distance of 251.03' to a point; thence S 86°26'56"E a distance of 183.19' to a point;

1 thence N 70°06'46"E a distance of 137.97' to a point; thence S 89°02'13"E a distance of  
2 382.85' to a point; thence leaving the run of Potter's Branch runs N 16°54'14"E a distance  
3 of 806.35' to a point; thence N 73°02'44"W a distance of 700.00' to a point; thence N  
4 17°09'58"E a distance of 491.73' to a point; thence N 62°34'11"W a distance of 2005.89'  
5 to a point; thence S 71°20'44"W a distance of 114.00' to a point; thence S 08°08'11"E a  
6 distance of 120.00' to a point; thence S 43°22'41"W a distance of 760.00' to a point;  
7 thence S 80°45'54"W a distance of 330.00' to a point; thence S 38°31'29"W a distance of  
8 210.00' to a point; thence N 85°44'21"W a distance of 461.62' to a point; thence S  
9 15°16'24"W a distance of 320.00' to a point; thence N 83°33'24"W a distance of 140.00'  
10 to a point; thence S 44°52'03"W a distance of 260.00' to a point; thence S 15°24'13"W a  
11 distance of 80.83' to a point; thence S 80°18'26"W a distance of 229.77' to a point; thence  
12 N 37°25'39"W a distance of 464.86' to a point in the centerline of Beaver Dam Creek;  
13 thence up the run of said creek the following courses and distances; N 38°32'50"W a  
14 distance of 42.26' to a point; thence N 07°42'45"E a distance of 26.22' to a point; thence  
15 N 19°15'32"E a distance of 972.45' to a point; thence N 19°35'28"E a distance of 120.47'  
16 to a point; thence N 25°52'47"E a distance of 1255.95' to a point; thence N 21°13'23"E a  
17 distance of 409.89' to a point; thence N 19°25'25"E a distance of 518.51' to a point;  
18 thence N 34°12'30"E a distance of 59.41' to a point; thence N 22°57'53"E a distance of  
19 137.07' to a point; thence N 75°17'57"E a distance of 53.72' to a point; thence N  
20 10°34'41"E a distance of 9.60' to a point; thence leaving Beaver Dam Creek runs N  
21 72°56'48"W a distance of 899.70' to a point in the eastern right-of-way of St. James  
22 Drive (60' right-of-way); thence with the eastern right-of-way of St. James Drive N  
23 05°48'21"W a distance of 302.71' to a point; thence with a curve turning to the left with  
24 an arc length of 223.31', with a radius of 550.00', with a chord bearing of N 17°26'15"W,  
25 with a chord length of 221.78' to a point, thence N 29°04'08"W a distance of 66.08' to a  
26 point; thence with a curve turning to the right with an arc length of 193.24', with a radius  
27 of 450.00', with a chord bearing of N 16°46'00"W, with a chord length of 191.76' to a  
28 point, thence N 04°27'52"W a distance of 148.27' to a point; thence with a curve turning  
29 to the right with an arc length of 552.76', with a radius of 1580.00', with a chord bearing  
30 of N 05°33'29"E, with a chord length of 549.95' to a point, thence N 15°34'50"E a  
31 distance of 800.35', to the place and point of beginning. Containing 2,343.1 acres more  
32 or less.

### "CHAPTER III.

#### "GOVERNING BODY.

35 "Section 3.1. **Town Governing Body; Temporary Officers.** The Town Council  
36 shall be the governing body of the Town of St. James. Until such time as a Town  
37 election is held in accordance with the provisions of this Charter, the governing body of  
38 the Town shall be: Earl Dye, who shall also serve as the Mayor, Dennis Becker, Harry  
39 Comer, Joan Madsen, and Henry Ulrichs.

40 "Section 3.2. **Town Council; Composition; Terms of Office; Vacancies.** The  
41 Town Council shall be composed of five members who shall be elected by all the  
42 qualified voters of the Town. Council members shall be elected at large and shall serve  
43 two-year terms. If a member cannot fully serve his or her term, the remaining Council

1 members shall appoint a person to fill the vacancy and that person shall serve until the  
2 next biennial election.

3 "Section 3.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the  
4 Council from among its membership at the first organizational meeting after the biennial  
5 election and the Mayor shall serve a two-year term. The Mayor shall be the official head  
6 of the Town government and shall preside at meetings of the Council and shall have the  
7 right to vote on all matters before the Council.

8 "Section 3.4. **Meetings.** In accordance with general law, the Council shall establish a  
9 suitable time and place for its regular meetings. Special and emergency meetings may be  
10 held as provided by general law.

11 "Section 3.5. **Quorum; Voting Requirements.** Official actions of the Council and  
12 all votes shall be taken in accordance with applicable provisions of general law,  
13 particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

14 "Section 3.6. **Qualifications for Office; Compensation.** The qualifications of  
15 Mayor and Council members shall be in accordance with general law. The Mayor and  
16 Council members shall be reimbursed for ordinary and necessary expenses and may  
17 receive salaries and honoraria only upon a majority vote of all qualified voters of the  
18 Town in a special referendum with respect thereto.

#### 19 "CHAPTER IV.

#### 20 "ELECTIONS.

21 "Section 4.1. **Regular Municipal Elections.** Regular municipal elections shall be  
22 held every two years in accordance with the uniform municipal election laws of North  
23 Carolina. Elections shall be conducted on a nonpartisan basis and the results determined  
24 using the nonpartisan plurality method as provided in G.S. 163-292.

25 "Section 4.2. **Election of Council Members.** Council members appointed upon  
26 ratification of this Charter shall serve until their successors are elected and qualified.  
27 Council members shall first be elected at a regular municipal election to be held in 1999.  
28 Thereafter, elections shall be held biennially.

29 "Section 4.3. **Special Elections and Referenda.** Special elections and referenda may  
30 be held only as provided by general law or applicable local acts of the General Assembly  
31 or as provided for in this Charter.

#### 32 "CHAPTER V.

#### 33 "ORGANIZATION AND ADMINISTRATION.

34 "Section 5.1. **Form of Government.** The Town shall operate under the Council-  
35 Manager form of government in accordance with Part 2 of Article 7 of Chapter 160A of  
36 the General Statutes.

37 "Section 5.2. **Town Manager; Appointment; Powers and Duties.** The Council  
38 may appoint a Town Manager who shall be responsible for all operating departments of  
39 the Town government, except as otherwise directed by the Council. The Town Manager  
40 shall have all the powers and duties conferred by general law, except as expressly limited  
41 by the provisions of this Charter, and shall have additional powers and duties conferred  
42 by the Council insofar as they are authorized by general law.



1 due and payable on September 1, 1999. If this act is ratified before July 1, 1999, the  
2 Town may adopt a budget ordinance for fiscal year 1998-1999 without following the  
3 timetable in the Local Government and Budget Control Act, but shall follow the sequence  
4 of actions in the spirit of the act insofar as is practical, but no ad valorem taxes may be  
5 levied for the 1998-1999 fiscal year.

6 **"CHAPTER VII.**

7 **"ORDINANCES.**

8 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town is  
9 authorized to adopt such ordinances as the Council deems necessary for the governance  
10 of the Town, in accordance with and subject to the provisions of general law.

11 "Section 7.2. **Planning and Regulation of Development.** Notwithstanding any other  
12 provisions of this Charter or the provisions of general law, including the provisions of  
13 Article 19 of Chapter 160A of the General Statutes, the Town shall not, prior to  
14 December 31, 2009, adopt any ordinance creating a planning agency, regulating or  
15 restricting the subdivision, zoning, or use of any land, or providing for building  
16 inspections. During such time, all planning duties, regulation of development, and  
17 building inspections within the jurisdiction of the Town shall be conducted by Brunswick  
18 County and governed by the applicable ordinances of Brunswick County as if the area  
19 was not in the corporate limits of any municipality. As of December 31, 2009, either the  
20 Town or Brunswick County may terminate such powers of Brunswick County within the  
21 jurisdiction of the Town upon 60 days' notice whereupon the Town may adopt  
22 subdivision and zoning ordinances and shall become responsible for building inspections  
23 in accordance with general law.

24 **"CHAPTER VIII.**

25 **"MISCELLANEOUS.**

26 "Section 8.1. **Conflicts of Interest.** No person or immediate family member of such  
27 person who is employed by or an official of the Town shall do business with the Town  
28 unless the Council specifically approves such activity. All appointed officials shall  
29 apprise the Council of any and all conflicts of interest, and failure to do so shall constitute  
30 grounds for immediate dismissal for cause. No official may accept any gratuity from any  
31 business, person, or other official if such gratuity is related to his or her official duties.

32 "Section 8.2. **Enlargement of Council.** The Council may vote to enlarge its numbers  
33 in accordance with the provisions of Part 4 of Article 5 of Chapter 160A of the General  
34 Statutes. The electorate may seek to enlarge the number of members on the Council by  
35 submitting to the Council a petition to the effect signed by twenty percent (20%) of the  
36 registered voters of the Town. Upon passage of a resolution or receipt of a valid petition,  
37 the Council shall take those steps provided in Part 4 of Article 5 of Chapter 160A of the  
38 General Statutes to determine by referendum whether the number of Council members  
39 should be increased. The referendum shall be held at the earliest possible date to elect the  
40 new Council members.

41 "Section 8.3. **Changes to Charter.** The Council may propose and enact changes to  
42 the Charter in accordance with Part 4 of Article 5 of Chapter 160A of the General  
43 Statutes. However, no change to the Charter shall become final until the residents of the

1 Town have been notified of the proposed change and afforded an opportunity to comment  
2 thereon. Notwithstanding the provisions of G.S. 160A-103, residents may file a petition  
3 requesting a change to the Charter, but the Council need not consider the proposed  
4 change unless it is determined that twenty percent (20%) of the qualified voters of the  
5 Town have signed the petition.

6 "Section 8.4. **Provision of Services and Administration of Functions.** The Council  
7 may enter into agreements with other governmental bodies and private enterprises for the  
8 provision of services and the administration of corporate functions in order to provide  
9 such services and administer such functions in the most efficient and cost-effective  
10 manner possible."

11 Section 2. This act is effective when it becomes law.