

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 874
Committee Substitute Favorable 5/30/89

Short Title: Kingston Incorporated.

(Local)

Sponsors:

Referred to:

March 27, 1989

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

4 Section 1. A Charter for the Town of Kingston is enacted to read:

5 "CHARTER OF THE TOWN OF KINGSTON.

6 "CHAPTER I.

7 "INCORPORATION AND CORPORATE POWERS.

8 "Sec. 1-1. **Incorporation and corporate powers.** The inhabitants of the Town of
9 Kingston, in the County of Cleveland, State of North Carolina, are a body corporate and
10 politic under the name 'Town of Kingston'. Under that name they have all the powers,
11 duties, rights, privileges, and immunities conferred and imposed on cities by the
12 General Law of North Carolina.

13 "CHAPTER II.

14 "CORPORATE BOUNDARIES.

15 "Sec. 2-1. **Town boundaries.** Until modified in accordance with law, the
16 boundaries of the Town of Kingston are as follows:

17 BEGINNING at an iron pin located in the point of intersection of centerline of the
18 intersection of KINGSTON ROAD (S.R. 1341) and ZION CHURCH ROAD (S.R.
19 1337) and proceeding thence N 26-30-15 W 128.44 feet to an iron pin located in the
20 centerline of KINGSTON ROAD (S.R. 1341); thence N87-58 W 2905.02 feet to an iron
21 pin; thence along the center of and following the course of BRUSHY CREEK, N 24-05
22 W 695 feet, further N 52-22 W 507.37 feet, further N 86-31-30 W 207.45 feet, further N
23 05-45-15 W 295.16 feet, further N 07-58-E 255.50 feet, further N 08-11 W 224.84,

1 further N 00-14-40 W 547.43 feet, further N 05-19-30 W 155.64 feet, N 22-25-00 W
2 161.02 feet, N 07-09-15 W 150.35 feet, N 34-48-25 W 108.50 feet, N 52-50-00 W
3 229.24 feet, N 01-06-30 W 119.63 feet, N 30-23-10 W 132.59 feet, N 10-30-00 W
4 128.72 feet, N 51-29-00 W 169.65 feet, thence in a Southerly direction through the
5 Kingston Community leaving out the lands of Virginia M. Allen (Deed Book 15 V, at
6 Page 109), Phillip & Albert Greene (Deed Book 7P, at Page 253), Albert Greene &
7 Sarah Greene (Deed Book 185, at Page 841), J. M. Mauney (Deed Book 9U, at Page
8 628), and Mt. Calvary Baptist Church (Deed Book 10D, at Page 413) to an iron pin
9 located in Southern border of the Kingston Community; thence S 50-34-05 E 257.00
10 feet; thence; further S 51-44-15 W 22 feet, S 16-50-50 E 63.72 feet, S 30-21-18 E
11 141.40 feet, S 18-18-10 E 129.12 feet, S 15-10-10 E 113.51 feet, S 09-49-05 E 113.00
12 feet, S 00-01-35 W 151.00 feet, further S 20-42-50 E 71.51 feet; thence S 71-00-00 E
13 300.00 feet to an iron pin; thence N 82-24-05 E 585.02 feet to an iron pin; thence S 23-
14 00-00 E 220.00 feet to an iron pin, thence N 80-15-00 E 440 feet to an iron pin; S 09-
15 43-30 E 200.00 feet to an iron pin; S 88-16-30 W 265.58 feet to an iron pin; thence S
16 41-01-03 E 70.35 feet to an iron pin; N 80-39-40 E 415.09 feet to an iron pin; S 09-29-
17 30 E 405.50 feet to an iron pin; thence S 50-33-35 W 217.59 feet to an iron pin located
18 in the centerline of WILLIAMSTON ROAD: thence S 54-46-50 W 465.13 feet to an
19 iron pin; thence N 17-11-00 W 173.00 feet to an iron pin; thence S 80-15-00 W 260.52
20 to an iron pin; S 17-11-00 E 120 feet to an iron pin; thence S 24-55-15 E 722.67 feet to
21 an iron pin; thence S 24-55-15 E 722.67 feet to an iron pin; thence S 06-12-00 E 196.60
22 feet to an iron pin; thence 2-23-31 E 957.00 feet to an iron pin; thence S 81-59-45 W
23 752.28 feet to an iron pin; thence S 26-08-42 E 690.20 feet to an iron pin; S 60-29-20 E
24 264.00 feet to an iron pin; thence N 88-32-36 E 651.75 feet to an iron pin; thence S 06-
25 55-50 W 503.15 feet to an iron pin; thence S 15-57-40 W 165.87 feet to iron pin; thence
26 across a branch S 84-08-40 E 391.58 feet to an iron pin; thence S 20-35-35 E 540.91
27 feet to an iron pin; thence S 17-41-20 E 940.04 feet to an iron pin; thence in a Southerly
28 direction through the Kingston Community to the point and place of BEGINNING.

"CHAPTER III.

"GOVERNING BODY.

31 "Sec. 3-1. Structure of governing body; number of members.

32 The governing body of the Town of Kingston is the Town Council, which has five
33 members, and the Mayor.

34 "Sec. 3-2. Manner of electing Council.

35 (a) The qualified voters of the entire Town nominate and elect the members of
36 the Council.

37 (b) The governing body of the Town may, by ordinance duly adopted, provide
38 that the governing body of the Town shall consist of six members elected by wards
39 which shall as nearly as possible be numerically equal in population and have fixed,
40 known, and visible boundaries.

41 "Sec. 3-3. Term of office of Council members.

42 In 1989, five members of the Council shall be elected. The three receiving the
43 highest numbers of votes are elected to four-year terms, the two receiving the next
44 highest numbers of votes are elected to two-year terms. In 1991 and each four years

1 thereafter, two members of the Council shall be elected for four-year terms. In 1993
2 and each four years thereafter, three members of the Council shall be elected for four-
3 year terms.

4 "Sec. 3-4. **Election of Mayor.** A Mayor shall be elected in 1991 and every four
5 years thereafter for a four-year term.

6 **"CHAPTER IV.**

7 **"ELECTIONS.**

8 "Sec. 4-1. Conduct of Town elections.

9 (a) Elections shall be conducted in accordance with the general election laws
10 pertaining to municipal elections.

11 (b) Town officers shall be elected on a nonpartisan basis and the results
12 determined by a majority of votes cast, with a runoff election if necessary, as provided
13 by G.S. 163-293.

14 **"CHAPTER V.**

15 **"ADMINISTRATION.**

16 "Sec. 5-1. Mayor-council form of government.

17 (a) The Town shall adopt the mayor-council form of government and shall
18 operate under the mayor-council form of government in accordance with Part 3 of
19 Article 7 of Chapter 160A of the General Statutes and any charter provisions not in
20 conflict therewith.

21 (b) The Town Council may appoint a treasurer, a tax collector, an accountant, a
22 town attorney, a chief of police, a fire chief, and such other officers and employees as
23 may be necessary, none of whom need be a resident of the Town at the time of
24 appointment. Such employees or officers shall serve at the pleasure of the Town
25 Council. The Town Council shall fix all salaries, prescribe bonds and require such
26 oaths as they may deem necessary.

27 (c) The Town Council shall choose a town clerk. The town clerk shall keep the
28 records of the Town Council and perform such other duties as may be required by law
29 or the Town Council.

30 (d) The Town Council may designate the holder of any office listed under this
31 section to hold ex officio any of the other offices listed under this section."

32 Sec. 2. (a) Until the organizational meeting after the 1989 regular Town
33 election, the following persons shall be members of the Town Council:

34 Vice President - Ronald Evans
35 Secretary - Mary Evans
36 Assistant Secretary - Chinnetta Brooks
37 Treasurer - Charlie Mintz
38 Assistant Treasurer - Walter Benton

39 (b) Until the organizational meeting after the 1989 regular Town election,
40 Clarence Withrow shall be Mayor.

41 Sec. 3. From and after July 1, 1989, the citizens and property in the Town of
42 Kingston shall be subject to municipal taxes levied for the year beginning July 1, 1989,
43 and for that purpose the Town shall obtain from Cleveland County a record of property
44 in the area herein incorporated which was listed for taxes as of January 1, 1989, and the

1 businesses in the Town shall be liable for privilege license tax from the effective date of
2 the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal
3 year 1989-90 without following the timetable in the Local Government Budget and
4 Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act
5 insofar as is practical. The Town may not levy an ad valorem tax for fiscal year 1988-
6 89.

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