

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-428
SENATE BILL 433**

AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Fairview is enacted to read:

"Charter of the Town of Fairview.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Fairview are a body corporate and politic under the name 'Town of Fairview'. The Town of Fairview 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. **Town Boundaries.** Until modified in accordance with the law, the boundaries of the Town of Fairview are as follows:

Beginning at the county line on Highway 601 North at Cabarrus County and Union County and following the county line east to Rocky River, then following the south side of Rocky River to Sikes Mill Road. Follow the centerline of Sikes Mill Road, crossing Highway 218 East, until it intersects with Old Fish Road, then taking the centerline of Old Fish Road west until it intersects with Unionville-Brief Road. Taking the centerline of Unionville-Brief Road south until Unionville-Brief Road intersects with Clontz-Long Road. Following the centerline of Clontz-Long Road west until it intersects with Highway 601 and following the centerline of Highway 601 South until it intersects with Lawyers Road. Taking the centerline of Lawyers Road west until it intersects with Howey Bottoms Road. Taking the centerline of Howey Bottoms Road until it intersects with Mill Grove Road and following the centerline of Mill Grove Road west crossing Highway 218 West, until it reaches the Mecklenburg County line. Following the Mecklenburg County line until it reaches the Cabarrus County line and following the Cabarrus County line east to Highway 601 North.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Fairview shall be the Town Council, which shall have four members, and the Mayor.

"Section 3.2. **Manner of Electing Council.** The qualified voters of the entire Town shall elect the members of the Town Council and, except as provided in this section, they shall serve four-year terms. In 2003, the two candidates receiving the highest numbers of votes shall be elected to four-year terms and the two candidates receiving the next highest numbers of votes shall be elected to two-year terms. In 2005, and biennially thereafter, two members shall be elected to four-year terms.

"Section 3.3. **Temporary Officers.** Until the initial elections of 2003 provided for by Section 4.1 of this Charter, Richard Williams is hereby appointed Mayor, and Brad Purser, Kathy Casey, Jerry Clontz, and Libby Long are appointed members of the Town Council. They shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter.

"Section 3.4. **Manner of Electing Mayor; Term of Office.** The qualified voters of the entire Town shall elect the Mayor. In 2003, and quadrennially thereafter, the Mayor shall be elected for a term of four years.

"ARTICLE IV. ELECTIONS.

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

"ARTICLE V. ADMINISTRATION.

"Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town of Fairview will operate under the Mayor-Council form of government as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

SECTION 2. From and after the effective date of this act, the citizens and property in the Town of Fairview shall be subject to municipal taxes levied for the fiscal year beginning July 1, 2001, and for that purpose, the Town shall obtain from Union County a record of property in the area herein incorporated which was listed for taxes as of January 1, 2001. The Town may adopt a budget ordinance for fiscal year 2001-2002 without following the timetable in the Local Government Budget and Fiscal Control Act but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 2001-2002, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 2001.

SECTION 3. The Union County Board of Elections shall conduct an election on a date set by it, not less than 70 nor more than 150 days after the date this act becomes effective, for the purpose of submission to the qualified voters for the area described in Section 2.1 of the Charter of the Town of Fairview, the question of whether or not the area shall be incorporated as the Town of Fairview. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

SECTION 4. In the election, the question on the ballot shall be:

"[] FOR [] AGAINST

Incorporation of the Town of Fairview".

SECTION 5. In the election, if a majority of the votes are cast "For the Incorporation of the Town of Fairview", Sections 1 and 2 of this act shall become effective on the date that the Union County Board of Elections certifies the results of the election. Otherwise, Sections 1 and 2 of this act shall have no force and effect.

SECTION 6. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 4th day of October, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives