

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 807

Short Title: Seven Oaks Incorporated.

(Local)

Sponsors: Representatives Dickson; C. Preston, Weatherly, Berry, and Gamble.

Referred to: Local and Regional Government I.

April 8, 1993

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF SEVEN OAKS IN GASTON
COUNTY.

The General Assembly of North Carolina enacts:

Section 1. A Charter for the Town of Seven Oaks is enacted to read:

"CHARTER OF THE TOWN OF SEVEN OAKS.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1-1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Seven Oaks are a body corporate and politic under the name 'Town of Seven Oaks.' Under that name, they have all the powers, duties, rights, privileges, and immunities conferred and imposed on municipal corporations, currently or hereinafter enacted, by the North Carolina Constitution, the general law of North Carolina and this Charter.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2-1. **Town Boundaries.** Until modified in accordance with the law or in accordance herewith, the boundaries of the Town of Seven Oaks are as follows:

Lying and being in Southpoint Township of Gaston County and beginning at the point where the northern line of Tax Map 15-110, Parcel 1 intersects with the eastern margin of State Road 2302 (New Hope Road), and thence proceeding with the northern line of said tax parcel, generally northeast to the northeast corner of said parcel, thence proceeding generally southeast along the eastern line of said tax parcel to a point on the western shoreline of the South Fork branch of the Catawba River at full pond level, being a common corner with Tax Map 15-110, parcel 2; thence proceeding generally

1 south with the western shoreline of the South Fork branch to a point in the northernmost
2 corner of Tax Map 15-119, Parcel 26; thence proceeding generally south and then
3 southeast along the line of Maps 15-110, Parcels 26, 3.16, 3.17, 3.43, 3.44, 3.45, 3.46,
4 3.47 and 3.48 to a point in the northern line of Tax Map 15-125, Parcel 2.02; thence
5 proceeding east along the northern line of Tax Map 15-125, Parcels 2.02, 2, and 1,
6 crossing State Road 2524 (Lower Armstrong Ford Road), to a point on the western
7 shoreline of the South Fork branch of Catawba Creek at full pond level; thence
8 proceeding generally south along the shoreline of the South Fork branch to that general
9 point where the South Fork branch of the Catawba River and the Catawba River merge;
10 thence proceeding generally west and then south with the shoreline of the Catawba
11 River at full pond level, said line being also the boundary of Tax Map 15-125 Parcel 1,
12 to the North Carolina State boundary line; thence proceeding west with the State
13 boundary line to the point where the State line intersects with the eastern shoreline of
14 Catawba Creek at full pond level, thence proceeding generally north along the eastern
15 shoreline of Catawba Creek, crossing State Road 2302, to a point on the eastern
16 shoreline at a common corner of Tax Map 15-125, Parcel 1 with Tax Map 15-111,
17 Parcel 1; thence proceeding generally west and then north with the shoreline of Catawba
18 Creek to a point on the eastern shoreline, being a common corner of Tax Map 15-111,
19 Parcel 1 and Tax Map 15-104, Parcel 6; thence proceeding with the common boundary
20 line of Tax Map 15-111, Parcel 1 and Tax Map 15-104, Parcel 6 generally northeast to
21 the northernmost point of Tax Map 15-111, Parcel 1, being a common corner with Tax
22 Map 15-104, Parcel 5; thence with the western boundary of Tax Map 15-104, Parcel 5,
23 south to the southernmost corner of Tax Map 15-104, Parcel 5, and thence proceeding
24 northeast with the southeastern line of Tax Map 15-104, Parcel 5 and Tax Map 15-104,
25 Parcel 5.02, crossing State Road 2302, to the point of Beginning.

26 All references in the above description are made to Gaston County Tax Maps 15-
27 104, 15-110, 15-111 and 15-125 in effect as of May 12, 1992. A copy of these Tax
28 Maps are filed with the Gaston County Tax Supervisor.

29 To the extent the above description of the boundaries of the Town of Seven Oaks
30 references tax lots and blocks, the references refer to corners and boundaries of the
31 properties as more particularly described on the recorded instruments from which the
32 tax lots or blocks were created, and these recorded instruments are incorporated herein
33 by reference for purposes of this boundary description.

34 The Town of Seven Oaks hereafter may have an accurate survey of the boundaries
35 of the Town of Seven Oaks prepared and may record an ordinance and such survey in
36 the Gaston County Register of Deeds. In such event, the actual boundaries of the Town
37 of Seven Oaks shall be the boundaries as set forth in such survey, and such survey shall
38 supersede for all purposes the description of the boundaries of the Town of Seven Oaks
39 contained hereinabove.

40 An accurate description or map of the boundaries of the Town of Seven Oaks shall
41 be maintained as provided in G.S. 160A-22.

42 **"CHAPTER III.**
43 **"GOVERNING BODY.**

1 "Sec. 3-1. **Structure of Governing Body; Number of Members.** The governing
2 body of the Town of Seven Oaks is the Mayor and Town Council, which has four
3 members. The presence of a quorum is determined in accordance with G.S. 160A-74.

4 "Sec. 3-2. **Manner of Electing Town Council.** The qualified voters of the entire
5 Town of Seven Oaks elect the members of the Town Council.

6 "Sec. 3-3. **Term of Office of Town Council Members.** Members of the Town
7 Council are elected to two-year terms of office.

8 "Sec. 3-4. **Election of Mayor; Term of Office.** The qualified voters of the entire
9 Town of Seven Oaks elect the Mayor. The Mayor is elected to a four-year term of
10 office.

11 "Sec. 3-5. **Governing Body; Limitation on Terms of Office.** There shall be no
12 limitation on the number of terms of office that may be served by members of the Town
13 Council and the Mayor.

14 "Sec. 3-6. **Residence of Governing Body Members.** All elected members of the
15 governing body of the Town of Seven Oaks must be registered voters who reside within
16 the corporate limits of the Town of Seven Oaks in order to qualify to take, hold, and
17 continue in any such office.

18 "CHAPTER IV.

19 "ELECTIONS.

20 "Sec. 4-1. **Conduct of Town Elections.** The governing body is elected at large on a
21 nonpartisan basis and the results are determined by a plurality of votes cast, as provided
22 in G.S. 163-292. The initial officers of the Town of Seven Oaks are those individuals
23 named and appointed in this Charter. All initial officers of the Town of Seven Oaks so
24 appointed must meet the qualification requirements set forth in Section 3-6 of this
25 Charter; however, after this initial appointment, residence within the limits of the Town
26 of Seven Oaks shall not be a qualification for or prerequisite to appointment to any city
27 office not filled by the election of the people. All initial officers of the Town of Seven
28 Oaks shall serve until their successors are elected and qualify. The first municipal
29 election shall be on the date of the regular municipal election in 1993. Elections shall
30 be conducted by the Gaston County Board of Elections, unless otherwise provided in
31 accordance with G.S. 163-285.

32 "CHAPTER V.

33 "ADMINISTRATION.

34 "Sec. 5-1. **Town to Operate Under Mayor-Council Plan.** The Town of Seven
35 Oaks operates under the mayor-council plan as provided in Part 3, Article 7 of Chapter
36 160A of the North Carolina General Statutes.

37 "Sec. 5-2. **Appointment of Officers.** Until members of the Town Council and the
38 Mayor are elected in 1993 in accordance with this Charter and the law of North
39 Carolina, Daniel J. Stowe shall serve as Mayor and Alene N. Stowe, Charles I.
40 McCorkle, Virgil B. Woods, and Pamela K. McDowell shall serve as members of the
41 Town Council.

42 "Sec. 5-3. **Interim Budget.** The Town of Seven Oaks may adopt a budget
43 ordinance for fiscal years 1992-1993 and 1993-94 without having to comply with the

1 budget preparation and adoption timetable set out in the Local Government Budget and
2 Fiscal Control Act.

3 **"CHAPTER VI.**

4 **"REMOVAL.**

5 *"Sec. 6-1. **Removal by the Governing Body.** The governing body, after a
6 removal hearing and an affirmative vote of three of its members, may remove from
7 office a member of the Town Council or the Mayor for any of the reasons set forth in
8 Article VI, Section 8 of the North Carolina Constitution. A member of the Town
9 Council or the Mayor may initiate removal by making, at a meeting of the governing
10 body, a motion calling for the removal of an officer. This motion shall specify the
11 grounds on which removal is sought. The Town Clerk shall cause written notice of the
12 motion and a copy of the charges to be given to the officer against whom removal is
13 sought at least 10 days before the removal hearing. At the removal hearing, the officer
14 shall have the right to be heard in person and through counsel in the officer's defense. If
15 a member of the Town Council or the Mayor is removed, the vacancy shall be filled in
16 accordance with the provisions of G.S. 160A-63.

17 **"CHAPTER VII.**

18 **"MISCELLANEOUS.**

19 "Sec. 7-1. **State Distributions.** If the Town of Seven Oaks is incorporated after
20 June 30, 1993, the Town of Seven Oaks is nevertheless eligible to receive distributions
21 of funds payable by the State of North Carolina for the fiscal year 1993-94, as if the
22 Town of Seven Oaks had been incorporated with an effective date of June 30, 1993.

23 "Sec. 7-2. **Savings Clause.** If any part of this Charter is declared invalid by a court
24 of competent jurisdiction, such judgment shall not invalidate the remainder of this
25 Charter. All laws and ordinances not consistent with this Charter, insofar as they affect
26 the Town of Seven Oaks, are superseded by this Charter."

27 Sec. 2. This act is effective upon ratification.