

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-241
HOUSE BILL 863

AN ACT TO INCORPORATE THE TOWN OF ST. JAMES.

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF ST. JAMES.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

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

"CHAPTER II.

"CORPORATE BOUNDARIES.

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

Beginning at a point in Brunswick County in the southern right-of-way of N.C. Highway 211 (150' right-of-way) where it intersects the eastern right-of-way of St. James Drive (60' right-of-way), said point having the following NCGS (NAD 1983) coordinates: (N) 78344.141 (E) 2276451.136 and being located N 77° 16'46"W 2,027.09' from NCGS Monument "System" having NCGS (NAD 1983) coordinates: (N) 77897.789 (E) 2278428.469 thence from said beginning point and with the southern right-of-way of N.C. Highway 211 N74°25'16"W a distance of 99.99' to a point; thence leaving the right-of-way of N.C. 211 S 15°34'51" W a distance of 800.35' to a point; thence with a curve turning to the left with an arc length of 587.75', with a radius of 1680.00', with a chord bearing of S 05°33'29" W, with a chord length of 584.76' to a point, thence S 04°27'52" E a distance of 148.27' to a point; thence with a curve turning to the left with an arc length of 236.19', with a radius of 550.00', with a chord bearing of S 16°46'00" E, with a chord length of 234.38' to a point, thence S 29°04'08" E a distance of 66.08' to a point; thence with a curve turning to the right with an arc length of 182.71', with a radius of 450.00', with a chord bearing of S 17°26'15" E, with a chord length of 181.46' to a point, thence S 05°48'21" E a distance of 527.02' to a point; thence with a curve turning to the right with an arc length of 207.11', with a radius of 600.00', with a chord bearing of S 04°04'59" W, with a chord length of 206.09' to a point, thence S 13°57'20" W a distance of 402.85' to a point; thence with a curve turning to the right with an arc length of 148.95', with a radius of 300.00', with a chord

bearing of S 28¹⁰45" W, with a chord length of 147.42' to a point, thence S 42²⁴10" W a distance of 12.48' to a point; thence with a curve turning to the left with an arc length of 90.86', with a radius of 400.00', with a chord bearing of S 35⁵³45" W, with a chord length of 90.66' to a point, thence S 29²³19" W a distance of 517.06' to a point; thence with a curve turning to the right with an arc length of 42.51', with a radius of 450.00', with a chord bearing of S 32⁰⁵42" W, with a chord length of 42.50' to a point, thence S 34⁴⁸06" W a distance of 237.35' to a point; thence with a curve turning to the left with an arc length of 32.93', with a radius of 550.00', with a chord bearing of S 33⁰⁵11" W, with a chord length of 32.93' to a point, thence S 31²²15" W a distance of 183.56' to a point; thence with a curve turning to the right with an arc length of 215.42', with a radius of 450.00', with a chord bearing of S 45⁰⁵06" W, with a chord length of 213.37' to a point, thence S 58⁴⁷57" W a distance of 260.77' to a point; thence with a curve turning to the left with an arc length of 314.67', with a radius of 328.00', with a chord bearing of S 31¹⁸57" W, with a chord length of 302.74' to a point, thence S 03⁴⁹57" W a distance of 147.44' to a point; thence with a curve turning to the right with an arc length of 124.44', with a radius of 450.00', with a chord bearing of S 11⁴⁵04" W, with a chord length of 124.05' to a point, thence S 19⁴⁰24" W a distance of 170.28' to a point; thence with a curve turning to the right with an arc length of 60.46', with a radius of 450.00', with a chord bearing of S 23³¹17" W, with a chord length of 60.42' to a point, thence S 27²²15" W a distance of 138.07' to a point; thence with a curve with a curve turning to the right with an arc length of 83.11', with a radius of 125.00', with a chord bearing of S 46²⁵01" W, with a chord length of 81.58' to a point, thence S 65²⁷48" W a distance of 123.95' to a point; thence with a curve turning to the left with an arc length of 243.93', with a radius of 360.00', with a chord bearing of S 46⁰³06" W, with a chord length of 239.29' to a point, thence leaving the western right-of-way of St. James Drive S 26³⁸25" W a distance of 1361.82' to a point; thence N 83⁴⁷32" W a distance of 76.07' to a point; thence N 40⁴⁰56" W a distance of 389.99' to a point; thence S 89⁵⁴30" W a distance of 595.97' to a point; thence N 57²⁹54" W a distance of 381.45' to a point; thence N 61¹⁴54" W a distance of 748.22' to a point; thence N 67¹⁴54" W a distance of 498.86' to a point; thence N 61⁵⁹54" W a distance of 698.34' to a point; thence N 68⁵⁹54" W a distance of 868.05' to a point; thence N 71⁴⁴54" W a distance of 798.25' to a point; thence S 35⁴⁵39" W a distance of 1597.66' to a point; thence N 72³³51" W a distance of 334.89' to a point; thence N 22⁰³26" W a distance of 63.98' to a point; thence N 34²⁸38" W a distance of 406.82' to a point; thence N 61¹⁰21" W a distance of 529.33' to a point; thence S 68⁵¹52" W a distance of 404.85' to a point; thence N 45⁴²34" W a distance of 286.92' to a point; thence S 39⁰⁰35" W a distance of 1149.41' to a point; thence N 52⁵¹07" W a distance of 245.46' to a point; thence N 66⁰⁴17" W a distance of 387.18' to a point; thence S 88⁵¹54" W a distance of 641.57' to a point; thence S 64³⁵37" W a distance of 888.62' to a point; thence S 08³⁵12" E a distance of 162.83' to a point; thence S 14⁴⁰07" E a distance of 51.93' to a point; thence S 16⁴⁸58" W a distance of 172.04' to a point; thence S 14⁵⁹46" W a distance of 60.34' to a point; thence S 35¹⁵21" W a distance of 213.23' to a point; thence N 39⁰³27" W a distance of 74.23' to a point; thence S 82⁵⁶36" W a distance

of 129.24' to a point; thence S 16⁰⁰'33" W a distance of 157.32' to a point; thence S 05⁰⁰'25" E a distance of 573.17' to a point; thence S 26³⁷'19" E a distance of 69.25' to a point; thence N 88⁵⁰'46" E a distance of 127.72' to a point; thence S 26²⁶'11" E a distance of 379.07' to a point; thence S 29¹⁸'59" W a distance of 70.19' to a point; thence S 21⁴⁴'24" E a distance of 460.72' to a point; thence S 35⁰⁶'09" W a distance of 693.95' to a point; thence S 80⁰⁹'13" W a distance of 138.01' to a point; thence S 54⁵¹'56" W a distance of 523.31' to a point; thence N 83⁴⁸'10" W a distance of 374.97' to a point; thence S 89²⁰'38" W a distance of 632.24' to a point; thence N 81³⁶'14" W a distance of 267.30' to a point; thence S 73³⁷'12" W a distance of 120.84' to a point; thence S 10²⁹'33" W a distance of 1059.23' to a point; thence S 10²⁶'52" W a distance of 2270.42' to a point; thence S 10³⁸'39" W a distance of 435.51' to the high water line of the Atlantic Intracoastal Waterway; thence along the high water line of said waterway S 81²⁶'39" E approximately 9626' to a point where said high water line intersects the centerline of Beaver Dam Creek; thence up the run of said creek the following courses and distances; thence N 10³⁹'50" E a distance of 664.72' to a point; thence N 18⁴⁰'49" E a distance of 1432.05' to a point; thence N 22¹⁵'28" E a distance of 2039.03' to a point; thence N 43⁴⁸'33" E a distance of 948.32' to a point; thence N 42⁵²'26" E a distance of 1522.17' to a point; thence N 68⁰⁸'26" E a distance of 1452.60' to a point; thence leaving Beaver Dam Creek runs S 23¹⁰'45" E a distance of 88.75' to a point; thence S 78¹⁴'49" E a distance of 797.09' to a point; thence N 59³¹'41" E a distance of 662.46' to a point; thence S 00¹⁵'02" E a distance of 1047.01' to a point; thence N 89⁰³'59" E a distance of 210.00' to a point; thence N 88⁵⁶'40" E a distance of 873.45' to a point; thence N 89⁰⁴'29" E a distance of 867.18' to a point; thence N 00¹⁸'37" W a distance of 1803.88' to a point in the run of Potter's Branch; thence up the run of Potter's Branch the following courses and distances; N 50⁴⁹'02" E a distance of 190.05' to a point; thence N 56⁴²'21" E a distance of 188.26' to a point; thence N 84⁴⁴'46" E a distance of 208.46' to a point; thence N 86²⁸'01" E a distance of 187.48' to a point; thence N 88⁵⁵'48" E a distance of 380.47' to a point; thence N 85⁰⁶'54" E a distance of 251.03' to a point; thence S 86²⁶'56" E a distance of 183.19' to a point; thence N 70⁰⁶'46" E a distance of 137.97' to a point; thence S 89⁰²'13" E a distance of 382.85' to a point; thence leaving the run of Potter's Branch runs N 16⁵⁴'14" E a distance of 806.35' to a point; thence N 73⁰²'44" W a distance of 700.00' to a point; thence N 17⁰⁹'58" E a distance of 491.73' to a point; thence N 62³⁴'11" W a distance of 2005.89' to a point; thence S 71²⁰'44" W a distance of 114.00' to a point; thence S 08⁰⁸'11" E a distance of 120.00' to a point; thence S 43²²'41" W a distance of 760.00' to a point; thence S 80⁴⁵'54" W a distance of 330.00' to a point; thence S 38³¹'29" W a distance of 210.00' to a point; thence N 85⁴⁴'21" W a distance of 461.62' to a point; thence S 15¹⁶'24" W a distance of 320.00' to a point; thence N 83³³'24" W a distance of 140.00' to a point; thence S 44⁵²'03" W a distance of 260.00' to a point; thence S 15²⁴'13" W a distance of 80.83' to a point; thence S 80¹⁸'26" W a distance of 229.77' to a point; thence N 37²⁵'39" W a distance of 464.86' to a point in the centerline of Beaver Dam Creek; thence up the run of said creek the following courses and distances; N 38³²'50" W a distance of 42.26' to a point; thence N 07⁴²'45" E a distance of 26.22' to a point; thence N 19¹⁵'32" E a

distance of 972.45' to a point; thence N 19°35'28" E a distance of 120.47' to a point; thence N 25°52'47" E a distance of 1255.95' to a point; thence N 21°13'23" E a distance of 409.89' to a point; thence N 19°25'25" E a distance of 518.51' to a point; thence N 34°12'30" E a distance of 59.41' to a point; thence N 22°57'53" E a distance of 137.07' to a point; thence N 75°17'57" E a distance of 53.72' to a point; thence N 10°34'41" E a distance of 9.60' to a point; thence leaving Beaver Dam Creek runs N 72°56'48" W a distance of 899.70' to a point in the eastern right-of-way of St. James Drive (60' right-of-way); thence with the eastern right-of-way of St. James Drive N 05°48'21" W a distance of 302.71' to a point; thence with a curve turning to the left with an arc length of 223.31', with a radius of 550.00', with a chord bearing of N 17°26'15" W, with a chord length of 221.78' to a point, thence N 29°04'08" W a distance of 66.08' to a point; thence with a curve turning to the right with an arc length of 193.24', with a radius of 450.00', with a chord bearing of N 16°46'00" W, with a chord length of 191.76' to a point, thence N 04°27'52" W a distance of 148.27' to a point; thence with a curve turning to the right with an arc length of 552.76', with a radius of 1580.00', with a chord bearing of N 05°33'29" E, with a chord length of 549.95' to a point, thence N 15°34'50" E a distance of 800.35', to the place and point of beginning. Containing 2,343.1 acres more or less.

"CHAPTER III.
"GOVERNING BODY.

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

"Section 3.2. **Town Council; Composition; Terms of Office; Vacancies.** The Town Council shall be composed of five members who shall be elected by all the qualified voters of the Town. Council members shall be elected at large and shall serve two-year terms. If a member cannot fully serve his or her term, the remaining Council members shall appoint a person to fill the vacancy and that person shall serve until the next biennial election.

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

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

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

"Section 3.6. **Qualifications for Office; Compensation.** The qualifications of Mayor and Council members shall be in accordance with general law. The Mayor and

Council members shall be reimbursed for ordinary and necessary expenses and may receive salaries and honoraria only upon a majority vote of all qualified voters of the Town in a special referendum with respect thereto.

"CHAPTER IV.

"ELECTIONS.

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

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

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

"CHAPTER V.

"ORGANIZATION AND ADMINISTRATION.

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

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

"Section 5.3. **Manager's Personnel Authority; Role of Elected Officials.** As chief administrative officer, the Town Manager shall have the power to appoint, suspend, and remove all officers, department heads, and employees in the administrative service of the Town, with the exception of the Town Attorney, the Town Clerk, and any other official whose appointment or removal is vested in the Council by this Charter or by general law. Neither the Council nor any of its members shall take part in the appointment or removal of officers or employees in the administrative service of the Town, except as provided by this Charter. Except for the purpose of inquiry or for consultation with the Town Attorney, the Council and its members shall address issues related to administrative service only through contact with the Town Manager or Acting Manager, and neither the Council nor any of its members shall give any specific orders to any subordinates of the Town Manager or Acting Manager either publicly or privately.

"Section 5.4. **Town Attorney.** The Town Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town officials, and perform other duties required by law or as the Council may direct.

"Section 5.5. **Town Clerk.** The Town Council shall appoint a Town Clerk to keep a journal of the proceedings of the Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties as are required by law or as the Council may direct.

"Section 5.6. **Other Administrative Officers and Employees.** The Council may authorize other offices and positions, appoint persons to fill such offices and positions, or authorize such offices and positions to be filled by appointment by the Town Manager, and may organize the Town government as deemed appropriate, subject to the requirements of general law.

"Section 5.7. **Consolidation of Functions.** The Council may consolidate any two or more positions subject to the provisions of the laws and regulations of this State.

"CHAPTER VI.

"TAXATION.

"Section 6.1. **Powers of the Council.** The Council may levy taxes and fees as authorized by law. The ad valorem tax rate may be changed from the rate of the prior year only when a majority of the entire legally constituted Council votes in favor of such a change.

"Section 6.2. **Commencement of Collection of Taxes.** From and after the effective date of this act, the citizens and property of the Town of St. James shall be subject to municipal taxes levied for the year beginning July 1, 1999, and for that purpose the Town shall obtain from Brunswick County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1999. The Town may adopt a budget ordinance for fiscal year 1999-2000 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 1999-2000 ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 1999. If this act is ratified before July 1, 1999, the Town may adopt a budget ordinance for fiscal year 1998-1999 without following the timetable in the Local Government and Budget Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical, but no ad valorem taxes may be levied for the 1998-1999 fiscal year.

"CHAPTER VII.

"ORDINANCES.

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

"Section 7.2. **Planning and Regulation of Development.** Notwithstanding any other provisions of this Charter or the provisions of general law, including the provisions of Article 19 of Chapter 160A of the General Statutes, the Town shall not, prior to December 31, 2009, adopt any ordinance creating a planning agency, regulating or restricting the subdivision, zoning, or use of any land, or providing for building inspections. During such time, all planning duties, regulation of development, and

building inspections within the jurisdiction of the Town shall be conducted by Brunswick County and governed by the applicable ordinances of Brunswick County as if the area was not in the corporate limits of any municipality. As of December 31, 2009, either the Town or Brunswick County may terminate such powers of Brunswick County within the jurisdiction of the Town upon 60 days' notice whereupon the Town may adopt subdivision and zoning ordinances and shall become responsible for building inspections in accordance with general law.

"CHAPTER VIII.

"MISCELLANEOUS.

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

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

"Section 8.3. **Changes to Charter.** The Council may propose and enact changes to the Charter in accordance with Part 4 of Article 5 of Chapter 160A of the General Statutes. However, no change to the Charter shall become final until the residents of the Town have been notified of the proposed change and afforded an opportunity to comment thereon. Notwithstanding the provisions of G.S. 160A-103, residents may file a petition requesting a change to the Charter, but the Council need not consider the proposed change unless it is determined that twenty percent (20%) of the qualified voters of the Town have signed the petition.

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

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

In the General Assembly read three times and ratified this the 1st day of July, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives