

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 807
Committee Substitute Favorable 5/6/93

Short Title: Seven Oaks Incorporated.

(Local)

Sponsors:

Referred to:

April 8, 1993

A BILL TO BE ENTITLED
AN ACT TO INCORPORATE THE TOWN OF SEVEN OAKS IN GASTON
COUNTY.

The General Assembly of North Carolina enacts:

Section 1. A Charter for the Town of Seven Oaks is enacted to read:

"CHARTER OF THE TOWN OF SEVEN OAKS.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1-1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Seven Oaks are a body corporate and politic under the name 'Town of Seven Oaks.' Under that name, they have all the powers, duties, rights, privileges, and immunities conferred and imposed on municipal corporations, currently or hereinafter enacted, by the North Carolina Constitution, the general law of North Carolina and this Charter.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2-1. **Town Boundaries.** Until modified in accordance with the law or in accordance herewith, the boundaries of the Town of Seven Oaks are as follows:

Lying and being in Southpoint Township of Gaston County and beginning at the point where the northern line of Tax Map 15-110, Parcel 1 intersects with the eastern margin of NC 279 (New Hope Road), and thence proceeding with the northern line of said tax parcel, generally northeast to the northeast corner of said parcel, thence proceeding generally southeast along the eastern line of said tax parcel to a point on the western shoreline of the South Fork branch of the Catawba River at full pond level,

1 being a common corner with Tax Map 15-110, parcel 2; thence proceeding generally
2 south with the western shoreline of the South Fork branch to a point in the northernmost
3 corner of Tax Map 15-119, Parcel 26; thence proceeding generally south and then
4 southeast along the line of Maps 15-110, Parcels 26, 3.16, 3.17, 3.43, 3.44, 3.45, 3.46,
5 3.47 and 3.48 to a point in the northern line of Tax Map 15-125, Parcel 2.02; thence
6 proceeding east along the northern line of Tax Map 15-125, Parcels 2.02, 2, and 1,
7 crossing NC 273 (Lower Armstrong Ford Road), to a point on the western shoreline of
8 the South Fork branch of Catawba River at full pond level; thence proceeding generally
9 south along the shoreline of the South Fork branch to that general point where the South
10 Fork branch of the Catawba River and the Catawba River merge; thence proceeding
11 generally west and then south with the shoreline of the Catawba River at full pond level,
12 said line being also the boundary of Tax Map 15-125 Parcel 1, to the North Carolina
13 State boundary line; thence proceeding west with the State boundary line to the point
14 where the State line intersects with the eastern shoreline of Catawba Creek at full pond
15 level, thence proceeding generally north along the eastern shoreline of Catawba Creek,
16 crossing NC 279, to a point on the eastern shoreline at a common corner of Tax Map
17 15-125, Parcel 1 with Tax Map 15-111, Parcel 1; thence proceeding generally west and
18 then north with the shoreline of Catawba Creek to a point on the eastern shoreline, being
19 a common corner of Tax Map 15-111, Parcel 1 and Tax Map 15-104, Parcel 6; thence
20 proceeding with the common boundary line of Tax Map 15-111, Parcel 1 and Tax Map
21 15-104, Parcel 6 generally northeast to the northernmost point of Tax Map 15-111,
22 Parcel 1, being a common corner with Tax Map 15-104, Parcel 5; thence with the
23 western boundary of Tax Map 15-104, Parcel 5, south to the southernmost corner of Tax
24 Map 15-104, Parcel 5, and thence proceeding northeast with the southeastern line of
25 Tax Map 15-104, Parcel 5 and Tax Map 15-104, Parcel 5.02, crossing NC 279, to the
26 point of Beginning.

27 All references in the above description are made to Gaston County Tax Maps 15-
28 104, 15-110, 15-111 and 15-125 in effect as of May 12, 1992. A copy of these Tax
29 Maps are filed with the Gaston County Tax Supervisor.

30 To the extent the above description of the boundaries of the Town of Seven Oaks
31 references tax lots and blocks, the references refer to corners and boundaries of the
32 properties as more particularly described on the recorded instruments from which the
33 tax lots or blocks were created, and these recorded instruments are incorporated herein
34 by reference for purposes of this boundary description.

35 The Town of Seven Oaks hereafter may have an accurate survey of the boundaries
36 of the Town of Seven Oaks prepared and may record an ordinance and such survey in
37 the Gaston County Register of Deeds. In such event, the actual boundaries of the Town
38 of Seven Oaks shall be the boundaries as set forth in such survey, and such survey shall
39 supersede for all purposes the description of the boundaries of the Town of Seven Oaks
40 contained hereinabove.

41 An accurate description or map of the boundaries of the Town of Seven Oaks shall
42 be maintained as provided in G.S. 160A-22.

43 "Sec. 2-2. **Annexation.** Parts 2 and 3 of Article 4A of Chapter 160A of the General
44 Statutes do not apply to the Town of Seven Oaks. In addition to annexations under

1 Parts 1 or 4 of Article 4A of Chapter 160A of the General Statutes the Town of Seven
2 Oaks may make annexations under this Chapter.

3 "Sec. 2-3. Procedure for Adoption of Ordinance Extending Limits; Election
4 Required; Public Hearing and Notice Thereof.

5 After public notice has been given by publication once a week for four successive
6 weeks in a newspaper with a general circulation in the municipality, describing by
7 metes and bounds the territory to be annexed, notifying the owner or owners of the
8 property located in such territory that the town council will meet for the purpose of
9 considering the annexation of such territory to the municipality, and after the
10 referendum required by this Chapter, the town council may adopt an ordinance
11 extending its corporate limits by annexing thereto any contiguous tract or tracts of land
12 not embraced within the corporate limits of some other municipality. The town council
13 shall hold a public hearing pursuant to the notice herein required, and that a statement
14 by or on behalf of the town council, of the purpose or reasons for the proposed
15 extension of the corporate limits be made at the beginning of the public hearing, and
16 that reasonable opportunity to be heard be given any who attend such public hearing
17 with regard thereto. The public notice shall (i) fix the date, hour, and place of the
18 public hearing, and (ii) describe clearly the boundaries of the area under consideration.
19 From and after the date of adoption of the ordinance, unless a later date is specified in
20 the ordinance, the territory and its citizens and property shall be subject to all debts,
21 laws, ordinances, and regulations in force in said city or town and shall be entitled to the
22 same privileges and benefits as other parts of said city or town.

23 "Sec. 2-4. Referendum on Question of Extension.

24 The town council shall, before passing said ordinance, annexing the territory, submit
25 the question as to whether said territory shall be annexed to a vote of the qualified
26 voters of the area proposed to be annexed.

27 The town council shall order the board of elections of the county in which the
28 municipality is located to call an election to determine whether or not the proposed
29 territory shall be annexed to the city or town. Within 60 days after receiving such order
30 from the town council, the county board of elections shall proceed to hold an election on
31 the question.

32 Such election shall be called by a resolution or resolutions of said county board of
33 elections which shall:

- 34 (1) Describe the territory proposed to be annexed to the town as set out in
35 the order of the town council;
- 36 (2) Provide that the matter of annexation of such territory shall be
37 submitted to the vote of the qualified voters of the territory proposed to
38 be annexed; and
- 39 (3) Provide for registration of voters in the territory proposed to be
40 annexed for said election in accordance with G.S. 163-288.2.

41 Said resolution shall be published in one or more newspapers of the said county once
42 a week for 21 days prior to the closing of the registration books. All costs of holding
43 such election shall be paid by the town. Except as herein provided, said election shall

1 be held under the same statutes, rules, and regulations as are applicable to elections in
2 the municipality whose corporate limits are being enlarged.

3 "Sec. 2-5. **Ballots; Effect of Majority Vote for Extension.**

4 At such election those qualified voters who present themselves to the election
5 officials at the respective voting places shall be furnished with ballots upon which shall
6 be written or printed the words 'For Annexation' and 'Against Annexation'. If at such
7 election a majority of the votes cast from the area proposed for annexation shall be 'For
8 Annexation', then as provided by this Chapter the territory and its citizens and property
9 shall be subject to all the debts, laws, ordinances, and regulations in force in said city or
10 town and shall be entitled to the same privileges and benefits as other parts of said city
11 or town. The newly elected territory shall be subject to city taxes as provided by law.

12 "Sec. 2-6. **Extraterritorial Jurisdiction.** The town may not exercise any
13 jurisdiction outside the corporate limits of the town as provided by G.S. 160A-360
14 unless approved by referendum in the area where the extraterritorial jurisdiction is
15 proposed to apply. The procedures for holding such election shall be the same as
16 provided by this Chapter for annexations, except that the question on the ballot shall be
17 'For Extraterritorial Jurisdiction' and 'Against Extraterritorial Jurisdiction'.

18 "Sec. 2-7. **No Obligation to Annex or Exercise Extraterritorial Jurisdiction.** The
19 Town of Seven Oaks is not obliged to annex any area or exercise extraterritorial
20 jurisdiction over any area because of any petition that may be presented to the town.

21 "CHAPTER III.

22 "GOVERNING BODY.

23 "Sec. 3-1. **Structure of Governing Body; Number of Members.** The governing
24 body of the Town of Seven Oaks is the Mayor and Town Council, which has four
25 members. The presence of a quorum is determined in accordance with G.S. 160A-74.

26 "Sec. 3-2. **Manner of Electing Town Council.** The qualified voters of the entire
27 Town of Seven Oaks elect the members of the Town Council.

28 "Sec. 3-3. **Term of Office of Town Council Members.** Members of the Town
29 Council are elected to two-year terms of office.

30 "Sec. 3-4. **Election of Mayor; Term of Office.** The qualified voters of the entire
31 Town of Seven Oaks elect the Mayor. The Mayor is elected to a four-year term of
32 office.

33 "Sec. 3-5. **Governing Body; Limitation on Terms of Office.** There shall be no
34 limitation on the number of terms of office that may be served by members of the Town
35 Council and the Mayor.

36 "Sec. 3-6. **Residence of Governing Body Members.** All elected members of the
37 governing body of the Town of Seven Oaks must be registered voters who reside within
38 the corporate limits of the Town of Seven Oaks in order to qualify to take, hold, and
39 continue in any such office.

40 "CHAPTER IV.

41 "ELECTIONS.

42 "Sec. 4-1. **Conduct of Town Elections.** The governing body is elected at large on a
43 nonpartisan basis and the results are determined by a plurality of votes cast, as provided
44 in G.S. 163-292. The initial officers of the Town of Seven Oaks are those individuals

1 named and appointed in this Charter. All initial officers of the Town of Seven Oaks so
2 appointed must meet the qualification requirements set forth in Section 3-6 of this
3 Charter; however, after this initial appointment, residence within the limits of the Town
4 of Seven Oaks shall not be a qualification for or prerequisite to appointment to any city
5 office not filled by the election of the people. All initial officers of the Town of Seven
6 Oaks shall serve until their successors are elected and qualify. The first municipal
7 election shall be on the date of the regular municipal election in 1993. Elections shall
8 be conducted by the Gaston County Board of Elections, unless otherwise provided in
9 accordance with G.S. 163-285.

10 **"CHAPTER V.**

11 **"ADMINISTRATION.**

12 "Sec. 5-1. **Town to Operate Under Mayor-Council Plan.** The Town of Seven
13 Oaks operates under the mayor-council plan as provided in Part 3, Article 7 of Chapter
14 160A of the North Carolina General Statutes.

15 "Sec. 5-2. **Appointment of Officers.** Until members of the Town Council and the
16 Mayor are elected in 1993 in accordance with this Charter and the law of North
17 Carolina, Daniel J. Stowe shall serve as Mayor and Alene N. Stowe, Charles I.
18 McCorkle, Virgil B. Woods, and Pamela K. McDowell shall serve as members of the
19 Town Council.

20 "Sec. 5-3. **Interim Budget.** The Town of Seven Oaks may adopt a budget
21 ordinance for fiscal years 1992-1993 and 1993-94 without having to comply with the
22 budget preparation and adoption timetable set out in the Local Government Budget and
23 Fiscal Control Act.

24 **"CHAPTER VI.**

25 **"REMOVAL.**

26 *"Sec. 6-1. **Removal by the Governing Body.** The governing body, after a
27 removal hearing and an affirmative vote of three of its members, may remove from
28 office a member of the Town Council or the Mayor for any of the reasons set forth in
29 Article VI, Section 8 of the North Carolina Constitution. A member of the Town
30 Council or the Mayor may initiate removal by making, at a meeting of the governing
31 body, a motion calling for the removal of an officer. This motion shall specify the
32 grounds on which removal is sought. The Town Clerk shall cause written notice of the
33 motion and a copy of the charges to be given to the officer against whom removal is
34 sought at least 10 days before the removal hearing. At the removal hearing, the officer
35 shall have the right to be heard in person and through counsel in the officer's defense. If
36 a member of the Town Council or the Mayor is removed, the vacancy shall be filled in
37 accordance with the provisions of G.S. 160A-63.

38 **"CHAPTER VII.**

39 **"MISCELLANEOUS.**

40 "Sec. 7-1. **State Distributions.** If the Town of Seven Oaks is incorporated after
41 June 30, 1993, the Town of Seven Oaks is nevertheless eligible to receive distributions
42 of funds payable by the State of North Carolina for the fiscal year 1993-94, as if the
43 Town of Seven Oaks had been incorporated with an effective date of June 30, 1993.

1 "Sec. 7-2. **Savings Clause.** If any part of this Charter is declared invalid by a court
2 of competent jurisdiction, such judgment shall not invalidate the remainder of this
3 Charter. All laws and ordinances not consistent with this Charter, insofar as they affect
4 the Town of Seven Oaks, are superseded by this Charter."

5 Sec. 2. This act is effective upon ratification.