

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 2152

Short Title: Incorporate Enochville.

(Local)

Sponsors: Senator Brock.

Referred to: Finance.

May 29, 2008

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF ENOCHVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Enochville is enacted to read:

"CHARTER OF THE TOWN OF ENOCHVILLE.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Enochville are a body corporate and politic under the name 'Town of Enochville'. The Town of Enochville 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 Enochville are as follows:

"ARTICLE III. GOVERNING BODY.

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

"Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial election in 2009 provided for by Section 4.1 of this Charter, D. Yolonda Simpock is hereby appointed Mayor, and Bob R. Blevins, Bill McCorkle, Betty James, and Todd Hyde are appointed Council Members of the Town of Enochville, and 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. If any person named in this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint a person to serve until the initial municipal election is held in 2009.

"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 2009, the two candidates receiving the highest numbers of votes shall be elected to four-year terms and the two

1 candidates receiving the next highest numbers of votes shall be elected to two-year
2 terms. In 2011, and quadrennially thereafter, two members shall be elected to four-year
3 terms. In 2013, and quadrennially thereafter, two members shall be elected to four-year
4 terms.

5 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified
6 voters of the entire Town shall elect the Mayor. In 2009, and quadrennially thereafter,
7 the Mayor shall be elected for a term of four years. The Mayor shall be the official head
8 of Town government and shall preside at all meetings of the Council, shall have the
9 right to vote only when there is an equal division on any question or matter before the
10 Council, and shall exercise the powers and duties conferred by law or as directed by the
11 Council.

12 "ARTICLE IV. ELECTIONS.

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

15 "ARTICLE V. ADMINISTRATION.

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

19 "Section 5.2. **Town Attorney.** The Town Council shall appoint a Town Attorney
20 licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to
21 represent the Town, advise Town officials, and perform other duties as required by law
22 or as directed by the Town Council. The Town Attorney shall serve at the pleasure of
23 the Town Council.

24 "Section 5.3. **Town Clerk.** The Town Council shall appoint a Town Clerk who shall
25 perform duties as required by law or as directed by the Town Council. The Town Clerk
26 shall serve at the pleasure of the Town Council.

27 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

28 "Section 6.1. **Commencement of Tax Collection.** From and after the effective date
29 of this act, the citizens and property in the Town of Enochville shall be subject to
30 municipal taxes levied for the year beginning July 1, 2008, and for that purpose the
31 Town shall obtain from Rowan County a record of property in the area herein
32 incorporated which was listed for property taxes as of January 1, 2008.

33 "Section 6.2. **Budget.** The Town may adopt a budget ordinance for fiscal year
34 2008-2009 without following the timetable in the Local Government Budget and Fiscal
35 Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is
36 practical. For fiscal year 2008-2009, ad valorem taxes may be paid at par or face
37 amount within 90 days of adoption of the budget ordinance and thereafter in accordance
38 with the schedule in G.S. 105-360."

39 **SECTION 2.** The Rowan County Board of Elections shall conduct an
40 election on November 4, 2008, for the purpose of submission to the qualified voters for
41 the area described in Section 2.1 of the Charter of the Town of Enochville the question
42 of whether or not the area shall be incorporated as the Town of Enochville. Registration
43 for the election shall be conducted in accordance with G.S. 163-288.2.

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

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"[] FOR [] AGAINST

Incorporation of the Town of Enochville."

SECTION 4. In the election, if a majority of the votes are cast "For the Incorporation of the Town of Enochville", Section 1 of this act shall become effective on the date that the Rowan County Board of Elections certifies the results of the election. Otherwise, Section 1 of this act shall have no force and effect.

SECTION 5. This act is effective when it becomes law.