

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 2160

Short Title: Badin Incorporated.

(Local)

Sponsors: Representatives Barbee; Privette, Loflin, and Tallent.

Referred to: Government.

May 29, 1990

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF BADIN, SUBJECT TO A
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Town of Badin is enacted to read:

6 "CHARTER OF THE TOWN OF BADIN.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Section 1.1. Incorporation and corporate powers. The inhabitants of the Town of
10 Badin are a body corporate and politic under the name of 'Town of Badin'. Under that
11 name they have all the powers, duties, rights, privileges, and immunities conferred and
12 imposed upon cities by the general law of North Carolina except as herein specifically
13 limited. Notwithstanding G.S. 160A-3 or G.S. 160A-4, the specific limitations
14 contained in this Charter are restrictive and not supplemented to the general law of the
15 State.

16 "CHAPTER II.

17 "CORPORATE BOUNDARIES.

18 "Sec. 2.1. Town Boundaries. Until modified in accordance with law, the boundaries
19 of the Town of Badin are as follows:

20 BEGINNING at a point #1 on contour at elevation 541 feet Yadkin, Inc., datum,
21 which is the maximum normal water surface elevation of the Narrows Reservoir, and
22 South 78-05 East 845 feet from the centerline of Tower No. 7 on the line from the
23 Narrows Powerhouse to Alcoa's plant at Badin;

24 Thence South 18-55 east 1510 feet, point of centerline of Pine Street, Corner No. 2;

1 Thence meanders centerline of Hog Pen road in a south-westerly direction a distance
2 of 3430 feet, more or less, to a point at the intersection of Hog Pen and Falls Road,
3 Corner No. 3;

4 Thence meanders centerline of Falls Road in a northwesterly direction a distance of
5 1230 feet, more or less, to a point in the centerline of Falls Road, Corner No. 4;

6 Thence South 29-09 West 305 feet, Corner No. 5;

7 Thence South 73-30 West 698.5 feet, Corner No. 6;

8 Thence South 06-23 East 562.8 feet, Corner No. 7;

9 Thence South 27-55 West 905.4 feet, Corner No. 8;

10 Thence North 64-52 West 615.0 feet, Corner No. 9;

11 Thence South 03-49 East 150 feet, Corner No. 10;

12 Thence North 84-00 West 5 feet, Corner No. 11;

13 Thence South 03-49 East 80 feet, Corner No. 12;

14 Thence South 86-11 West 143 feet, Corner No. 13;

15 Thence South 03-49 East 370 feet, Corner No. 14;

16 Thence South 03-28 East 446 feet, Corner No. 15;

17 Thence South 05-15 East 630 feet, Corner No. 16;

18 Thence due West 2362 feet, more or less, to a point in the centerline of Little Mt.
19 Creek, Corner No. 17;

20 Thence meanders the centerline of Little Mt. Creek in a northwesterly direction a
21 distance of 4190 feet, more or less, Corner No. 18;

22 Thence North 35-11 West 319 feet, Corner No. 19;

23 Thence North 89-21 West 446 feet, Corner No. 20;

24 Thence North 58-19 West 1121 feet, Corner No. 21;

25 Thence North 32-24 East 1193 feet, Corner No. 22;

26 Thence North 03-01 East 1385 feet, Corner No. 23;

27 Thence North 39-20 East 2295 feet, Corner No. 24;

28 Thence South 50-40 East 820 feet, Corner No. 25;

29 Thence North 39-30 East 1270 feet, more or less, to a point on the southwest right of
30 way of Highway No. 740, Corner No. 26;

31 Thence meanders the southwest right of way of Highway No. 740 in a southeasterly
32 direction a distance of 1695 feet, more or less, to a point, said being on the right of way
33 of Highway No. 740 and Alcoa's railroad, Corner No. 27;

34 Thence meanders the eastern right of way of Alcoa's railroad in a northeasterly
35 direction a distance of 3995 feet, more or less, Corner No. 28;

36 Thence North 70-00 East 65 feet, more or less, to a point on the Narrows Reservoir
37 at elevation 541 feet, Yadkin, Inc. datum, which is the maximum normal water surface
38 elevation of said reservoir, Corner No. 29;

39 Thence meanders the 541 contour southwesterly, northeasterly and southeasterly
40 direction a distance of 10,680 feet, more or less, to a point on said contour, point of
41 beginning.

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

1 "Sec. 3.1. Structure of governing body; number of members. The governing body
2 of the Town of Badin is the Town Council, which has five members.

3 "Sec. 3.2. Manner of electing board. The qualified voters of the entire Town elect
4 the members of the Council. Two Resident Districts shall be established to be known as
5 East Badin and West Badin. The East Badin District shall be defined as all of that area
6 within the boundaries of the town lying to the east of N.C. Highway 740. The West
7 Badin district shall be defined as all of that area within the boundaries of the Town lying
8 to the west of N.C. Highway 740. One Council member shall be elected from each
9 Resident District, with the remaining three members being elected at-large. Candidates
10 for the district seats shall reside in and represent the districts, but all candidates shall be
11 elected by all the qualified voters of the town.

12 "Sec. 3.3. Term of office of Council members. The initial members of the Council
13 shall be elected in 1990 at the same time as the general election for county officers, and
14 the procedure shall be as generally provided for election of municipal officers in an odd-
15 numbered year, except that the filing period shall open as soon as the results of the
16 incorporation referendum are certified, and shall end at 12:00 noon on the third Friday
17 after that date. The initial district members are elected for three-year terms, their
18 successors shall be elected in 1993 and quadrennially thereafter for four-year terms. In
19 1990, the at-large candidate receiving the highest number of votes is elected to a three-
20 year term, and the two at-large candidates receiving the next highest numbers of votes
21 are elected to one-year terms. In 1991 and quadrennially thereafter, two at-large
22 members are elected for four-year terms. In 1993 and quadrennially thereafter, one at-
23 large member is elected for a four-year term. Initial town officers shall take office on
24 the Monday following the canvassing of the returns of their election, at a time and place
25 designated by any three of them.

26 "Sec. 3.4. Selection of Mayor: term of office. The members of the Town Council
27 shall, from among their members, elect the Mayor at their organizational meeting to
28 serve a two-year term, except that the Mayor elected in 1990 shall serve a one-year
29 term.

30 "CHAPTER IV.

31 "ELECTIONS.

32 "Sec. 4.1. Conduct of Town elections. The Town Council shall be elected on a
33 nonpartisan basis and the results determined by the plurality method as provided by
34 G.S. 163-292.

35 "CHAPTER V.

36 "ADMINISTRATION.

37 "Sec. 5.1. Council-Town Administrator plan. The Town of Badin operates under
38 the Council-Town Administrator plan as provided by Part 2 of Article 7 of Chapter
39 160A of the General Statutes.

40 "Sec. 5.2. From and after July 1, 1990, the citizens and property in the Town of
41 Badin shall be subject to municipal taxes levied for the year beginning July 1, 1990, and
42 for that purpose the Town shall obtain from Stanly County a record of property in the
43 area herein incorporated which was listed for taxes as of January 1, 1990, and the
44 businesses in the town shall be liable for privilege license tax from the effective date of

1 the privilege tax ordinance. The Town may adopt a budget ordinance for fiscal year
2 1990-91 without following the timetable of the Local Government Budget and Fiscal
3 Control Act. Ad valorem taxes for fiscal year 1990-91 shall become due and payable at
4 par 90 days after the adoption of the ordinance levying them, and thereafter as if they
5 had been due on September 1, 1990, in accordance with the schedule in G.S. 105-360.

6 "Sec. 5.3. In adopting its initial property tax rate, the Town council shall not exceed
7 a rate of \$.21 per \$100 valuation. Thereafter the rate shall not be increased except
8 biannually and only in the amount which does not exceed (1) the cumulative annual
9 increase in the Implicit GNP Price Deflator over the preceding two years or (2) ten per
10 cent of the rate for the next preceding year, whichever is less.

11 "CHAPTER VI.

12 "LIMITATION OF POWERS.

13 "Sec. 6.1. In recognition of existing regulatory authority of other governmental
14 entities and notwithstanding common law or any general law to the contrary now of
15 hereinafter enacted, the Town shall not adopt any regulatory ordinance or resolution
16 relating to or affecting industrial facilities and operations.

17 "Sec. 6.2. Enactment of any ordinance adopting a Building Code, exercising the
18 power of eminent domain, annexing property into the Town, or zoning or rezoning
19 property shall require a 2/3 vote of the Town Council.

20 "CHAPTER VII.

21 "TRANSFER OF PROPERTIES OWNED AND TOWN SERVICES 22 PROVIDED BY ALUMINUM COMPANY OF AMERICA, INC.

23 "Sec. 7.1. The Town of Badin shall accept all properties conveyed to it by
24 Aluminum Company of America, Inc. in conjunction with incorporation of the Town,
25 including but not limited to that portion of some street rights of way not previously
26 dedicated to state highway use, sidewalks, back alleys, the storm water drain system and
27 townsite areas set aside as parks. The Town shall maintain such properties as required
28 by the public weal. The Town shall, upon transfer of said properties to it, assume all
29 liability arising from the ongoing operation and maintenance of said properties as well
30 as that attributable to their original design and construction. The Town shall upon
31 incorporation assume the town services heretofore performed and provided by
32 Aluminum Company of America, Inc. including street lighting, maintenance of some
33 street rights of way not previously dedicated to state highway use, maintenance of town-
34 site areas set aside as parks, maintenance of sidewalks, back alleys and storm water
35 drainage systems."

36 Sec. 2. (a) The Stanly County Board of Elections shall conduct an election on
37 a date set by it, to be not less than 60 nor more than 120 days after the date of
38 ratification of this act, for the purpose of submission to the qualified voters of the area
39 described in Section 2.1 of the Charter of Badin, the question of whether or not such
40 area shall be incorporated as Badin. Registration for the election shall be conducted in
41 accordance with G.S. 163-228.2.

42 (b) In the election, the question on the ballot shall be:

43 "[] FOR Incorporation of Badin

44 "[] AGAINST Incorporation of Badin".

1 Sec. 3. In such election, if a majority of the votes cast are cast "FOR
2 Incorporation of Badin" then Section 1 of this act shall become effective on the date that
3 the Stanly County Board of Elections determines the result of the election. Otherwise,
4 Section 1 shall not become effective.

5 Sec. 4. This act is effective upon ratification.