

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1497
Committee Substitute Favorable 6/17/98

Short Title: Cranberry Incorporated.

(Local)

Sponsors:

Referred to:

May 26, 1998

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

4 Section 1. A Charter for the Town of Cranberry is enacted as follows:

5 "CHARTER OF TOWN OF CRANBERRY.

6 "CHAPTER I.

7 "INCORPORATION AND CORPORATE POWERS.

8 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town
9 of Cranberry, which area is described in Section 2.1 of this Charter, are a body
10 corporate and politic under the name 'Town of Cranberry.' Under that name they have
11 all the powers, duties, rights, privileges, and immunities conferred and imposed on cities
12 by the general law of North Carolina.

13 "CHAPTER II.

14 "CORPORATE BOUNDARIES.

15 "Sec. 2.1. **Town Boundaries.** Until modified in accordance with the law, the
16 boundaries of the Town of Cranberry are as follows: A circle with a radius of 4,200 feet
17 as measured from a PK Nail set in a chiseled X located in the walkway of the Cranberry
18 Baptist Church, said nail being located N 80° 18' 49"W 47.31' from the Northwest
19 corner of the Church and N 50° 20' 28"W 47.93' from the Southwest corner of the
20 Church and having NAD 83 Grid Coordinates of N 883,703.1137 and E
21 1,123,879.3799, except that it does not include any territory within the corporate limits
22 of any other municipality on May 26, 1998.

23 "CHAPTER III.

"GOVERNING BODY.

1
2 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing
3 body of the Town of Cranberry is the Board of Aldermen, which has five members and
4 the Mayor.

5 "Sec. 3.2. **Temporary Officers.** Until the organizational meeting after the initial
6 election in 1999 provided for by Section 4.1 of this Charter, Michael Phillip Jones is
7 appointed Mayor and David Turbyfill, Linda T. Brown, Raymond Turbyfill, and J.W.
8 Ollis are appointed members of the Board of Aldermen, and they shall possess and may
9 exercise the powers granted to the Mayor and Board of Aldermen until their successors
10 are elected or appointed and qualify pursuant to this Charter.

11 "Sec. 3.3. **Manner of Electing Board of Aldermen; Term of Office.** The
12 qualified voters of the entire Town shall elect the members of the Board of Aldermen.
13 In 1999 and biennially thereafter, five members of the Board of Aldermen are elected
14 for two-year terms.

15 "Sec. 3.4. **Manner of Electing Mayor; Term of Office.** At its organizational
16 meeting after each election, the Board of Aldermen shall elect one of its members as
17 Mayor to serve at the pleasure of the Board of Aldermen.

"CHAPTER IV.**"ELECTIONS.**

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

"CHAPTER V.**"ADMINISTRATION.**

22
23
24 "Sec. 5.1. **Town to Operate Under Mayor-Council Plan.** The Town of Cranberry
25 operates under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter
26 160A of the General Statutes."

27 Section 2. From and after the effective date of this act, the citizens and
28 property in the Town of Cranberry shall be subject to municipal taxes levied for the year
29 beginning July 1, 1998, and for that purpose the Town shall obtain from Avery County
30 a record of property in the area herein incorporated which was listed for taxes as of
31 January 1, 1998. The Town may adopt a budget ordinance for fiscal year 1998-99
32 without following the timetable in the Local Government Budget and Fiscal Control
33 Act, but shall follow the sequence of actions in the spirit of the act insofar as is
34 practical. For fiscal year 1998-99, ad valorem taxes may be paid at par or face amount
35 within 90 days of adoption of the budget ordinance, and thereafter in accordance with
36 the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1,
37 1998.

38 Section 3. (a) The Avery County Board of Elections shall conduct an election on
39 November 3, 1998, for the purpose of submission to the qualified voters of the area
40 described in Section 2.1 of the Charter of the Town of Cranberry the question of
41 whether or not such area shall be incorporated as the Town of Cranberry. Registration
42 for the election shall be conducted in accordance with G.S. 163-288.2.

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

44 **"[] FOR [] AGAINST**

1 **INCORPORATION OF THE TOWN OF CRANBERRY".**

2 Section 4. In the election, if a majority of the votes are cast "FOR
3 incorporation of the Town of Cranberry", Sections 1 and 2 of this act become effective
4 on the date of the certification of the results of the election. Otherwise, Sections 1 and 2
5 of this act have no force and effect.

6 Section 5. This act is effective when it becomes law.