

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS65129-LMx-41 (03/10)

Short Title: Incorporate Northbrook. (Local)

Sponsors: Senator Smith.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF NORTHBROOK.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** A Charter for the Town of Northbrook is enacted to read:
5 "CHARTER OF THE TOWN OF NORTHBROOK.

6 "CHAPTER I.

7 "INCORPORATION AND CORPORATE POWERS.

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

12 "CHAPTER II.

13 "CORPORATE BOUNDARIES.

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

16
17 Commencing at the centerline intersection of Salem Church Road (N.C.S.R. 1300) and Buck
18 Swamp Road (N.C.S.R. 1317) having N.C. Grid Coordinates X= 2,299,830 feet, Y= 616,390
19 feet, said point being the POINT OF BEGINNING and runs thence from said POINT OF
20 BEGINNING and with the centerline of Buck Swamp Road in a westwardly direction
21 approximately 1,960 feet to the northeast corner of the Fork Township Sanitary District
22 Property as described in deed book 1133 page 761 as recorded in the Wayne County
23 Register of Deeds, thence with the eastern and southern line of the properties shown on
24 Ashby Hills Section Five as recorded in Plat Cabinet "J" Slide 19; thence with the Marl
25 Branch and the southern line of Ashby Hills Section Three as recorded in Plat Cabinet "I"
26 Slide 101 to the intersection of Hooks Branch; thence with said Hooks Branch being the
27 eastern and southern boundary of Falling Brook Estates to the Little River; thence in a

1 westerwardly direction with said river to the southwestern corner of tract 73 of Falling
2 Brook Estates Section Eight thence with the western line of said tract 73 in a northeasterly
3 direction approximately 800 feet to the southeastern corner of lot 1 of the Mooring
4 Subdivision as recorded in Plat Cabinet "J" Slide 246; thence with the southern line of said
5 subdivision to the southwest corner of lot 4; thence with southern and western boundary of
6 Falling Brook Estates Section Seven as recorded in Plat Cabinet "J" Slide 55; thence
7 continuing with the western line of Falling Brook Estates Section Nine as recorded in Plat
8 Cabinet "J" Slide 126 and extension thereof to the center of Buck Swamp Road; thence with
9 the centerline of said road in a westwardly direction to the center of Vail Road (N.C.S.R.
10 1318); thence in a northwardly direction with center of said road to the northwestern corner
11 of Chris Manor Subdivision Section Three as recorded in P.C. J, Slide 248; thence with the
12 northern line of said Chris Manor Section Three, Chris Manor Section Four as recorded in
13 P.C. K, Slide 9-J, and Chris Manor Section Two as recorded in P.C. I Slide 142 thence with
14 the eastern line of said Chris Manor Section Two to the center of Perkins Road (NCSR
15 1319); thence with the center of said road in an easterly direction to the southwest corner of
16 Richard Penders' property as recorded in Deed Book 1614, Page 384; thence with his
17 western property line to his northwestern corner; thence with the northern property lines of
18 the following: Willie J. Summerlin (D.B. 1378, Page 614), William G. Davis (D.B. 1541,
19 Page 611), George J. Gardner (D.B. 1088, Page 640), George J. Gardner (D.B. 930, Page
20 180), Roland M. Pollock (D.B. 930, Page 213), Wanda P. Hill (D.B. 1139, Page 49), David
21 Paul Anderson (D.B. 930, Page 174) to a point in the western line of The Reach Subdivision
22 Section Two as recorded in P.C. K Slide 3-F; thence with the western line of said
23 subdivision to the northwestern corner; thence with the northern line of said subdivision to
24 the southwestern corner of Landmark Acres Section Four as recorded in P.C. "H" Slide 373;
25 thence with the western line of Landmark Acres Section Four and Landmark Acres Section
26 One to the center of Nahunta Road (NCSR 1321); thence with the center of said road to the
27 northeastern corner of Landmark Acres Section One recorded in P.C. A Slide 132-AA;
28 thence with the eastern boundary of said Landmark Acres Section One and Landmark Acres
29 Section Two as recorded in P.C. "H" Slide 254 to the western line of Lane Tree Village
30 Section Sixteen as recorded in P.C. L Slide 67-D; thence with the western, northern and
31 eastern line of said Lane Tree Village Section Sixteen to the northern line of Lane Tree
32 Village Section Twelve as recorded in P.C. K, Slide 96-C; thence to the northern line of
33 Lane Tree Village Section Thirteen as recorded in P.C. "L" Slide 6-D; thence with said line
34 to the center of Salem Church Road; thence with said road in a southerly direction to the
35 POINT OF BEGINNING, and containing 2,160 acres more or less.

36
37 "CHAPTER III.

38 "GOVERNING BODY.

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

42 "Section 3.2. **Temporary Officers.** Until the initial elections of 2003 provided for
43 by Section 4.1 of this Charter, Terry Cannon, Joe Haas, Larry Pierce, Evan Keel, and Al
44 Nesbitt are appointed to the Town Council of the Town of Northbrook. They shall

1 possess and exercise the powers granted to the governing body until their successors are
2 elected or appointed and qualified pursuant to this Charter. The temporary officers shall
3 elect a person from among the members of the temporary governing body to serve as
4 interim mayor. If any person named in this section is unable to serve, the remaining
5 temporary officers shall, by majority vote, appoint a person to serve until the regular
6 municipal elections are held in 2003.

7 "Section 3.3. **Manner of Electing Council; Terms of Office.** The qualified voters
8 of the entire Town of Northbrook shall elect the members of the Town Council and,
9 except as provided in this section, they shall serve four-year terms. In 2003, the two
10 candidates receiving the highest numbers of votes shall be elected to four-year terms,
11 and the two candidates receiving the next highest numbers of votes shall be elected to
12 two-year terms. In 2005, and quadrennially thereafter, two members shall be elected to
13 four-year terms. In 2007, and quadrennially thereafter, two members shall be elected to
14 four-year terms.

15 "Section 3.4. **Manner of Electing Mayor; Term of Office; and Duties.** The
16 qualified voters of the entire Town of Northbrook shall elect the Mayor. In 2003, and
17 biennially thereafter, the Mayor shall be elected for a term of two years. The Mayor
18 shall attend and preside over meetings of the Town Council, shall advise the Town
19 Council from time to time as to matters involving the Town of Northbrook, and shall
20 have the right to vote as a Town Council member on all matters before the Town
21 Council.

22 "Section 3.5. **Compensation of Mayor and Town Council.** The Mayor and
23 members of the Town Council shall be reimbursed for ordinary and necessary expenses,
24 and may receive salary and honoraria only upon a majority vote of the qualified voters
25 of the Town of Northbrook who vote on the question in a special referendum.

26 "CHAPTER IV.

27 "ELECTIONS.

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

30 "Section 4.2. **Special Elections and Referenda.** Special elections and referenda
31 may be held only as provided by the general law of North Carolina, local acts of the
32 General Assembly, or as provided for in this Charter.

33 "CHAPTER V.

34 "ORGANIZATION AND ADMINISTRATION.

35 "Section 5.1. **Form of Government.** The Town of Northbrook will operate under
36 the Council-Manager form of government as provided in Part 2 of Article 7 of Chapter
37 160A of the General Statutes.

38 "Section 5.2. **Town Manager; Appointment; Powers and Duties.** The Town
39 Council may appoint a Town Manager who shall be responsible for the administration
40 of all departments of the Town government, except as otherwise directed by the Town
41 Council. The Town Manager shall have all the powers and duties conferred by general
42 law, except as expressly limited by the provisions of this Charter, and the additional
43 powers and duties conferred by the Town Council, so far as authorized by general law.

1 **"Section 5.3. Town Manager's Authority Over Personnel; Role of Elected**
2 **Officials.** As chief administrative officer of the Town, the Town Manager shall have the
3 power to appoint, suspend, and remove all Town officers, department heads, and
4 employees, except the Town Attorney, Town Clerk, and any other official whose
5 appointment or removal is vested in the Town Council by this Charter or by general
6 law. Neither the Town Council nor any of its members shall take part in the
7 appointment or removal of officers or employees in the administrative service of the
8 Town of Northbrook, except as provided by this Charter. Except for purposes of inquiry
9 or for consultation with the Town Attorney, the Town Council and its members shall
10 deal with Town employees solely through the Town Manager or Acting Town Manager,
11 and neither the Town Council nor any of its members shall give any specific orders to
12 any subordinates of the Town Manager or Acting Town Manager, either publicly or
13 privately.

14 **"Section 5.4. Town Attorney.** The Town Council shall appoint a Town Attorney
15 licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to
16 represent the Town, advise Town officials, and perform other duties required by law or
17 as the Town Council may direct.

18 **"Section 5.5. Town Clerk.** The Town Council shall appoint a Town Clerk to keep a
19 journal of the proceedings of the Town Council, to maintain official records and
20 documents, to give notice of meetings, and to perform such other duties as required by
21 law or as the Town Council may direct.

22 **"Section 5.6. Other Administrative Officers and Employees.** The Town Council
23 may authorize other offices and positions and appoint persons to fill such offices and
24 positions, or the Council may authorize the offices and positions to be filled by
25 appointment by the Town Manager. The Town Council may organize the Town
26 government as deemed appropriate, subject to the requirement of general law.

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

30 "CHAPTER VI.

31 " TAXES AND BUDGET ORDINANCE.

32 **"Section 6.1. Powers of the Town Council.** The Town Council may levy those
33 taxes and fees authorized by general law. An affirmative vote equal to a majority of all
34 the members of the Town Council shall be required to change the ad valorem tax from
35 that rate established during the prior fiscal year.

36 **"Section 6.2. Commencement of Tax Collection.** From and after the effective date
37 of this act, the citizens and property in the Town of Northbrook shall be subject to
38 municipal taxes levied for the fiscal year beginning July 1, 2003, and for that purpose,
39 the Town shall obtain from Wayne County a record of property in the area herein
40 incorporated which was listed for taxes as of January 1, 2003.

41 **"Section 6.3. Budget.** The Town of Northbrook may adopt a budget ordinance for
42 fiscal year 2003-2004 without following the timetable in the Local Government Budget
43 and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the Act
44 insofar as is practical. For fiscal year 2003-2004, ad valorem taxes may be paid at par or

1 face amount within 90 days of adoption of the budget ordinance and thereafter in
2 accordance with the schedule set forth in G.S. 105-360 as if the taxes had been due and
3 payable September 1, 2003. If the effective date of incorporation is prior to July 1,
4 2003, the Town may adopt a budget ordinance for fiscal year 2002-2003 without
5 following the timetable in the Local Government Budget and Fiscal Control Act, but
6 shall follow the sequence of actions in the spirit of the Act insofar as is practical, but no
7 ad valorem taxes shall be levied for that year.

8 "CHAPTER VII.

9 "ORDINANCES.

10 "Section 7.1. **Ordinances.** Except as otherwise provided in the Charter, the Town of
11 Northbrook is authorized to adopt such ordinances as the Town Council deems
12 necessary for the governance of the Town.

13 "CHAPTER VIII.

14 "MISCELLANEOUS.

15 "Section 8.1. **Conflicts of Interest.** No person or a member of the person's
16 immediate family who is employed by or is an official of the Town of Northbrook shall
17 do business with the Town unless the Town Council specifically approves such activity.
18 All appointed officials of the Town must inform the Town Council of any conflicts of
19 interest and the failure to so inform shall constitute grounds for immediate dismissal for
20 cause. No official of the Town may accept any gratuity from any business, person, or
21 other official if the gratuity is related to his or her official duties.

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

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

40 "Section 8.4. **Provision of Services and Administration of Functions.** The Town
41 Council may enter into agreements with other governmental bodies and private
42 enterprises for the provision of services and the administration of corporate functions in
43 order to provide the services and administer the functions in the most efficient and
44 cost-effective manner.

"CHAPTER IX.

"SPECIAL PROVISIONS.

"Section 9.1. **Ad Valorem Taxes.** The Town Council shall not increase the ad valorem tax rate more than \$0.10/\$100.00 valuation above the ad valorem tax rate established on the date of incorporation of the Town of Northbrook without the vote or consent of a majority of the qualified voters of the Town of Northbrook.

"Section 9.2. **Fire Protection.** The Town of Northbrook shall contract with the Belfast and Pikeville Volunteer Fire Departments to provide fire protection for the Town. The contract terms and amount paid by the Town of Northbrook to the Belfast and Pikeville Volunteer Fire Departments shall be mutually agreed upon and annually renewed by the Board of Directors for the Belfast and Pikeville Volunteer Fire Departments and the Town Council."

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

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

"[]FOR []AGAINST

Incorporation of the Town of Northbrook."

SECTION 4. In the election, if a majority of the votes are cast "For the Incorporation of the Town of Northbrook", Section 1 of this act shall become effective on the date that the Wayne County Board of Elections certifies the results of the election. Otherwise, Section 1 of this act shall have no force and effect.

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