

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SENATE BILL 557
RATIFIED BILL**

AN ACT TO INCORPORATE THE TOWN OF MILLERS CREEK, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Millers Creek is enacted to read:
"CHARTER OF THE TOWN OF MILLERS CREEK.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Millers Creek are a body corporate and politic under the name 'Town of Millers Creek'. The Town of Millers Creek has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Millers Creek are as follows:

Beginning at a point in the centerline intersection of Secondary Road #1372 (Boone Trail / Old U. S. 421) with Secondary Road #1320 (Congo Road) and running thence in a westerly direction, along the centerline of Congo Road to a point in the centerline intersection of said road with S. R. #1319 (Buck Road); thence adjoining the Town of Wilkesboro as shown on a plat entitled "Town Of Wilkesboro 421 Annexation" recorded in Map Book 9, Pages 433 through 436 in a northwesterly direction to a point in the centerline of N. C. Highway No. 16; thence a northwesterly direction to a point in the centerline intersection of said road with S. R. #1313 (Congo Road); thence along the centerline of said road to the southern boundary of PIN #3838-74-8409; thence along the southern and eastern boundary of said parcel to the eastern boundary of PIN #3838-75-1248; thence along the eastern boundary of the following five parcels, (1) PIN #3838-75-1248, (2) PIN #3838-75-1604, (3) PIN #3838-76-0032, (4) PIN #3838-66-9212, (5) PIN #3838-66-9304; thence along the northern boundary of the following three parcels, (1) PIN #3838-66-9304, (2) PIN #3838-76-2627, (3) PIN #3838-66-8658; thence along the eastern and southern boundary of PIN #3838-66-3750; thence along the southern boundary of PIN #3838-56-9710 to a point in the centerline of S. R. #1315 (Fish Dam Creek Road); thence along the center of said road in a northwesterly direction to a point in the southern boundary of PIN # 3839-21-0084; thence along the southern, eastern and northern boundary of PIN #3839-21-0084; thence along the northern boundary of PIN #3839-12-9695 to a point in the centerline of the aforesaid S. R. #1315; thence in a northerly direction along the centerline of said road to a point in the centerline intersection of said road with S. R. #1304 (Old U. S. 421); thence continuing in a northerly direction along the centerline of S. R. #1315 (Arbor Grove Church Road) to a point in the centerline intersection of said road with S. R. #1317 (Old Hwy. 60); thence continuing in a northerly direction and along the centerline of the aforesaid S. R. #1315 to the southern boundary line of PIN # 3839-39-7406; thence along the southern and eastern boundary line of PIN # 3839-39-7406; thence along the southern, eastern and northern boundary of PIN # 3839-48-5809; thence along the northern boundary line PIN #3839-39-7406 to a point in the centerline of the aforesaid S. R. #1315; thence in a northeasterly direction along

the centerline of said S. R. #1315 to PIN #3930-50-8449; thence southeast along the southern boundary of said PIN #3839-50-8449; thence southeast with the southern boundary line of PIN #3839-69-8719; thence along the western, southern, eastern, and northern boundary line of PIN #3839-78-8565; thence in a western direction along the northern boundary of PIN #3839-69-8719; thence along the northern line of PIN #3930-50-8449 to a point in the centerline of the aforesaid S. R. #1368 (Arbor Grove Church Road); thence westerly to the western end of the southern right of way along S. R. #1315 (Pierce Road); thence northeast along the southern edge of the right of way along said road to a point in the centerline of S. R. #1347 (Charity Church Road); thence eastwardly along the centerline of said road to a point in the centerline intersection of N. C. Highway No. 16; thence northeastwardly along the centerline of S. R. #1315 (Pleasant Home Church Road) to the centerline intersection of said road with S. R. #1315 (Friendly Grove Church Road); thence southward along the centerline of Friendly Grove Church Road to the northern boundary of PIN #3849-36-8893; thence easterly along the northern boundary of PIN #3849-36-8893; thence northward along the western boundary of the following six parcels: (1) PIN #3849-47-1138, (2) PIN #3849-47-3334, (3) PIN #3849-47-4656, (4) PIN #3849-47-5855, (5) PIN #3849-48-6222, (6) PIN #3849-48-7594; thence eastward along the northern boundary of PIN #3849-48-9529; thence northward along the western boundary of PIN #3849-58-1565; thence eastwardly along the northern boundary of PIN #3849-58-2674; thence along the northern and eastern boundary of PIN #3849-58-5026; thence along the northern and eastern boundary of PIN #3849-57-8803; thence along the northern boundary of PIN #3849-67-0639; thence along the western and northern boundary of PIN #3849-68-5340; thence eastwardly along the northern boundary of PIN #3849-68-9350; thence eastwardly along the northern boundary of PIN #3849-78-4440; thence northward along the western and northern boundary of PIN #3849-79-6003; thence eastwardly along the northern boundary of PIN #3849-79-8454; thence eastwardly along the northern boundary of PIN #3849-79-3132; thence northward along the western boundary of the following five parcels: (1) PIN #3849-89-8871, (2) PIN #3940-80-7170, (3) PIN #3940-80-7308, (4) PIN #3940-80-7677, (5) PIN #3940-81-9015; thence eastwardly along the northern boundary of PIN #3940-91-1220; thence along the northern and eastern boundary of PIN #3940-91-3177; thence southward along the eastern boundary of PIN #3940-90-4703; thence eastwardly as the northern boundary of the following three parcels: (1) PIN #3940-90-2268, (2) PIN #3940-90-4158, (3) PIN #3940-90-7201; thence southeast along the eastern boundary of PIN #3849-99-8819; thence as the eastern and southern line of PIN #3859-09-1792; thence southwestward along the southern line of PIN #3849-99-8269; thence southward along the eastern edge of the right of way along S. R. 1552 (N Oak Grove Ext.) to the northern boundary of PIN #3849-98-8886; thence eastwardly along the following six parcels; (1) PIN #3859-08-0821, (2) PIN #3859-08-0882, (3) PIN #3859-08-2608, (4) PIN #3859-08-3265, (5) PIN #3859-08-5493, (6) PIN #3859-08-7424; thence along the northern and eastern boundary of PIN #3859-18-0541; thence southward along the eastern boundary of PIN #3859-17-1961; thence along the northern and eastern boundary of PIN #3859-18-3071; thence along the western and northern boundary of PIN #3859-17-7934; thence eastwardly along the northern boundary of PIN #3859-17-9801; thence along the northern, eastern and southern boundary of PIN #3869-27-0769; thence southward along the eastern boundary of PIN #3859-17-5416; thence along the northeastern edge of the right of way along S. R. #1551 (Nelson Lane); thence eastward along the southern boundary of PIN #3859-27-6477; thence eastward along the northern boundary of PIN #3859-36-8508; thence along the northern and eastern boundary of PIN #3859-46-0513; thence southward along the eastern and southern boundary of PIN #3859-46-0311; thence along the eastern, southern and western boundary of PIN #3859-35-5758; thence along the southern and western boundary of PIN #3859-36-1179; thence northwestward along the southern edge of the right of way along the aforesaid S. R. #1551 (Nelson Lane) to the eastern line of PIN

#3859-26-8331; thence southward along the eastern and southern boundary of PIN #3859-26-8331; thence southward along the eastern, northern, eastern and southern boundary of PIN #3859-25-7887; thence northerly along the eastern boundary of PIN #3859-16-5792; thence along the northern eastern boundary of said PIN #3859-16-5792; thence northwestward along the southern edge of the right of way along the aforesaid S. R. #1551 (Nelson Lane) and crossing S. R. #1552 (S. Oak Grove Ext.) to the eastern boundary of PIN #3849-97-5710; thence southward along the eastern, and southern boundary of said PIN #3849-97-5710; thence westward along the northern boundary of PIN #3849-86-3614; thence continuing westward along the northern boundary of PIN #3849-66-6099; thence along the western and southern boundaries of PIN #3849-45-6893; thence southward along the western boundary of PIN #3849-66-6099; thence eastward along the northern edge of the right of way along S. R. #1372 (Boone Trail / Old U. S. 421) and continuing along the southern and eastern boundary of said PIN #3849-66-6099; thence southward along the western and southern boundary of PIN #3849-85-2443, and crossing S. R. #1552 (S. Oak Grove Ext.); thence eastward along the northern boundary of PIN #3849-94-1814; thence along the northern and eastern boundary of PIN #3849-94-3713; thence southward along the eastern boundary of PIN #3849-94-9671; thence continuing southward along the eastern boundary of PIN #3849-84-3085; thence southward along the eastern right of way of S. R. #1552 (S. Oak Grove Ext.) to the northern boundary of PIN #3849-93-1685; thence eastwardly along the northern boundary of PIN #3849-93-1685; thence along the western, northern and eastern boundary of PIN #3849-93-4642; thence southward crossing the aforesaid S. R. #1552 (S. Oak Grove Ext.) to the southern edge of the right of way of the aforesaid road; thence southeastward along said right of way and the northern boundary of PIN #3849-93-4119; thence along the western boundary of PIN #3859-03-3975 to a point in the centerline of S. R. #1372 (Boone Trail / Old U. S. 421); thence westward along the centerline of said S. R. #1372 and bounded on all sides by the Canterbury Estates Addition to the Town of North Wilkesboro as shown on the plat recorded in Map Book 9, Page 405); thence eastward along the centerline of S. R. #1372 (Boone Trail / Old U. S. 421) to the centerline intersection of said road with S. R. #1517 (Suncrest Orchard Road); thence eastward along the centerline of said road to the western boundary of PIN #3859-13-7903; thence along the western, southern, and eastern boundary of said PIN #3859-13-7903 to the centerline of the aforesaid S. R. #1517; thence eastward along the centerline of said road to the western boundary of PIN #3859-22-2694; thence along the western and northern boundary of PIN #3859-22-2694; thence along the western and northern boundary of PIN #3859-23-8329; thence along the western, northern and eastern boundary of PIN #3859-33-6488; thence eastward along the northern boundary of PIN #3859-43-3007; thence northward along the eastern boundary of PIN #3859-23-2375 to the southwestern corner of PIN #3859-64-5153; thence southeastwardly along the southern and eastern boundary of PIN #3859-64-5153; thence southwestwardly along the northern, western and southern boundary of PIN #3859-64-0269; thence eastwardly along the western, southern, eastern and northern boundary of the aforesaid PIN #3859-64-5153; thence eastwardly along the northern boundary of PIN #3859-63-7925; thence easterly along the northern and eastern boundary of PIN #3859-74-1133; thence along the western and southern boundary of PIN #3859-73-4709; thence northward along the western and northern boundary of PIN #3859-73-6299; thence eastward along the northern and eastern boundary of PIN #3859-73-8069; thence continuing southward along the eastern and southern boundary of PIN #3859-82-1857; thence southward along the eastern and southern boundary of tract one of PIN #3859-82-9789; thence continuing westward along the southern boundary of PIN #3859-72-6229; thence continuing westward along the southern boundary of PIN #3859-62-9238; thence continuing westward, crossing the aforesaid S. R. #1517 (Suncrest / Sunset Conn. Road) and running along the northern, western, and southern boundary of PIN #3859-61-5279; thence southward along the

eastern boundary of PIN #3859-60-2186; thence eastwardly along the northern boundary of the following two parcels: (1) PIN #3858-69-8733, (2) PIN #3858-79-7661, to the eastern boundary of PIN #3858-88-0643; thence in a southerly direction along the eastern boundary of the aforesaid PIN #3858-88-0643; thence in a westerly direction along the northern, eastern, northern and western boundary of PIN #3858-68-0077; thence westward along the southern boundary of the following six parcels: (1) PIN #3858-48-3771, (2) PIN #3858-47-8811, (3) PIN #3858-47-3893, (4) PIN #3858-47-2873, (5) PIN #3858-47-0893, (6) PIN #3858-38-7059; thence southward along the eastern boundary of the following seven parcels: (1) PIN #3858-37-4640, (2) PIN #3858-37-4398, (3) PIN #3858-37-4112, (4) PIN #3858-37-6089, (5) PIN #3858-36-8839, (6) PIN #3858-46-0609, (7) PIN #3858-36-9530; thence along the northern, eastern and southern boundary of PIN #3858-46-1466; thence along the northwestern boundary of PIN #3858-35-9718 to a point in the centerline of S. R. #1372 (Boone Trail / Old U. S. 421); thence northwestward along said centerline to the point of beginning.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Millers Creek is the Mayor and the Town Council, which shall have six members.

"Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial election in 2001 provided for by Section 4.1 of this Charter, Buck Parsons is hereby appointed Mayor, and Ravaughn Ashley, Harold Bowlin, Clyde Bumgarner, Joyce Dyer, John Higgins, and Archie Nichols are appointed members of the Town Council. They shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter.

"Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified voters of the entire Town shall elect the members of the Town Council and, except as provided in this section, they shall serve four-year terms. In 2001, the three candidates receiving the highest numbers of votes shall be elected to four-year terms and the three candidates receiving the next highest numbers of votes shall be elected to two-year terms. In 2003, and quadrennially thereafter, three members shall be elected to four-year terms. In 2005, and quadrennially thereafter, three members shall be elected to four-year terms.

"Section 3.4. **Manner of Electing Mayor; Term of Office.** The qualified voters of the entire Town shall elect the Mayor. In 2001, and biennially thereafter, the Mayor shall be elected for a term of two years.

"ARTICLE IV. ELECTIONS.

"Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

"ARTICLE V. ADMINISTRATION.

"Section 5.1. **Town to Operate under Mayor-Council Plan.** The Town shall operate under the Mayor-Council form of government as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Section 5.2. **Town Clerk.** The Town Council shall appoint a Town Clerk as provided in G.S. 160A-171, and the clerk shall perform the duties required by law or the Council.

"Section 5.3. **Town Attorney.** The Town Council shall appoint a Town Attorney as provided in G.S. 160A-173, and the Town Attorney shall serve at the pleasure of the Town Council and be its legal adviser."

SECTION 2. From and after the effective date of this act, the citizens and property in the Town of Millers Creek shall be subject to municipal taxes levied for the year beginning July 1, 2001. For that purpose the Town shall obtain from Wilkes County a record of property in the area herein incorporated which was listed for property taxes as of January 1, 2001. The Town may adopt a budget ordinance for fiscal year 2001-2002 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 2001-2002, 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. If the effective date of the incorporation is prior to July 1, 2001, the Town may adopt a budget ordinance for fiscal year 2000-2001 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 practical. No ad valorem taxes may be levied for the 2000-2001 fiscal year.

SECTION 3. The Wilkes County Board of Elections shall conduct an election on a date set by the Board, to be not less than 60 nor later than 120 days after this act becomes law, for the purpose of submission to the qualified voters for the area described in Section 2.1 of the Charter of the Town of Millers Creek the question of whether or not the area shall be incorporated as the Town of Millers Creek. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

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

" FOR AGAINST

Incorporation of the Town of Millers Creek".

SECTION 5. In the election, if a majority of the votes are cast "For the Incorporation of the Town of Millers Creek", Sections 1 and 2 of this act shall become effective on the date that the Wilkes County Board of Elections certifies the results of the election. Otherwise, Sections 1 and 2 of this act shall have no force and effect.

SECTION 6. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 7th day of May, 2001.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives