

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 335*

Short Title: N. Topsail Beach Incorporated.

(Local)

Sponsors: Senator Guy.

Referred to: Local Government and Regional Affairs.

March 6, 1989

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A BILL TO BE ENTITLED
AN ACT TO INCORPORATE THE TOWN OF NORTH TOPSAIL BEACH,
SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. The Town of North Topsail Beach, as described in Section 2 of this act is incorporated.

Sec. 2. A Charter for the Town of North Topsail Beach is enacted to read: "Charter of the Town of North Topsail Beach".

"CHAPTER 1.

"INCORPORATION AND CORPORATE POWERS.

"Sec. 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of North Topsail Beach are a body corporate and politic under the name 'Town of North Topsail Beach'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed upon Towns by the General Law of North Carolina.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. **Town Boundary.** Until modified in accordance with law, the boundaries of the town of North Topsail Beach are as follows:

Beginning at a point near the northern limit of Surf City and in the Intracoastal Waterway having N. C. Grid coordinates of North 260,907 East 2,445,050, thence along the Intracoastal Waterway North 47 degrees 04 minutes 23 seconds East 6015.6 feet, thence North 65 degrees 26 minutes 28 seconds East 44,583.2 feet, thence North 26 degrees 49 minutes 19 seconds East 7278.0 feet, thence North 08 degrees 08 minutes 23 seconds East 5021.5 feet, thence North 58 degrees 53 minutes 00 seconds East 7008.4

1 feet to a point in New River Inlet, thence leaving said Intracoastal Waterway and along
2 New River Inlet South 00 degrees 00 minutes 00 seconds East 12,621.8 feet to a point in
3 the Atlantic Ocean 1200 feet offshore, thence running parallel to the shoreline South 58
4 degrees 52 minutes 39 seconds West 59,111.2 feet to a point in the Atlantic Ocean 700
5 feet offshore and lying near the northern limit of Surf City, thence along the Surf City
6 line North 38 degrees 31 minutes 30 seconds West 6,978.8 feet to the point and place of
7 beginning, containing 8,900 acres more or less and being all of Topsail Island which lies
8 North of the current city limits of Surf City.

9 **"CHAPTER III.**

10 **"GOVERNING BODY.**

11 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing
12 body of the Town of North Topsail Beach is the Board of Aldermen which has five
13 members and the Mayor.

14 "Sec. 3.2. **Manner of Electing Board.** The qualified voters of the entire Town
15 elect the members of the Board of Aldermen.

16 "Sec. 3.3. **The Term of Office of Board of Aldermen Members; Four Year**
17 **Terms.** At the regular municipal election to be held in 1989, the three candidates who
18 receive the highest number of votes shall be elected for four-year terms, while the two
19 candidates who receive the next highest number of votes shall be elected for two-year
20 terms. Beginning at the regular municipal election to be held in 1991, and every four
21 years thereafter, two members of the Board of Aldermen shall be elected to serve for
22 four-year terms. Beginning at the regular municipal election to be held in 1993, and
23 every four years thereafter, three members of the Board of Aldermen shall be elected to
24 serve for four-year terms.

25 "Sec. 3.4. **Selection of Mayor; Term of Office.** The qualified voters of the entire
26 Town elect the Mayor. A Mayor shall be elected in 1989 and every two years thereafter
27 for a two-year term.

28 "Sec. 3.5. **Appointment of Initial Board of Aldermen and Mayor.** Weldon Hall,
29 William Keister, Nathan McDaniels, Leland Newsome and Charlotte Tippet are hereby
30 appointed members of the Board of Aldermen to serve until their successors are elected
31 in the 1989 election. Rodney Knowles is appointed Mayor to serve until his successor
32 is elected in the 1989 election.

33 **"CHAPTER IV.**

34 **"ELECTIONS.**

35 "Sec. 4.1. **Conduct of Town Elections.** The Board of Aldermen shall be elected on
36 a nonpartisan basis and the results determined by the plurality method as provided by
37 G.S. 163-292.

38 **"CHAPTER V.**

39 **"ADMINISTRATION.**

40 "Sec. 5.1. **Council-Manager Plan.** The town of North Topsail Beach operates
41 under the Council-Manager Plan as provided by Part 2 of Article 7 of Chapter 160A of
42 the General Statutes."

43 Sec. 3. From and after July 1, 1989, the citizens and property in the Town of
44 North Topsail Beach shall be subject to municipal taxes levied for the year beginning

1 July 1, 1989, and for that purpose the Town shall obtain from Onslow County a record
2 of property in the area herein incorporated which was listed for taxes as of January 1,
3 1989, and the businesses in the Town shall be liable for privilege license tax from the
4 effective date of the privilege license tax ordinance. The Town may adopt a budget
5 ordinance for fiscal year 1989-90 without following the timetable in the Local
6 Government Budget and Fiscal Control Act, but shall follow the sequence of actions in
7 the spirit of the act insofar as is practical.

8 Sec. 4. (a) The Onslow County Board of Elections shall conduct an election
9 on a date set by it, to be not less than 60 nor more than 120 days after the date of
10 ratification of this act, for the purpose of submission to the qualified voters of the area
11 described in Section 2.1 of the Charter of North Topsail Beach, the question of whether
12 or not such area shall be incorporated as North Topsail Beach. Registration for the
13 election shall be conducted in accordance with G.S. 163-288.2.

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

15 "[] FOR Incorporation of North Topsail Beach

16 [] AGAINST Incorporation of North Topsail Beach".

17 Sec. 5. In such election, if a majority of the votes cast are not cast "FOR
18 Incorporation of North Topsail Beach", then Sections 1 through 3 of this act shall have
19 no force and effect.

20 Sec. 6. In such election, if a majority of the votes cast shall be cast "FOR
21 Incorporation of North Topsail Beach" then Sections 1 through 3 of this act shall
22 become effective on the date that the Onslow County Board of Elections determines the
23 result of the election.

24 Sec. 7. This act is effective upon ratification.