

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 424  
HOUSE BILL 683

COPY

AN ACT TO INCORPORATE THE TOWN OF COOLEEMEE IN DAVIE COUNTY  
SUBJECT TO AN ELECTION.

The General Assembly of North Carolina enacts:

Section 1. (a) The Board of Elections of Davie County may call and conduct a special election on such date as it shall determine, but within 1985, for the purpose of submitting to the qualified voters of the area hereinafter described as the proposed corporate limits of the Town of Cooleemee the question whether or not such area shall be incorporated as a municipal corporation known as the Town of Cooleemee, and to elect the members of the governing body if said area is incorporated. The Board of Elections for Davie County in conducting the election required to be held herein shall follow the procedure as outlined in this act and in the General Statutes relating to municipal elections where not in conflict with this act.

(b) Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(c) Any qualified voter who would offer himself as a candidate for commissioner or mayor in such election shall file with the Chairman or Supervisor of the Board of Elections of Davie County a written statement giving notice of his candidacy. Such notice shall be filed not earlier than 45 days and not later than 30 days before the election, and shall be substantially in the following form: "I, \_\_\_\_\_, do hereby give notice that I am a candidate for election to the office of (Commissioner) (Mayor), Town of Cooleemee, in the election to be held on call of the Board of Elections of Davie County, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the proposed Town of Cooleemee, residing at \_\_\_\_\_, \_\_\_\_\_, 19\_\_.

Witness: \_\_\_\_\_ Signature

(d) In the special election, those voters who favor the incorporation of the Town of Cooleemee as provided in this act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of Town of Cooleemee", and those voters who are opposed to the incorporation of the Town of Cooleemee as provided in this act shall vote a ballot upon which shall be printed the words: "AGAINST Incorporation of Town of Cooleemee".

(e) Also in the special election, each qualified registered voter shall be entitled to vote for four candidates for Commissioner and one Mayor upon ballot on which shall be listed, in alphabetical order, the names of all persons who filed notice of candidacy with the Board of Elections during the period hereinabove established.

Sec. 2. If a majority of the votes cast in such special election are not cast "FOR Incorporation of Town of Cooleemee", then Sections 4 through 6 of this act shall have no force and effect.

Sec. 3. If a majority of the votes cast in such special election shall be cast "FOR Incorporation of Town of Cooleemee", then Sections 4 through 6 of this act shall be in full force and effect from and after date of the election.

Sec. 4. In the special election, the two candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected to serve until the 1989 municipal election or until their successors are elected and qualified, and the two candidates for Commissioner who receive the next largest numbers of votes cast for Commissioner shall be declared elected to serve until the 1987 municipal election or until their successors are elected and qualified. The candidate for Mayor who receives the largest number of votes shall be declared elected to serve until the 1989 municipal election or until his successor is elected and qualified.

Sec. 5. The Charter of the Town of Cooleemee is as follows:

"THE CHARTER OF THE TOWN OF COOLEEMEE.

"ARTICLE 1. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and General Powers. The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate described under the name of the 'Town of Cooleemee', and shall be vested with all property which may be acquired by the Town, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporation.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Cooleemee shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Corporate Boundaries: (a) Beginning at River Bridge, Highway 801 to Rowan County, follow South Yadkin River upstream to 'Cowpasture Branch' just beyond River Dam. Follow Branch to point adjacent to Church Street Extension, then to

a point northwest end of Hickory Street, then to include all property adjoining Hickory Street to intersection of Hickory Street and State Road No. 1128 and all property adjoining State Road No. 1128 to Highway 801; then all property adjoining Highway 801 to intersection at Midway Street to Center Street; then go southwest on centerline of Center Street to point approximately 200 feet from Midway Street. At this point, all adjoining property on Center Street to Holt Street. Include all property adjoining Holt Street, north on line to River Bridge at Beginning point.

(b) As soon as practicable following their election, the Board of Commissioners of the Town of Cooleemee shall cause to be made an accurate survey of the corporate boundaries and shall cause to be made an accurate map based upon such survey. After such survey and map is completed, and after the Board of Commissioners of the Town of Cooleemee finds and declares upon its minutes that the boundaries shown on such map do not vary from the description in subsection (a) of this section, they shall cause accurate copies of such map to be filed in the Office of the Register of Deeds of Davie County, in the Office of the Davie County Board of Elections, and in the Office of the Secretary of State of North Carolina. From and after the time a copy of such map is filed in the Office of the Register of Deeds of Davie County, the corporate boundaries as shown thereon shall be the corporate boundaries of the Town of Cooleemee until changed in accordance with law. An accurate copy of such map shall also be maintained in the Town offices.

### "ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS.

"Section 3.1. Mayor and Mayor Pro Tempore. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. When there is an equal division upon any question, or in the appointment of officers, by the Board, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Commissioners shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the Board of Commissioners.

"Section 3.2. Composition of Board of Commissioners. The Board of Commissioners shall consist of four members to be elected by and from the qualified voters of the Town voting at large in the manner provided by Article IV.

"Section 3.3. Terms; Qualifications; Vacancies. Except for the initial terms of office hereinbefore specified, the Mayor and the members of the Board of Commissioners shall serve for terms of four years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

"Section 3.4. Organization of Boards; Oaths of Office. The Board of Commissioners shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election as provided by law.

"Section 3.5. Meetings of Board. The Board of Commissioners shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be called and held as provided by law.

"Section 3.6. Quorum; Votes. The voting and quorum requirements of general law shall apply.

"Section 3.7. Ordinances and Resolutions. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all ordinances shall be: 'Be it ordained by the Board of Commissioners of the Town of Cooleemee'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.

#### "ARTICLE IV. ELECTION PROCEDURE.

"Section 4.1. Regulations of Elections. All municipal elections shall be conducted in accordance with the General Statutes under the nonpartisan plurality method of election, except as otherwise herein provided.

"Section 4.2. Regular Municipal Elections. The nonpartisan plurality method of election shall be employed. In the regular 1987 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two Commissioners to serve for a term of four years, or until their successors are elected and qualify. In the regular 1989 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two Commissioners and a Mayor to serve for terms of four years, or until their successors are elected and qualify.

#### "ARTICLE V. TOWN ATTORNEY.

"Section 5.1. Appointment; Qualifications; Term; Compensation. The Board of Commissioners shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his tenure. The Town Attorney shall serve at the pleasure of the Board of Commissioners and shall receive such compensation as the Board shall determine.

"Section 5.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Board of Commissioners, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other documents with which the Town may be concerned; to attend all meetings of the Board of Commissioners; and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

#### "ARTICLE VI.

##### "ADMINISTRATIVE OFFICERS AND EMPLOYEES.

"Section 6.1. Town Clerk. The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board may direct.

"Section 6.2. Town Tax Collector. The Board of Commissioners shall appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection of taxes by municipalities.

"Section 6.3. Town Accountant. The Board of Commissioners may appoint a Town Accountant to perform the duties of the Accountant as required by the Local Government Budget and Fiscal Control Act.

"Section 6.4. Consolidation of Functions. The Board of Commissioners may, in its discretion, consolidate the functions of any two or more of these positions to the holder or holders of any other of these positions except as limited by general law. The Board may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 6.5. Other Employees. The Board of Commissioners may create and fill by appointment such other positions as it deems advisable to insure the efficient administration of the affairs of the Town, and may, in its discretion, appoint a person to supervise all Town departments, and may delegate to such person the power of appointment and removal of department heads and employees, other than the Town Attorney."

Sec. 6. The Board of Commissioners may adopt a budget ordinance for the 1985-86 fiscal year, following their qualification for office, without having to comply with the budget preparation and adoption timetable set out in the Local Government Budget and Fiscal Control Act. If the initial budget is adopted after January 1, 1986, property taxes may be paid at par within 90 days of adoption of the budget ordinance, and thereafter according to the schedule in G.S. 105-360 as if the taxes had been due on September 1, 1985.

Sec. 7. If any provisions of this act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1985.