

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**2**

**HOUSE BILL 2**  
**Committee Substitute Favorable 3/12/07**

Short Title: Incorporate Corolla.

(Local)

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Sponsors:

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Referred to:

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January 25, 2007

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE VILLAGE OF COROLLA.

The General Assembly of North Carolina enacts:

**SECTION 1.** A Charter for the Village of Corolla is enacted to read:

"CHARTER OF THE VILLAGE OF COROLLA.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Village of Corolla are a body corporate and politic under the name 'Village of Corolla'. The Village of Corolla has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Village Boundaries.** Until modified in accordance with law, the boundaries of the Village of Corolla are as follows:

BEGINNING at the point of intersection of the northeast corner of the corporate limits of the Town of Duck in Dare County, North Carolina, with the mean high water mark of the Atlantic Ocean; thence along a line in a general easterly direction for a distance of 1,000 feet to a point along an eastern projection of the northern Town of Duck limit line to a point in the Atlantic Ocean; thence, in a northwesterly direction along a line 1,000 feet parallel to the mean high water mark of the Atlantic Ocean until such line forms a point of intersection with another line, such line being the projection of the southern boundary line of the State of North Carolina property as more particularly described by deeds recorded in Deed Book 195, Page 165 and Deed Book 195, Page 151 of the Currituck County Registry 1,000 feet easterly from the mean high water mark of the Atlantic Ocean; thence, in a westerly direction along the projected line to the intersection of the southern boundary line of the State of North Carolina property as more particularly described by deeds recorded in Deed Book 195, Page 165 and Deed Book 195, Page 151 of the Currituck County Registry with the mean high water mark of the Atlantic Ocean; thence, in a westerly direction along the southern boundary line of the State of North Carolina property as more particularly described by deeds recorded in

1 Deed Book 195, Page 165 and Deed Book 195, Page 151 of the Currituck County  
2 Registry to the point of intersection of the southern boundary line of the State of North  
3 Carolina property as more particularly described by deeds recorded in Deed Book 195,  
4 Page 165 and Deed Book 195, Page 151 of the Currituck County Registry with the  
5 mean high water mark of the Currituck Sound; thence, along a line in a general westerly  
6 direction for a distance of 1,000 feet to a point along a western projection of the  
7 southern boundary line of the State of North Carolina property as more particularly  
8 described by deeds recorded in Deed Book 195, Page 165 and Deed Book 195, Page  
9 151 of the Currituck County Registry boundary line to a point in the Currituck Sound;  
10 thence, in a southeasterly direction along a line 1,000 feet parallel to the mean high  
11 water mark of the Currituck Sound until such line forms a point of intersection with  
12 another line, such line being the projection of the northern line of the Town of Duck  
13 corporate limits 1,000 feet westerly from the mean high water mark of the Currituck  
14 Sound; thence, in a easterly direction along the projected line to the intersection of the  
15 northwest corner of the Town of Duck corporate limits with the mean high water mark  
16 of the Currituck Sound; thence, in an easterly direction along the northern line of the  
17 Town of Duck corporate limits to the place of beginning.

18 "ARTICLE III. GOVERNING BODY.

19 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing  
20 body of the Village of Corolla shall be the Village Council, which shall have five  
21 members.

22 "Section 3.2. **Temporary Officers.** Until the initial election of 2007, provided for  
23 by Article IV of this Charter, Robert P. Collins, Robert G. Green, Gary McGee, J.  
24 Gregory Shuk, and Walter P. Stiff are appointed to the Village Council of the Village of  
25 Corolla. The temporary officers shall elect persons to serve as Interim Mayor and  
26 Interim Mayor Pro Tempore. If any person named in this section is unable to serve, the  
27 remaining temporary officers shall, by majority vote, appoint a person to serve until the  
28 initial election is held.

29 "Section 3.3. **Manner of Electing Council; Term of Office.** The qualified voters of  
30 the entire Village shall elect members of the Village Council from the Village at large  
31 and, except as provided in this section, they shall serve four-year terms. In 2007, the  
32 three candidates receiving the highest numbers of votes shall be elected to four-year  
33 terms and the two candidates receiving the next highest numbers of votes shall be  
34 elected to two-year terms. In 2009, and quadrennially thereafter, two members shall be  
35 elected to four-year terms. In 2011, and quadrennially thereafter, three members shall be  
36 elected to four-year terms. To be eligible for election to the Village Council, an  
37 individual must reside in the Village of Corolla. Vacancies on the Village Council shall  
38 be filled in accordance with G.S. 160A-63.

39 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The Mayor  
40 shall be elected from among the members of the Village Council at the organizational  
41 meeting after the initial election in November 2007, and shall serve for a term of one  
42 year. Any member of the Village Council is eligible to serve successive one-year terms  
43 as Mayor, and the member shall be elected in the same manner in which the member  
44 was initially elected. The Mayor shall attend and preside over meetings of the Village

1 Council, shall advise the Village Council from time to time as to matters involving the  
2 Village of Corolla, and shall have the right to vote as a member of the Village Council  
3 on all matters before the Council, but shall have no right to break a tie vote in which the  
4 Mayor has participated.

5 "Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.**  
6 The Mayor Pro Tempore shall be elected from among the members of the Village  
7 Council at the organizational meeting after the initial election in November 2007, and  
8 shall serve for a term of one year. Any member of the Village Council is eligible to  
9 serve successive one-year terms as Mayor Pro Tempore, and the member shall be  
10 elected in the same manner in which the member was initially elected. The Mayor Pro  
11 Tempore shall act in the absence or disability of the Mayor. If the Mayor and Mayor Pro  
12 Tempore are both absent from a meeting of the Village Council, the members of the  
13 Village Council present may elect a temporary chairman to preside in the absence. The  
14 Mayor Pro Tempore shall have the right to vote on all matters before the Village  
15 Council and shall be considered a member of the Village Council for all purposes.

16 "ARTICLE IV. ELECTIONS.

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

19 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with  
20 Chapter 163 of the General Statutes, with the first election to be held on November 6,  
21 2007.

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

25 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

26 "Section 5.1. **Form of Government.** The Village shall operate under the  
27 Council-Manager plan as provided in Part 2 of Article 7 of Chapter 160A of the General  
28 Statutes.

29 "Section 5.2. **Village Manager; Appointment; Power and Duties.** The Village  
30 Council shall appoint a Village Manager who shall be responsible for the administration  
31 of all departments of the Village government, except as otherwise directed by the  
32 Village Council. The Village Manager shall have all the powers and duties conferred by  
33 general law, except as expressly limited by the provisions of this Charter, and the  
34 additional powers and duties conferred by the Village Council, so far as authorized by  
35 general law.

36 "Section 5.3. **Village Manager's Authority Over Personnel; Role of Elected**  
37 **Officials.** As chief administrator of the Village, the Village Manager shall have the  
38 power to appoint, suspend, and remove all Village officers, department heads, and  
39 employees, except the Village Attorney, Village Clerk, and any other official whose  
40 appointment or removal is vested in the Village Council by this Charter or by general  
41 law. Neither the Village Council nor any of its members shall take part in the  
42 appointment or removal of officers or employees in the administrative service of the  
43 Village of Corolla, except as provided by this Charter. Except for purposes of inquiry,  
44 or for consultation with the Village Attorney, the Village Council and its members shall

1 deal with Village employees solely through the Village Manager or Acting Village  
2 Manager, and neither the Village Council nor any of its members shall give any  
3 specific orders to any subordinates of the Village Manager or Acting Village Manager,  
4 either publicly or privately.

5 "Section 5.4. **Village Attorney.** The Village Council shall appoint a Village  
6 Attorney licensed to practice law in North Carolina. It shall be the duty of the Village  
7 Attorney to represent the Village, advise Village officials, and perform other duties  
8 required by law or as the Village Council may direct.

9 "Section 5.5. **Village Clerk.** The Village Council shall appoint a Village Clerk to  
10 keep a journal of the proceedings of the Village Council, to maintain official records  
11 and documents, to give notice of meetings, and to perform such other duties required by  
12 law or as the Village Council may direct.

13 "Section 5.6. **Other Administrative Officers and Employees.** The Village Council  
14 may authorize other offices and positions and appoint persons to fill the offices and  
15 positions, or the Council may authorize the offices and positions to be filled by  
16 appointment by the Village Manager. The Village Council may organize the Village  
17 government as deemed appropriate, subject to the requirements of general law.

18 "Section 5.7. **Consolidation of Functions.** Where positions are not incompatible,  
19 the Village Council may combine in one person the powers and duties of two or more  
20 officers created or authorized by this Charter.

21 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

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

26 "Section 6.2. **Budget.** From and after July 1, 2007, the citizens and property in the  
27 Village of Corolla shall be subject to municipal taxes levied for the fiscal year  
28 beginning July 1, 2007, and, for that purpose, the Village shall obtain from Currituck  
29 County a record of property in the area herein incorporated that was listed for taxes as  
30 of January 1, 2007. The Village may adopt a budget ordinance for fiscal year  
31 2007-2008 without following the timetable in the Local Government Budget and Fiscal  
32 Control Act, but shall follow the sequence of actions in the spirit of the Act insofar as is  
33 practical. For fiscal year 2007-2008, ad valorem taxes may be paid at par or face  
34 amount within 90 days of adoption of the budget ordinance and thereafter in accordance  
35 with the schedule in G.S. 105-360 as if the taxes had been due and payable on  
36 September 1, 2007. If the effective date of incorporation is prior to July 1, 2007, the  
37 Village may adopt a budget ordinance for fiscal year 2006-2007 without following the  
38 timetable in the Local Government Budget and Fiscal Control Act, but shall follow the  
39 sequence of actions in the spirit of the Act insofar as is practical, but no ad valorem  
40 taxes shall be levied for that year.

41 "ARTICLE VII. ORDINANCES.

42 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Village  
43 of Corolla is authorized to adopt such ordinances as the Village Council deems  
44 necessary for the governance of the Village.

1 "Section 7.2. **Settlement Agreement.** The vested rights in undeveloped parcels in  
2 the Ocean Sands subdivision granted to Coastland Corporation by Currituck County,  
3 North Carolina, in a settlement agreement entered into by the parties on June 16, 1987,  
4 and recorded in Book 230, Page 600, Currituck County Registry, shall be included and  
5 honored in any zoning or subdivision ordinance adopted by the Village unless the  
6 Village and Coastland Corporation agree otherwise.

7 "ARTICLE VIII. MISCELLANEOUS.

8 "Section 8.1. **Conflicts of Interest.** No person, or a member of the person's  
9 immediate family, who is employed by or is an official of the Village of Corolla, shall  
10 do business with the Village unless such activity is approved by the Village Council.  
11 All appointed officials of the Village shall inform the Village Council of any conflicts  
12 of interest, and the failure to so inform shall constitute grounds for immediate dismissal  
13 for cause. No official of the Village may accept any gratuity from any business, person,  
14 or other official if the gratuity is related to his or her official duties.

15 "Section 8.2. **Enlargement of Village Council.** The qualified voters of the Village  
16 of Corolla may seek to enlarge the number of members of the Village Council by  
17 submitting a petition to that effect signed by twenty percent (20%) of the qualified  
18 voters. Upon passage of a resolution as provided in G.S. 160A-102 or upon receipt of a  
19 valid petition, the Village Council shall immediately take steps as provided in Part 4 of  
20 Article 5 of Chapter 160A of the General Statutes to determine by referendum whether  
21 the number of members of the Village Council should be increased. If a majority of the  
22 votes cast in the referendum are in the affirmative, a special election shall be held at the  
23 earliest possible date to elect the additional members required to enlarge the Village  
24 Council to the number set forth in the referendum.

25 "Section 8.3. **Amendments to Charter.** The Village Council may propose and enact  
26 amendments to this Charter in accordance with Part 4 of Article 5 of Chapter 160A of  
27 the General Statutes. No amendment to this Charter shall become effective until public  
28 notice is given and a public hearing is held to receive comments on the proposed  
29 Charter amendment. Notwithstanding G.S. 160A-103, upon receipt of a referendum  
30 petition bearing the signatures and residence addresses of twenty percent (20%) of the  
31 qualified voters of the Village, the Village Council shall submit ordinances adopted  
32 under G.S. 160A-102 to a vote of the people.

33 "Section 8.4. **Provision of Services and Administration of Functions.** The Village  
34 Council may enter into agreements with other governmental bodies and private  
35 enterprises for the provision of services and the administration of corporate functions in  
36 order to provide the services and administer the functions in the most efficient and  
37 cost-effective manner.

38 "ARTICLE IX. SPECIAL PROVISIONS.

39 "Section 9.1. **Ad Valorem Taxes.** The Town Council shall not increase the ad  
40 valorem tax rate more than five cents (5¢) per one hundred dollars (\$100.00) valuation  
41 above the ad valorem tax rate initially established after incorporation of the Village of  
42 Corolla without the vote or consent of a majority of the qualified voters of the Village of  
43 Corolla. The procedures of G.S. 160A-209 shall be followed for any such election."

1           **SECTION 2.** The Currituck County Board of Elections shall conduct an  
2 election on a date set by the Board, to be not less than 60 nor later than 120 days after  
3 this act becomes law, for the purpose of submission to the qualified voters for the area  
4 described in Section 2.1 of the Charter of the Village of Corolla the question of whether  
5 or not the area shall be incorporated as the Village of Corolla. Registration for the  
6 election shall be conducted in accordance with G.S. 163-288.2.

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

8                                   "FOR       AGAINST

9                                   Incorporation of the Village of Corolla."

10           **SECTION 4.** In the election, if a majority of the votes are cast "For the  
11 Incorporation of the Village of Corolla", Section 1 of this act shall become effective on  
12 the date that the Currituck County Board of Elections certifies the results of the election.  
13 Otherwise, Section 1 of this act shall have no force and effect.

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