

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 557
Finance Committee Substitute Adopted 3/28/01**

Short Title: Millers Creek Incorporated.

(Local)

Sponsors:

Referred to:

March 20, 2001

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF MILLERS CREEK.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

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

"ARTICLE II. CORPORATE BOUNDARIES.

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

Beginning at a point in the centerline intersection of Secondary Road #1372 (Boone Trail / Old U. S. 421) with Secondary Road #1320 (Congo Road) and running thence in a westerly direction, along the centerline of Congo Road to a point in the centerline intersection of said road with S. R. #1319 (Buck Road); thence adjoining the Town of Wilkesboro as shown on a plat entitled "Town Of Wilkesboro 421 Annexation" recorded in Map Book 9, Pages 433 through 436 in a northwesterly direction to a point in the centerline of N. C. Highway No. 16; thence a northwesterly direction to a point in the centerline intersection of said road with S. R. #1313 (Congo Road); thence along the centerline of said road to the southern boundary of PIN #3838-74-8409; thence along the southern and eastern boundary of said parcel to the eastern boundary of PIN #3838-75-1248; thence along the eastern boundary of the following five parcels, (1) PIN #3838-75-1248, (2) PIN #3838-75-1604, (3) PIN #3838-76-0032, (4) PIN #3838-66-9212, (5) PIN #3838-66-9304; thence along the northern boundary of the following three parcels, (1) PIN #3838-66-9304, (2) PIN #3838-76-2627, (3) PIN

1 #3838-66-8658; thence along the eastern and southern boundary of PIN #3838-66-3750;
2 thence along the southern boundary of PIN #3838-56-9710 to a point in the centerline of
3 S. R. #1315 (Fish Dam Creek Road); thence along the center of said road in a
4 northwesterly direction to a point in the southern boundary of PIN # 3839-21-0084;
5 thence along the southern, eastern and northern boundary of PIN #3839-21-0084; thence
6 along the northern boundary of PIN #3839-12-9695 to a point in the centerline of the
7 aforesaid S. R. #1315; thence in a northerly direction along the centerline of said road to
8 a point in the centerline intersection of said road with S. R. #1304 (Old U. S. 421);
9 thence continuing in a northerly direction along the centerline of S. R. #1315 (Arbor
10 Grove Church Road) to a point in the centerline intersection of said road with S. R.
11 #1317 (Old Hwy. 60); thence continuing in a northerly direction and along the
12 centerline of the aforesaid S. R. #1315 to the southern boundary line of PIN #
13 3839-39-7406; thence along the southern and eastern boundary line of PIN #
14 3839-39-7406; thence along the southern, eastern and northern boundary of PIN #
15 3839-48-5809; thence along the northern boundary line PIN #3839-39-7406 to a point
16 in the centerline of the aforesaid S. R. #1315; thence in a northeasterly direction along
17 the centerline of said S. R. #1315 to PIN #3930-50-8449; thence southeast along the
18 southern boundary of said PIN #3839-50-8449; thence southeast with the southern
19 boundary line of PIN #3839-69-8719; thence along the western, southern, eastern, and
20 northern boundary line of PIN #3839-78-8565; thence in a western direction along the
21 northern boundary of PIN #3839-69-8719; thence along the northern line of PIN
22 #3930-50-8449 to a point in the centerline of the aforesaid S. R. #1368 (Arbor Grove
23 Church Road); thence westerly to the western end of the southern right of way along S.
24 R. #1315 (Pierce Road); thence northeast along the southern edge of the right of way
25 along said road to a point in the centerline of S. R. #1347 (Charity Church Road);
26 thence eastwardly along the centerline of said road to a point in the centerline
27 intersection of N. C. Highway No. 16; thence northeastwardly along the centerline of S.
28 R. #1315 (Pleasant Home Church Road) to the centerline intersection of said road with
29 S. R. #1315 (Friendly Grove Church Road); thence southward along the centerline of
30 Friendly Grove Church Road to the northern boundary of PIN #3849-36-8893; thence
31 easterly along the northern boundary of PIN #3849-36-8893; thence northward along
32 the western boundary of the following six parcels: (1) PIN #3849-47-1138, (2) PIN
33 #3849-47-3334, (3) PIN #3849-47-4656, (4) PIN #3849-47-5855, (5) PIN
34 #3849-48-6222, (6) PIN #3849-48-7594; thence eastward along the northern boundary
35 of PIN #3849-48-9529; thence northward along the western boundary of PIN
36 #3849-58-1565; thence eastwardly along the northern boundary of PIN #3849-58-2674;
37 thence along the northern and eastern boundary of PIN #3849-58-5026; thence along the
38 northern and eastern boundary of PIN #3849-57-8803; thence along the northern
39 boundary of PIN #3849-67-0639; thence along the western and northern boundary of
40 PIN #3849-68-5340; thence eastwardly along the northern boundary of PIN
41 #3849-68-9350; thence eastwardly along the northern boundary of PIN #3849-78-4440;
42 thence northward along the western and northern boundary of PIN #3849-79-6003;
43 thence eastwardly along the northern boundary of PIN #3849-79-8454; thence
44 eastwardly along the northern boundary of PIN #3849-79-3132; thence northward along

1 the western boundary of the following five parcels: (1) PIN #3849-89-8871, (2) PIN
2 #3940-80-7170, (3) PIN #3940-80-7308, (4) PIN #3940-80-7677, (5) PIN
3 #3940-81-9015; thence eastwardly along the northern boundary of PIN #3940-91-1220;
4 thence along the northern and eastern boundary of PIN #3940-91-3177; thence
5 southward along the eastern boundary of PIN #3940-90-4703; thence eastwardly as the
6 northern boundary of the following three parcels: (1) PIN #3940-90-2268, (2) PIN
7 #3940-90-4158, (3) PIN #3940-90-7201; thence southeast along the eastern boundary of
8 PIN #3849-99-8819; thence as the eastern and southern line of PIN #3859-09-1792;
9 thence southwestward along the southern line of PIN #3849-99-8269; thence southward
10 along the eastern edge of the right of way along S. R. 1552 (N Oak Grove Ext.) to the
11 northern boundary of PIN #3849-98-8886; thence eastwardly along the following six
12 parcels; (1) PIN #3859-08-0821, (2) PIN #3859-08-0882, (3) PIN #3859-08-2608, (4)
13 PIN #3859-08-3265, (5) PIN #3859-08-5493, (6) PIN #3859-08-7424; thence along the
14 northern and eastern boundary of PIN #3859-18-0541; thence southward along the
15 eastern boundary of PIN #3859-17-1961; thence along the northern and eastern
16 boundary of PIN #3859-18-3071; thence along the western and northern boundary of
17 PIN #3859-17-7934; thence eastwardly along the northern boundary of PIN
18 #3859-17-9801; thence along the northern, eastern and southern boundary of PIN
19 #3869-27-0769; thence southward along the eastern boundary of PIN #3859-17-5416;
20 thence along the northeastern edge of the right of way along S. R. #1551 (Nelson Lane);
21 thence eastward along the southern boundary of PIN #3859-27-6477; thence eastward
22 along the northern boundary of PIN #3859-36-8508; thence along the northern and
23 eastern boundary of PIN #3859-46-0513; thence southward along the eastern and
24 southern boundary of PIN #3859-46-0311; thence along the eastern, southern and
25 western boundary of PIN #3859-35-5758; thence along the southern and western
26 boundary of PIN #3859-36-1179; thence northwestward along the southern edge of the
27 right of way along the aforesaid S. R. #1551 (Nelson Lane) to the eastern line of PIN
28 #3859-26-8331; thence southward along the eastern and southern boundary of PIN
29 #3859-26-8331; thence southward along the eastern, northern, eastern and southern
30 boundary of PIN #3859-25-7887; thence northerly along the eastern boundary of PIN
31 #3859-16-5792; thence along the northern eastern boundary of said PIN
32 #3859-16-5792; thence northwestward along the southern edge of the right of way along
33 the aforesaid S. R. #1551 (Nelson Lane) and crossing S. R. #1552 (S. Oak Grove Ext.)
34 to the eastern boundary of PIN #3849-97-5710; thence southward along the eastern, and
35 southern boundary of said PIN #3849-97-5710; thence westward along the northern
36 boundary of PIN #3849-86-3614; thence continuing westward along the northern
37 boundary of PIN #3849-66-6099; thence along the western and southern boundaries of
38 PIN #3849-45-6893; thence southward along the western boundary of PIN
39 #3849-66-6099; thence eastward along the northern edge of the right of way along S. R.
40 #1372 (Boone Trail / Old U. S. 421) and continuing along the southern and eastern
41 boundary of said PIN #3849-66-6099; thence southward along the western and southern
42 boundary of PIN #3849-85-2443, and crossing S. R. #1552 (S. Oak Grove Ext.); thence
43 eastward along the northern boundary of PIN #3849-94-1814; thence along the northern
44 and eastern boundary of PIN #3849-94-3713; thence southward along the eastern

1 boundary of PIN #3849-94-9671; thence continuing southward along the eastern
2 boundary of PIN #3849-84-3085; thence southward along the eastern right of way of S.
3 R. #1552 (S. Oak Grove Ext.) to the northern boundary of PIN #3849-93-1685; thence
4 eastwardly along the northern boundary of PIN #3849-93-1685; thence along the
5 western, northern and eastern boundary of PIN #3849-93-4642; thence southward
6 crossing the aforesaid S. R. #1552 (S. Oak Grove Ext.) to the southern edge of the right
7 of way of the aforesaid road; thence southeastward along said right of way and the
8 northern boundary of PIN #3849-93-4119; thence along the western boundary of PIN
9 #3859-03-3975 to a point in the centerline of S. R. #1372 (Boone Trail / Old U. S. 421);
10 thence westward along the centerline of said S. R. #1372 and bounded on all sides by
11 the Canterbury Estates Addition to the Town of North Wilkesboro as shown on the plat
12 recorded in Map Book 9, Page 405); thence eastward along the centerline of S. R.
13 #1372 (Boone Trail / Old U. S. 421) to the centerline intersection of said road with S. R.
14 #1517 (Suncrest Orchard Road); thence eastward along the centerline of said road to the
15 western boundary of PIN #3859-13-7903; thence along the western, southern, and
16 eastern boundary of said PIN #3859-13-7903 to the centerline of the aforesaid S. R.
17 #1517; thence eastward along the centerline of said road to the western boundary of PIN
18 #3859-22-2694; thence along the western and northern boundary of PIN
19 #3859-22-2694; thence along the western and northern boundary of PIN
20 #3859-23-8329; thence along the western, northern and eastern boundary of PIN
21 #3859-33-6488; thence eastward along the northern boundary of PIN #3859-43-3007;
22 thence northward along the eastern boundary of PIN #3859-23-2375 to the southwestern
23 corner of PIN #3859-64-5153; thence southeastwardly along the southern and eastern
24 boundary of PIN #3859-64-5153; thence southwestwardly along the northern, western
25 and southern boundary of PIN #3859-64-0269; thence eastwardly along the western,
26 southern, eastern and northern boundary of the aforesaid PIN #3859-64-5153; thence
27 eastwardly along the northern boundary of PIN #3859-63-7925; thence easterly along
28 the northern and eastern boundary of PIN #3859-74-1133; thence along the western and
29 southern boundary of PIN #3859-73-4709; thence northward along the western and
30 northern boundary of PIN #3859-73-6299; thence eastward along the northern and
31 eastern boundary of PIN #3859-73-8069; thence continuing southward along the eastern
32 and southern boundary of PIN #3859-82-1857; thence southward along the eastern and
33 southern boundary of tract one of PIN #3859-82-9789; thence continuing westward
34 along the southern boundary of PIN #3859-72-6229; thence continuing westward along
35 the southern boundary of PIN #3859-62-9238; thence continuing westward, crossing the
36 aforesaid S. R. #1517 (Suncrest / Sunset Conn. Road) and running along the northern,
37 western, and southern boundary of PIN #3859-61-5279; thence southward along the
38 eastern boundary of PIN #3859-60-2186; thence eastwardly along the northern
39 boundary of the following two parcels: (1) PIN #3858-69-8733, (2) PIN
40 #3858-79-7661, to the eastern boundary of PIN #3858-88-0643; thence in a southerly
41 direction along the eastern boundary of the aforesaid PIN #3858-88-0643; thence in a
42 westerly direction along the northern, eastern, northern and western boundary of PIN
43 #3858-68-0077; thence westward along the southern boundary of the following six
44 parcels: (1) PIN #3858-48-3771, (2) PIN #3858-47-8811, (3) PIN #3858-47-3893, (4)

1 PIN #3858-47-2873, (5) PIN #3858-47-0893, (6) PIN #3858-38-7059; thence
2 southward along the eastern boundary of the following seven parcels: (1) PIN
3 #3858-37-4640, (2) PIN #3858-37-4398, (3) PIN #3858-37-4112, (4) PIN
4 #3858-37-6089, (5) PIN #3858-36-8839, (6) PIN #3858-46-0609, (7) PIN
5 #3858-36-9530; thence along the northern, eastern and southern boundary of PIN
6 #3858-46-1466; thence along the northwestern boundary of PIN #3858-35-9718 to a
7 point in the centerline of S. R. #1372 (Boone Trail / Old U. S. 421); thence
8 northwestward along said centerline to the point of beginning.

9 "ARTICLE III. GOVERNING BODY.

10 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing
11 body of the Town of Millers Creek is the Mayor and the Town Council, which shall
12 have six members.

13 "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial
14 election in 2001 provided for by Section 4.1 of this Charter, Buck Parsons is hereby
15 appointed Mayor, and Ravaughn Ashley, Harold Bowlin, Clyde Bumgarner, Joyce
16 Dyer, John Higgins, and Archie Nichols are appointed members of the Town Council.
17 They shall possess and exercise the powers granted to the governing body until their
18 successors are elected or appointed and qualified pursuant to this Charter.

19 "Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified
20 voters of the entire Town shall elect the members of the Town Council and, except as
21 provided in this section, they shall serve four-year terms. In 2001, the three candidates
22 receiving the highest numbers of votes shall be elected to four-year terms and the three
23 candidates receiving the next highest numbers of votes shall be elected to two-year
24 terms. In 2003, and quadrennially thereafter, three members shall be elected to four-year
25 terms. In 2005, and quadrennially thereafter, three members shall be elected to four-year
26 terms.

27 "Section 3.4. **Manner of Electing Mayor; Term of Office.** The qualified voters of
28 the entire Town shall elect the Mayor. In 2001, and biennially thereafter, the Mayor
29 shall be elected for a term of two years.

30 "ARTICLE IV. ELECTIONS.

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

33 "ARTICLE V. ADMINISTRATION.

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

37 "Section 5.2. **Town Clerk.** The Town Council shall appoint a Town Clerk as
38 provided in G.S. 160A-171, and the clerk shall perform the duties required by law or the
39 Council.

40 "Section 5.3. **Town Attorney.** The Town Council shall appoint a Town Attorney as
41 provided in G.S. 160A-173, and the Town Attorney shall serve at the pleasure of the
42 Town Council and be its legal adviser."

43 **SECTION 2.** From and after the effective date of this act, the citizens and
44 property in the Town of Millers Creek shall be subject to municipal taxes levied for the

1 year beginning July 1, 2001. For that purpose the Town shall obtain from Wilkes
2 County a record of property in the area herein incorporated which was listed for
3 property taxes as of January 1, 2001. The Town may adopt a budget ordinance for
4 fiscal year 2001-2002 without following the timetable in the Local Government Budget
5 and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act
6 insofar as is practical. For fiscal year 2001-2002, ad valorem taxes may be paid at par
7 or face amount within 90 days of adoption of the budget ordinance and thereafter in
8 accordance with the schedule in G.S. 105-360. If the effective date of the incorporation
9 is prior to July 1, 2001, the Town may adopt a budget ordinance for fiscal year
10 2000-2001 without following the timetable in the Local Government Budget and Fiscal
11 Control Act, but shall follow the sequence of actions in the spirit of the act insofar as
12 practical. No ad valorem taxes may be levied for the 2000-2001 fiscal year.

13 **SECTION 3.** The Wilkes County Board of Elections shall conduct an
14 election on a date set by the Board, to be not less than 60 nor later than 120 days after
15 this act becomes law, for the purpose of submission to the qualified voters for the area
16 described in Section 2.1 of the Charter of the Town of Millers Creek the question of
17 whether or not the area shall be incorporated as the Town of Millers Creek. Registration
18 for the election shall be conducted in accordance with G.S. 163-288.2.

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

20 " FOR AGAINST
21 Incorporation of the Town of Millers Creek".

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

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