

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1047

Short Title: Incorporate Sneads Ferry. (Local)

Sponsors: Representative Grady (By Request).

Referred to: Local Government II, if favorable, Finance.

March 27, 2007

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE VILLAGE OF SNEADS FERRY.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Village of Sneads Ferry is enacted to read:

"CHARTER OF THE VILLAGE OF SNEADS FERRY.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Village of Sneads Ferry are a body corporate and politic under the name 'Village of Sneads Ferry'. The Village of Sneads Ferry 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. **Village Boundaries.** Until modified in accordance with law, the boundaries of the Village of Sneads Ferry are as follows:

BEGINNING at a point where the centerline of Turkey Creek intersects the centerline of the Intracoastal Waterway right-of-way and being the same as shown on a plat recorded in Map Book 10 Page 73 of the Onslow County Registry; thence along the centerline of Turkey Creek in a general Northerly direction to the centerline of NCSR 1529 (commonly known as Turkey Point Road – 60 foot right-of-way); and running thence along the centerline of Turkey Point Road in a general Northwesterly direction where it intersects the centerline of NCSR 1518 (commonly known as Old Folkstone Road – 60 foot right-of-way); thence along the centerline of NCSR 1518 in a general Westerly direction to the centerline of NCSR 1528 (commonly known as Winery Road – 60 foot right-of-way); thence along the centerline of NCSR 1528 in a generally Northerly direction to the centerline of N.C. Highway 172 (100 foot right-of-way); thence along the centerline of N.C. Highway 172 in a general Westerly direction to the centerline of a road (commonly know as Pilchers Branch Road) and recorded as Stone Creek Road – Private and being described as a 60 foot ingress & egress easement as per Deed Book 947 Page 31 and referenced in Map Book 35 Page 81 & Map Book 43 Page 172 of the Onslow County Registry; thence leaving N.C. Highway 172 and running

1 along the most Western line of the property shown in Map Book 43 Page 172 and the
2 Eastern edge of Stone Creek Road in a general Northwesterly direction to a point in the
3 centerline of Indian Grave Branch; thence along the centerline of said branch in a
4 general Southeasterly direction to the centerline of N.C. Highway 210 (100 foot right-
5 of-way) as shown in Map Book 43 Page 172 of the Onslow County Registry; thence
6 along the centerline of N.C. Highway 210 as measured in a general Southeasterly
7 direction to the projected property line of the U.S. Marine Corps property as shown in
8 Map Book 41 Page 151 of the Onslow County Registry; thence leaving the centerline of
9 N.C. Highway 210 and running along the Southeastern line of the U.S. Marine Corps
10 property as shown in Map Book 45 Page 151 of the Onslow County Registry in a
11 general Northeasterly direction to the run of Everett Creek; thence along the centerline
12 of the run of Everett Creek as measured in a Southeasterly and Northeasterly direction
13 to the centerline of the run of New River; thence along the centerline of the run of New
14 River as measured in a general Southeasterly direction to the centerline of the
15 Intracoastal Waterway; thence along the centerline of the Intracoastal Waterway as
16 measured in a general Southwestern direction to the point and place of beginning.

17 "ARTICLE III. GOVERNING BODY.

18 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing
19 body of the Village of Sneads Ferry is the Mayor and the Village Council, which shall
20 have six members.

21 "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial
22 election in 2009 provided for by Section 4.1 of this Charter, Scotty J. Everett is
23 appointed Mayor and Robert D. Bryant, Angela B. Edens, Jerry L. Hinnant, Jr., Donald
24 H. Howell, Carolyn P. Lankas, and Brian K. Shepard are appointed council members of
25 the Village of Sneads Ferry, and they shall possess and exercise the powers granted to
26 the Mayor and governing body until their successors are elected or appointed and
27 qualified pursuant to this Charter. Robert D. Bryan shall serve as Interim Mayor Pro
28 Tempore. If any person named in this section is unable to serve, the remaining
29 temporary officers shall, by majority vote, appoint a person to serve until the initial
30 election is held in 2009.

31 "Section 3.3. **Manner of Electing Village Council; Term of Office.** The qualified
32 voters of the entire Village shall elect the members of the Village Council and, except as
33 provided in this section, they shall serve four-year terms. In 2009, the three candidates
34 receiving the highest numbers of votes shall be elected to four-year terms and the three
35 candidates receiving the next highest numbers of votes shall be elected to two-year
36 terms. In 2011, and quadrennially thereafter, three members shall be elected to four-year
37 terms. In 2013, and quadrennially thereafter, three members shall be elected to four-year
38 terms. To be eligible for election to the Village Council, an individual must reside in the
39 Village of Sneads Ferry. No person may serve as a member of the Village Council for
40 more than two consecutive full terms without an intervening period of two years.
41 Appointment for the unexpired portion of a term shall not be considered appointment
42 for a full term. A person elected as a member of the Village Council after an intervening
43 period of two years may serve for two consecutive full terms, but no longer. Vacancies
44 on the Village Council shall be filled in accordance with G.S. 160A-63.

1 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified
2 voters of the entire Village shall elect the Mayor. In 2009, and quadrennially thereafter,
3 the Mayor shall be elected for a term of four years. The Mayor shall attend and preside
4 over meetings of the Village Council, shall advise the Village Council from time to time
5 as to matters involving the Village of Sneads Ferry, and shall have the right to vote as a
6 member of the Village Council on all matters before the Council, but shall have no right
7 to break a tie vote in which the Mayor has participated. No person may serve as Mayor
8 for more than two consecutive full terms without an intervening period of two years.
9 Appointment for the unexpired portion of a term shall not be considered appointment
10 for a full term. A person elected as Mayor after an intervening period of two years may
11 serve for two consecutive full terms, but no longer. In the case of a vacancy in the office
12 of Mayor, the remaining members of the Village Council shall choose from their own
13 number a successor for the unexpired term.

14 "Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.**
15 The Mayor Pro Tempore shall be elected from among the members of the Village
16 Council at the organizational meeting after the initial election in November 2009, and
17 shall serve for a term of two years. The Mayor Pro Tempore shall act in the absence or
18 disability of the Mayor. If the Mayor and Mayor Pro Tempore are both absent from a
19 meeting of the Village Council, the members of the Village Council present may elect a
20 temporary chair to preside in the absence. The Mayor Pro Tempore shall have the right
21 to vote on all matters before the Village Council and shall be considered a member of
22 the Village Council for all purposes.

23 "Section 3.6. **Compensation of Mayor and Village Council.** The Mayor and
24 members of the Village Council shall be reimbursed for ordinary and necessary
25 expenses, and may receive salary and honoraria only upon a majority vote of the
26 qualified voters of the Village who vote on the question in a special referendum.

27 "ARTICLE IV. ELECTIONS.

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

30 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with
31 Chapter 163 of the General Statutes, with the first regular municipal election to be held
32 in 2009.

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

36 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

37 "Section 5.1. **Form of Government.** The Village Town shall operate under the
38 Mayor-Council form of government as provided in Part 3 of Article 7 of Chapter 160A
39 of the General Statutes.

40 "Section 5.2. **Village Attorney.** The Village Council shall appoint a Village
41 Attorney licensed to practice law in North Carolina. It shall be the duty of the Village
42 Attorney to represent the Village, advise Village officials, and perform other duties as
43 required by law or as directed by the Village Council. The Village Attorney shall serve
44 at the pleasure of the Village Council.

1 "Section 5.3. **Village Clerk.** The Village Council shall appoint a Village Clerk who
2 shall perform duties as required by law or as directed by the Village Council. The
3 Village Clerk shall serve at the pleasure of the Council.

4 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

5 "Section 6.1. **Powers of the Town Council.** The Village Council may levy those
6 taxes and fees authorized by general law. An affirmative vote equal to a majority of all
7 the members of the Village Council shall be required to change the ad valorem tax rate
8 from the rate established during the prior fiscal year.

9 "Section 6.2. **Commencement of Tax Collection.** From and after July 1, 2007, the
10 citizens and property in the Village of Sneads Ferry shall be subject to municipal taxes
11 levied for the year beginning July 1, 2007, and for that purpose the Village shall obtain
12 from Onslow County a record of property in the area herein incorporated which was
13 listed for property taxes as of January 1, 2007.

14 "Section 6.3. **Budget.** The Village may adopt a budget ordinance for fiscal year
15 2007-2008 without following the timetable in the Local Government Budget and Fiscal
16 Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is
17 practical. For fiscal year 2007-2008, ad valorem taxes may be paid at par or face
18 amount within 90 days of adoption of the budget ordinance and thereafter in accordance
19 with the schedule in G.S. 105-360.

20 "Section 6.4. **Ad Valorem Taxes.** The ad valorem tax rate for the Village shall be
21 \$0.05/\$100.00 valuation until June 30, 2012. After June 30, 2012, the Village Council
22 shall not increase the ad valorem tax rate more than \$0.10/\$100.00 valuation above the
23 ad valorem tax rate initially established after incorporation of the Village of Sneads
24 Ferry without the vote or consent of a majority of the qualified voters of the Village of
25 Sneads Ferry. The procedures of G.S. 160A-209 shall be followed for any such election.

26 "ARTICLE VII. ORDINANCES.

27 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Village
28 of Sneads Ferry is authorized to adopt such ordinances as the Village Council deems
29 necessary for the governance of the Village."

30 **SECTION 2.** The Onslow County Board of Elections shall conduct an
31 election on November 6, 2007, for the purpose of submission to the qualified voters for
32 the area described in Section 2.1 of the Charter of the Village of Sneads Ferry the
33 question of whether or not the area shall be incorporated as the Village of Sneads Ferry.
34 Registration for the election shall be conducted in accordance with G.S. 163-288.2. The
35 referendum shall be held only if the referendum and the Charter have been approved
36 under Section 5 of the Voting Rights Act of 1965. If by September 1, 2007, the conduct
37 of the election and the Charter have not been approved, then the election shall be held
38 on a date set by the Onslow County Board of Elections no later than 120 days after both
39 have been approved.

40 **SECTION 3.** In the election, the question on the ballot shall be:

41 "[]FOR []AGAINST

42 Incorporation of the Village of Sneads Ferry."

43 **SECTION 4.** In the election, if a majority of the votes are cast "For the
44 Incorporation of the Village of Sneads Ferry," Section 1 of this act shall become

1 effective on the date that the Onslow County Board of Elections certifies the results of
2 the election. Otherwise, Section 1 of this act shall have no force and effect.

3 **SECTION 5.** Until Section 1 of this act becomes effective and a Village
4 Attorney is appointed, the members of the Sneads Ferry Incorporation Committee,
5 being Robert D. Bryant, Angela B. Edens, Scotty J. Everett, Jerry L. Hinnant, Jr.,
6 Donald H. Howell, Carolyn P. Lankas, and Brian K. Shepard, shall be responsible for
7 submitting any information required by G.S. 120-30.9F to the Attorney General of the
8 United States. The committee shall simultaneously submit both the issue of the
9 incorporation referendum and the Charter itself.

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