

NORTH CAROLINA GENERAL ASSEMBLY  
1975 SESSION

CHAPTER 13  
SENATE BILL 21

AN ACT TO INCORPORATE THE TOWN OF BATON, NORTH CAROLINA, AND  
TO PROVIDE A CHARTER FOR SAID TOWN.

The General Assembly of North Carolina enacts:

**Section 1.** (a) The Board of Elections in Caldwell County is hereby authorized and directed to call and conduct a special election for the purpose of submitting to the qualified voters of the area hereinafter described as the proposed corporate limits of the Town of Baton, the question of whether or not this area shall be incorporated as a municipal corporation known as the Town of Baton. In conducting the election required to be held by this act, the Board of Elections in Caldwell County shall follow the procedures contained in this act and in Chapter 163 of the General Statutes of North Carolina regarding municipal elections where not in conflict with this act.

(b) Not later than thirty (30) days prior to the date on which the registration books are required to be closed, the Board of Elections in Caldwell County shall cause to be published one or more times in a newspaper having general circulation in the Baton community, a notice stating the time, the polling place, and the purpose of the special election; the names of the registrar and judges of election, the dates, hours, and place or places of registration. The Board of Elections, may, in its discretion, also cause such notice to be posted in such public places as the Board may choose.

(c) In the special election, those voters who favor the incorporation of the Town of Baton as provided in this act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of the Town of Baton."; and those voters who are opposed to the incorporation of the Town of Baton as provided in this act shall vote a ballot upon which shall be printed the words: "AGAINST Incorporation of the Town of Baton."

**Sec. 2.** If a majority of the votes cast in the special election shall be cast "AGAINST Incorporation of the Town of Baton," then the "Charter of the Town of Baton" as set forth in this act shall have no force and effect.

**Sec. 3.** If a majority of the votes cast in the special election shall be cast "FOR Incorporation of the Town of Baton," then the "Charter of the Town of Baton" as set forth in this act shall be in full force and effect from and after the date upon which certificates of election shall have been issued by the Chairman of the Caldwell County Board of Elections to the persons designated as Temporary Officers by the "Charter of the Town of Baton" as set forth in this act.

**Sec. 4.** The following provisions of law shall constitute the Charter of the Town of Baton in Caldwell County:

"The Charter of the Town of Baton

## "Article I. Incorporation and Corporate Boundaries

"Sec. 1.1. Incorporation. The inhabitants of the area described in Section 1.2 of this Charter shall be and constitute a municipal corporation under the name of the Town of Baton, and as such shall have all the powers, functions, rights, privileges and immunities conferred upon municipal corporations by the laws of the State of North Carolina.

"Sec. 1.2. Corporate Boundaries. The corporate boundaries of the Town of Baton, until changed in accordance with law, are as follows:

To begin at a mid-point in the junction of the Cajah's Mountain road (1130) and the Connelly Springs road (1001), extending in a northerly direction to the mid-point in the junction of the Pleasant Hill road (1159) and the Connelly Springs road (1001), and extending in a southerly direction from the mid-point in the junction of the Cajah's Mountain road (1130) and the Connelly Springs road (1001) to a mid-point at the intersection of the Dry Ponds - Valford road (1115), and the Connelly Springs road (1001), the southern boundary being the established center line of the Dry Ponds - Valford road (1115), extending thence east three-fourths (3/4) mile from any mid-point of said Connelly Springs road (1001) between the aforesaid northern and southern limits; extending thence west three-fourths (3/4) mile from any mid-point of said Connelly Springs road (1001) between the aforesaid northern and southern limits.

## "Article II. Mayor and Town Council

"Sec. 2.1. Temporary Officers. Until the initial election provided for by Section 3.1 of this Charter, A. Lee Pearson is hereby appointed Mayor, and George L. Green, Jack Pritchard, Jr., James W. McGinnis, Katherine S. Power and Dolly Hoyle Seagle are hereby appointed council members of the Town of Baton, and they shall possess and may exercise the powers granted to the Mayor and Town Council until their successors are elected and qualified pursuant to this Charter.

"Sec. 2.2. Mayor. The Mayor shall be elected by the qualified voters of the Town, voting at large, for a term of two (2) years. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Council. In any matter before the Town Council, the Mayor shall vote only to break a tie vote of the Council, and he shall vote in no other case.

"Sec. 2.3. Town Council. The Town Council shall consist of five (5) council members to be elected by the qualified voters of the Town, voting at large. Except as provided for in Section 3.1(b), the members of the Town Council shall serve terms of four (4) years, which terms shall be staggered in accordance with Section 3.1(b) of this Charter.

## "Article III. Elections

"Sec. 3.1. Regular Municipal Elections. (a) At the regular municipal election in November, 1975, and biennially thereafter, there shall be elected from among the qualified candidates a Mayor of the Town of Baton.

(b) At the regular municipal election in November, 1975, there shall be elected from among the qualified candidates five (5) members of the Town Council of the Town of Baton. The three (3) candidates who receive the largest number of votes cast

for Town Council member shall be declared elected for terms of four (4) years. The two (2) candidates who receive the next largest number of votes cast for Town Council member shall be declared elected for terms of two (2) years. Thereafter, as the term of each member expires, his successor shall be elected for a term of four (4) years.

"Sec. 3.2. Conduct of Elections. All municipal elections for the Town of Baton shall be held by the Caldwell County Board of Elections. The regular municipal election for officers of the Town shall be nonpartisan and decided by simple plurality, and shall be held and conducted as provided in Articles 23 and 24 of Chapter 163 of the General Statutes."

**Sec. 5.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1975.