

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 190

Local Government and Regional Affairs Committee Substitute Adopted 3/20/91

Short Title: Incorporate Momeyer.

(Local)

Sponsors:

Referred to:

February 27, 1991

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

4 Section 1. A charter for the Town of Momeyer is enacted to read:

5 "CHARTER OF THE TOWN OF MOMEYER.

6 "CHAPTER I.

7 "INCORPORATION AND CORPORATE POWERS.

8 "Section 1.1. **Incorporation and corporate powers.** The inhabitants of the Town
9 of Momeyer are a body corporate and politic under the name 'Town of Momeyer.'
10 Under that name they have all the powers, duties, rights, privileges, and immunities
11 conferred and imposed on cities by the general law of North Carolina.

12 "CHAPTER II.

13 "CORPORATE BOUNDARIES.

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

16 BEGINNING at a point in the centerline of the Nash County Railroad, said point being
17 located North 78 degrees 25 minutes East 62.40 feet from the centerline of Secondary
18 Road No. 1909 and said point having North Carolina Grid Coordinates N=805,614.1506
19 feet, E=2,284,717.8317 feet and runs thence South 11 degrees 35 minutes East 1500.00
20 feet to a point cornering, thence South 78 degrees 25 minutes West 8000.00 feet to a
21 point cornering, thence North 11 degrees 35 minutes West (1500.00 feet to a point in
22 the centerline of the Nash County Railroad) a total distance of 4000.00 feet to a point
23 cornering, thence North 78 degrees 25 minutes East 8000.00 feet to a point cornering,

1 thence South 11 degrees 35 minutes East 2500.00 feet to the BEGINNING, containing
2 734.62 acres as shown on survey and map entitled 'Proposed Town Limits Town of
3 Momeyer' by McIntyre, Chamblee and Strickland Land Surveying dated January 22,
4 1991, using North Carolina Grid Meridian 1927.

5 **"CHAPTER III.**

6 **"GOVERNING BODY.**

7 "Sec. 3.1. **Structure of governing body; number of members.** The governing
8 body of the Town of Momeyer is the Town Council, which has four members, and the
9 Mayor.

10 "Sec. 3.2. **Manner of electing Council.** The qualified voters of the entire Town
11 elect the members of the Council.

12 "Sec. 3.3. **Term of office of Council members.** Members of the Council are
13 elected to four-year terms.

14 "Sec. 3.4. **Election of Mayor; term of office.** The qualified voters of the entire
15 Town elect the Mayor. The Mayor is elected to a four-year term of office.

16 **"CHAPTER IV.**

17 **"ELECTIONS.**

18 "Sec. 4.1. **Conduct of Town elections.** Town officers shall be elected on a
19 nonpartisan basis and the results determined by a plurality as provided in G.S. 163-292.

20 **"CHAPTER V.**

21 **"ADMINISTRATION.**

22 "Sec. 5.1. **Town to operate under Mayor-Council plan.** The Town of Momeyer
23 operates under the Mayor-Council plan as provided in Chapter 160A, Article 7, Part 3,
24 of the General Statutes."

25 Sec. 2. Following preclearance of the incorporation by the U.S. Department
26 of Justice as required by the Voting Rights Act of 1965, as amended and until the
27 organizational meeting of the Town Council of Momeyer following the first municipal
28 election for the Town, Frederick Hinton shall serve as Mayor, and Eloise Bass, George
29 Alma Edwards, Ronnie Pace, and Nelson Puckett shall serve as members of the Town
30 Council. Provided, however, if the U.S. Department of Justice has not precleared the
31 incorporation prior to the opening of the filing period for the 1991 municipal election,
32 the Nash County Board of Elections shall reschedule the election, as appropriate.

33 Sec. 3. From and after the effective date of this act, the citizens and property
34 in the Town of Momeyer shall be subject to municipal taxes levied for the year
35 beginning July 1, 1991, and for that purpose the Town shall obtain from Nash County a
36 record of property in the area herein incorporated which was listed for taxes as of
37 January 1, 1991. The Town may adopt a budget ordinance for fiscal year 1991-92
38 without following the timetable in the Local Government Budget and Fiscal Control
39 Act, but shall follow the sequence of actions in the spirit of the act insofar as is
40 practical. For fiscal year 1991-92, ad valorem taxes may be paid at par or face amount
41 within 90 days of adoption of the budget ordinance, and thereafter in accordance with
42 the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1,
43 1991.

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