

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1051  
Committee Substitute Favorable 5/5/89

Short Title: Incorporate Poplar Tent.

(Local)

Sponsors:

Referred to:

April 6, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCORPORATE THE TOWN OF POPLAR TENT, SUBJECT TO A  
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Town of Poplar Tent is enacted to read:

6 "THE CHARTER OF THE TOWN OF POPLAR TENT.

7 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

8 "Section 1.1. Incorporation and General Powers.

9 The inhabitants of the area described in Section 2.1 of this Charter shall be and  
10 constitute a body politic and corporate under the name of the 'Town of Poplar Tent'.  
11 Under that name they have all the powers, duties, rights, privileges, and immunities  
12 conferred and imposed on cities by the general laws of North Carolina.

13 "Sec. 1.2. Exercise of Powers.

14 All powers, duties, rights, privileges, and immunities of the Town, its officers,  
15 agencies, or employees, shall be carried into execution as provided by this Charter, or, if  
16 this Charter makes no provision, as provided by ordinance or resolution of the Town  
17 Council and as provided by the general laws of North Carolina pertaining to municipal  
18 corporations.

19 "Sec. 1.3. Protection of Farming Land.

20 Existing farms and their operation within the corporate limits will be protected as  
21 provided for by State law.

22 "Sec. 1.4. Cabarrus County Airport.

1 No ordinance will be passed by the Town Council that would interfere with the  
2 reasonable operation of the Cabarrus County Airport as proposed in the Cabarrus  
3 County Airport, Airport Master Plan, March 1987, except as approved by the Board of  
4 Commissioners of Cabarrus County.

5 **"ARTICLE II. CORPORATE BOUNDARIES.**

6 "Sec. 2.1. Corporate Boundaries.

7 Until modified in accordance with law, the boundaries of the Town of Poplar Tent  
8 are as follows:

9 Beginning at a point on the west edge of the right-of-way of Interstate 85, south along  
10 the center course of Coddle Creek to a point 2300 feet from the north edge of Highway  
11 29 right-of-way, thence southwest along a line 2300 feet west of and parallel to  
12 Highway 29 right-of-way to the center course of Rocky River, thence north along the  
13 center course of Rocky River to a point on Rocky River at the western property line of  
14 parcel 4599-74-3651, thence northwest along the property line of parcel 4599-74-3651  
15 to a point on the southwest corner of the property line of parcel 4599-74-3651, thence  
16 along a line from a point on the southwest corner of the property line of parcel 4599-74-  
17 3651 to a point on the southeast corner of the property line of parcel 4599-67-1383,  
18 thence along the southern property line of parcel 4599-67-1383 to a point adjoining the  
19 property line on the southside parcel 4589-65-8898, thence along the property line of  
20 4589-65-8898 to a point on the property line of parcel 4589-65-8898 500 feet south of  
21 the center line of Pitts School Road (SR 1305). Thence northwest along a line 500 feet  
22 west of and parallel to Pitts School Road to a point 1800 feet south of the center line of  
23 Poplar Tent Road (SR 1394), thence west along a line 1800 feet south of and parallel to  
24 the center line of Poplar Tent Road to a point on the east property line of parcel 4580-  
25 75-3856, thence along the southern property line to the center course of Rocky River,  
26 thence northwest along the center course of Rocky River to the center line of Harris  
27 Road (SR 1449), thence along the center line of Harris Road to the center line of Odell  
28 School Road (SR 1601), thence south along the center line of Odell School Road to the  
29 center line of Untz Road (SR 1444), thence east along the center line of Untz Road to  
30 center course of Coddle Creek, thence south along the center line of Coddle Creek to the  
31 point of the beginning.

32 "Sec. 2.2. **Extension of Corporate Boundaries.** The corporate boundaries of the  
33 town may be changed, altered or extended, from time to time, in accordance with  
34 applicable general laws of North Carolina; except for a period of four years from the  
35 date of this incorporation, an area annexed by the Town of Poplar Tent pursuant to Parts  
36 2 or 3 of Article 4A of Chapter 160A of the General Statutes shall not exceed ten  
37 percent (10%) of the existing town's incorporated area at the time of the proposed  
38 involuntary annexation without approval of the Cabarrus County Board of  
39 Commissioners.

40 **"ARTICLE III. TOWN COUNCIL AND MAYOR.**

41 "Sec. 3.1. **Temporary Officers.** Until the organizational meeting after the initial  
42 election in 1990 provided for by Section 4.1 of the Charter, Kenneth F. Payne, Patricia  
43 A. Page, C. Stephen Myers, Donna Rogers, and John Munn are hereby appointed  
44 members of the Town Council of the Town of Poplar Tent, and they shall possess and

1 may exercise the powers granted to the Town Council until their successors are elected.  
2 These members shall serve without compensation until after the first collection of  
3 general tax revenue. They shall elect one of themselves to be Mayor.

4 "Sec. 3.2. **Composition of the Town Council.** The Town Council shall consist of  
5 five members to be elected by and from the qualified voters of the Town voting at-large  
6 in the manner provided by Article IV.

7 "Sec. 3.3. **Term of Office for Members of the Town Council.**

8 (a) Except for the Temporary Officers provided in Section 3.1, and the first  
9 Town Council, the members of the Town Council shall serve four-year terms. In 1990,  
10 five members of the Council shall be elected. The three members receiving the highest  
11 numbers of votes are elected to five-year terms. The two receiving the next highest  
12 numbers of votes are elected to three-year terms. In 1993 and each four years  
13 thereafter, two members of the Council shall be elected. In 1995 and each four years  
14 thereafter, three members of the Council shall be elected. The election in 1990 shall be  
15 conducted in accordance with the same provisions of law as if the election was a  
16 municipal election held in 1989, except the Board of Elections of Cabarrus County may,  
17 if the town elects to have absentee voting as provided by G.S. 163-302, provide that the  
18 absentee voting schedule for 1990 shall be the same as for the general election for  
19 county officers.

20 (b) Any candidate for Town Council must be a resident and qualified voter of the  
21 Town. No councilman shall serve for more than two consecutive terms.

22 "Sec. 3.4. **Election of Mayor; Term Office.** At the organizational meeting of the  
23 Council following each election, the Councilmen shall elect one of its members to serve  
24 as Mayor. The Mayor shall serve as such at the pleasure of the Board.

25 "Sec. 3.5. **Compensation of Mayor and Councilmen.** The Town Council may fix  
26 its own compensation and allowances in such sums as may be just and reasonable,  
27 effective following the next regular municipal election for the Town Council.

28 "Sec. 3.6. **Organization of Council; Oaths of Office.**

29 The Town Council shall meet and organize for the transaction of business at the first  
30 regularly scheduled meeting of the Council following each election. Before entering  
31 upon their offices, each Councilman shall take, subscribe, and have entered upon the  
32 minutes of the Council the following oath of office: 'I, \_\_\_\_\_, do solemnly  
33 swear (or affirm) that I will support and maintain the Constitution and laws of the  
34 United States, and the Constitution and laws of North Carolina not inconsistent  
35 therewith, and that I will faithfully discharge the duties of my office as  
36 \_\_\_\_\_; so help me, God.'

37 "Sec. 3.7. **Meetings of Council.**

38 The Town Council shall fix by ordinance suitable times for its regular meetings,  
39 which shall be as often as once monthly. Special meetings may be held on the call of  
40 the Mayor or a majority of the Councilmen, and those not joining in the call shall be  
41 notified in writing. Any business may be transacted at a special meeting that might be  
42 transacted at a regular meeting.

43 "Sec. 3.8. **Quorum; Votes.**

1 (a) A majority of the members elected to the Town Council shall constitute a  
2 quorum for the conduct of business, but a lesser number may adjourn from time to time  
3 and compel the attendance of absent members in such manner as may be prescribed by  
4 ordinance. The number required for a quorum shall not be affected by vacancies.

5 (b) The affirmative vote of a majority of the members of the Town Council shall  
6 be necessary to adopt any ordinance, or any resolution or motion having the effect of an  
7 ordinance.

8 "Sec. 3.9. Powers and Duties of Mayor and Council.

9 The powers and duties of the Mayor and Town Council shall be identical to those  
10 general powers of the Mayor and Council provided in Part 2 of Article 5 of Chapter  
11 160A of the General Statutes.

12 **"ARTICLE IV. ELECTION PROCEDURE.**

13 "Sec. 4.1. Regular Municipal Elections.

14 Regular municipal elections shall be held on the Tuesday after the first Monday in  
15 November of each odd-numbered year, beginning in 1989.

16 "Sec. 4.2. Conduct of Town Elections.

17 Town officers shall be elected on a nonpartisan basis and the results determined by  
18 plurality, as provided by G.S. 163-292.

19 **"ARTICLE V. ADMINISTRATION.**

20 "Sec. 5.1. General Organization.

21 The Town Council shall organize the town government as provided by Part 1 of  
22 Article 7 of Chapter 160A of the General Statutes.

23 "Sec. 5.2. Council-Manager Plan.

24 The Town of Poplar Tent operates under the Council-Manager plan as provided in  
25 Part 2 of Article 7 of Chapter 160A of the General Statutes.

26 "Sec. 5.3. Town Clerk and Town Attorney.

27 The Town Council shall appoint a Town Clerk and a Town Attorney, who shall hold  
28 office at the pleasure of the Town Council."

29 Sec. 2. From and after July 1, 1989, the citizens and property in the Town of  
30 Poplar Tent shall be subject to municipal taxes levied for the year beginning July 1,  
31 1989, and for that purpose the Town shall obtain from Cabarrus County a record of  
32 property in the area herein incorporated which was listed for taxes as of January 1,  
33 1989, and the businesses in the Town shall be liable for privilege license tax from the  
34 effective date of the privilege license tax ordinance. The Town may adopt a budget  
35 ordinance for fiscal year 1989-90 without following the timetable in the Local  
36 Government Budget and Fiscal Control Act, but shall follow the sequence of actions in  
37 the spirit of the act insofar as is practical.

38 Sec. 3. (a) The Cabarrus County Board of Elections shall conduct an election  
39 on August 22, 1989, for the purpose of submission to the qualified voters of the area  
40 described in Section 2.1 of the Charter of Poplar Tent, the question of whether or not  
41 such area shall be incorporated as Poplar Tent. Registration for the election shall be  
42 conducted in accordance with G.S. 163-288.2.

43 (b) In the election, the question on the ballot shall be:

44 "[ ] FOR Incorporation of Poplar Tent

1           [ ] AGAINST Incorporation of Poplar Tent".

2           Sec. 4. In such election, if a majority of the votes cast are not cast "FOR  
3 Incorporation of Poplar Tent", then Sections 1 and 2 of this act shall have no force and  
4 effect.

5           Sec. 5. In such election, if a majority of the votes cast shall be cast "FOR  
6 Incorporation of Poplar Tent" then Sections 1 and 2 of this act shall become effective on  
7 the date that the Cabarrus County Board of Elections determines the result of the  
8 election.

9           Sec. 6. This act is effective upon ratification.