

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE BILL 777\***

Short Title: Incorporate Northbrook.

(Local)

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Sponsors: Representative Creech.

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Referred to: Finance.

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March 27, 2003

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO INCORPORATE THE TOWN OF NORTHBROOK.

3 The General Assembly of North Carolina enacts:

4                   **SECTION 1.** A Charter for the Town of Northbrook is enacted to read:

5                                   "CHARTER OF THE TOWN OF NORTHBROOK.

6   "CHAPTER I.

7   "INCORPORATION AND CORPORATE POWERS.

8                   "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town  
9 are a body corporate and politic under the name "Town of Northbrook." The Town of  
10 Northbrook has all the powers, duties, rights, privileges, and immunities conferred and  
11 imposed on cities by the general law of North Carolina.

12   "CHAPTER II.

13   "CORPORATE BOUNDARIES.

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

16  
17 Commencing at the centerline intersection of Salem Church Road (N.C.S.R. 1300) and Buck  
18 Swamp Road (N.C.S.R. 1317) having N.C. Grid Coordinates X= 2,299,830 feet, Y= 616,390  
19 feet, said point being the POINT OF BEGINNING and runs thence from said POINT OF  
20 BEGINNING and with the centerline of Buck Swamp Road in a westwardly direction  
21 approximately 1,960 feet to the northeast corner of the Fork Township Sanitary District  
22 Property as described in deed book 1133 page 761 as recorded in the Wayne County  
23 Register of Deeds, thence with the eastern and southern line of the properties shown on  
24 Ashby Hills Section Five as recorded in Plat Cabinet "J" Slide 19; thence with the Marl  
25 Branch and the southern line of Ashby Hills Section Three as recorded in Plat Cabinet "I"  
26 Slide 101 to the intersection of Hooks Branch; thence with said Hooks Branch being the  
27 eastern and southern boundary of Falling Brook Estates to the Little River; thence in a  
28 westerwardly direction with said river to the southwestern corner of tract 73 of Falling  
29 Brook Estates Section Eight thence with the western line of said tract 73 in a northeasterly

1 direction approximately 800 feet to the southeastern corner of lot 1 of the Mooring  
2 Subdivision as recorded in Plat Cabinet "J" Slide 246; thence with the southern line of said  
3 subdivision to the southwest corner of lot 4; thence with southern and western boundary of  
4 Falling Brook Estates Section Seven as recorded in Plat Cabinet "J" Slide 55; thence  
5 continuing with the western line of Falling Brook Estates Section Nine as recorded in Plat  
6 Cabinet "J" Slide 126 and extension thereof to the center of Buck Swamp Road; thence with  
7 the centerline of said road in a westwardly direction to the center of Vail Road (N.C.S.R.  
8 1318); thence in a northwardly direction with center of said road to the northwestern corner  
9 of Chris Manor Subdivision Section Three as recorded in P.C. J, Slide 248; thence with the  
10 northern line of said Chris Manor Section Three, Chris Manor Section Four as recorded in  
11 P.C. K, Slide 9-J, and Chris Manor Section Two as recorded in P.C. I Slide 142 thence with  
12 the eastern line of said Chris Manor Section Two to the center of Perkins Road (NCSR  
13 1319); thence with the center of said road in an easterly direction to the southwest corner of  
14 Richard Penders' property as recorded in Deed Book 1614, Page 384; thence with his  
15 western property line to his northwestern corner; thence with the northern property lines of  
16 the following: Willie J. Summerlin (D.B. 1378, Page 614), William G. Davis (D.B. 1541,  
17 Page 611), George J. Gardner (D.B. 1088, Page 640), George J. Gardner (D.B. 930, Page  
18 180), Roland M. Pollock (D.B. 930, Page 213), Wanda P. Hill (D.B. 1139, Page 49), David  
19 Paul Anderson (D.B. 930, Page 174) to a point in the western line of The Reach Subdivision  
20 Section Two as recorded in P.C. K Slide 3-F; thence with the western line of said  
21 subdivision to the northwestern corner; thence with the northern line of said subdivision to  
22 the southwestern corner of Landmark Acres Section Four as recorded in P.C. "H" Slide 373;  
23 thence with the western line of Landmark Acres Section Four and Landmark Acres Section  
24 One to the center of Nahunta Road (NCSR 1321); thence with the center of said road to the  
25 northeastern corner of Landmark Acres Section One recorded in P.C. A Slide 132-AA;  
26 thence with the eastern boundary of said Landmark Acres Section One and Landmark Acres  
27 Section Two as recorded in P.C. "H" Slide 254 to the western line of Lane Tree Village  
28 Section Sixteen as recorded in P.C. L Slide 67-D; thence with the western, northern and  
29 eastern line of said Lane Tree Village Section Sixteen to the northern line of Lane Tree  
30 Village Section Twelve as recorded in P.C. K, Slide 96-C; thence to the northern line of  
31 Lane Tree Village Section Thirteen as recorded in P.C. "L" Slide 6-D; thence with said line  
32 to the center of Salem Church Road; thence with said road in a southerly direction to the  
33 POINT OF BEGINNING, and containing 2,160 acres more or less.

34  
35 "CHAPTER III.

36 "GOVERNING BODY.

37 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing  
38 body of the Town of Northbrook shall be the Town Council, which shall have four  
39 members and the Mayor.

40 "Section 3.2. **Temporary Officers.** Until the initial elections of 2003 provided for  
41 by Section 4.1 of this Charter, Terry Cannon, Joe Haas, Larry Pierce, Evan Keel, and Al  
42 Nesbitt are appointed to the Town Council of the Town of Northbrook. They shall  
43 possess and exercise the powers granted to the governing body until their successors are  
44 elected or appointed and qualified pursuant to this Charter. The temporary officers shall

1 elect a person from among the members of the temporary governing body to serve as  
2 interim mayor. If any person named in this section is unable to serve, the remaining  
3 temporary officers shall, by majority vote, appoint a person to serve until the regular  
4 municipal elections are held in 2003.

5 "Section 3.3. **Manner of Electing Council; Terms of Office.** The qualified voters  
6 of the entire Town of Northbrook shall elect the members of the Town Council and,  
7 except as provided in this section, they shall serve four-year terms. In 2003, the two  
8 candidates receiving the highest numbers of votes shall be elected to four-year terms,  
9 and the two candidates receiving the next highest numbers of votes shall be elected to  
10 two-year terms. In 2005, and quadrennially thereafter, two members shall be elected to  
11 four-year terms. In 2007, and quadrennially thereafter, two members shall be elected to  
12 four-year terms.

13 "Section 3.4. **Manner of Electing Mayor; Term of Office; and Duties.** The  
14 qualified voters of the entire Town of Northbrook shall elect the Mayor. In 2003, and  
15 biennially thereafter, the Mayor shall be elected for a term of two years. The Mayor  
16 shall attend and preside over meetings of the Town Council, shall advise the Town  
17 Council from time to time as to matters involving the Town of Northbrook, and shall  
18 have the right to vote as a Town Council member on all matters before the Town  
19 Council.

20 "Section 3.5. **Compensation of Mayor and Town Council.** The Mayor and  
21 members of the Town Council shall be reimbursed for ordinary and necessary expenses,  
22 and may receive salary and honoraria only upon a majority vote of the qualified voters  
23 of the Town of Northbrook who vote on the question in a special referendum.

24 "CHAPTER IV.

25 "ELECTIONS.

26 "Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a  
27 nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

28 "Section 4.2. **Special Elections and Referenda.** Special elections and referenda  
29 may be held only as provided by the general law of North Carolina, local acts of the  
30 General Assembly, or as provided for in this Charter.

31 "CHAPTER V.

32 "ORGANIZATION AND ADMINISTRATION.

33 "Section 5.1. **Form of Government.** The Town of Northbrook will operate under  
34 the Council-Manager form of government as provided in Part 2 of Article 7 of Chapter  
35 160A of the General Statutes.

36 "Section 5.2. **Town Manager; Appointment; Powers and Duties.** The Town  
37 Council may appoint a Town Manager who shall be responsible for the administration  
38 of all departments of the Town government, except as otherwise directed by the Town  
39 Council. The Town Manager shall have all the powers and duties conferred by general  
40 law, except as expressly limited by the provisions of this Charter, and the additional  
41 powers and duties conferred by the Town Council, so far as authorized by general law.

42 "Section 5.3. **Town Manager's Authority Over Personnel; Role of Elected**  
43 **Officials.** As chief administrative officer of the Town, the Town Manager shall have the  
44 power to appoint, suspend, and remove all Town officers, department heads, and

1 employees, except the Town Attorney, Town Clerk, and any other official whose  
2 appointment or removal is vested in the Town Council by this Charter or by general  
3 law. Neither the Town Council nor any of its members shall take part in the  
4 appointment or removal of officers or employees in the administrative service of the  
5 Town of Northbrook, except as provided by this Charter. Except for purposes of inquiry  
6 or for consultation with the Town Attorney, the Town Council and its members shall  
7 deal with Town employees solely through the Town Manager or Acting Town Manager,  
8 and neither the Town Council nor any of its members shall give any specific orders to  
9 any subordinates of the Town Manager or Acting Town Manager, either publicly or  
10 privately.

11 "Section 5.4. **Town Attorney.** The Town Council shall appoint a Town Attorney  
12 licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to  
13 represent the Town, advise Town officials, and perform other duties required by law or  
14 as the Town Council may direct.

15 "Section 5.5. **Town Clerk.** The Town Council shall appoint a Town Clerk to keep a  
16 journal of the proceedings of the Town Council, to maintain official records and  
17 documents, to give notice of meetings, and to perform such other duties as required by  
18 law or as the Town Council may direct.

19 "Section 5.6. **Other Administrative Officers and Employees.** The Town Council  
20 may authorize other offices and positions and appoint persons to fill such offices and  
21 positions, or the Council may authorize the offices and positions to be filled by  
22 appointment by the Town Manager. The Town Council may organize the Town  
23 government as deemed appropriate, subject to the requirement of general law.

24 "Section 5.7. **Consolidation of Functions.** Where the positions are not  
25 incompatible, the Town Council may combine in one person the powers and duties of  
26 two or more officers created or authorized by this Charter.

27 "CHAPTER VI.

28 "TAXES AND BUDGET ORDINANCE.

29 "Section 6.1. **Powers of the Town Council.** The Town Council may levy those  
30 taxes and fees authorized by general law. An affirmative vote equal to a majority of all  
31 the members of the Town Council shall be required to change the ad valorem tax from  
32 that rate established during the prior fiscal year.

33 "Section 6.2. **Commencement of Tax Collection.** From and after the effective date  
34 of this act, the citizens and property in the Town of Northbrook shall be subject to  
35 municipal taxes levied for the fiscal year beginning July 1, 2003, and for that purpose,  
36 the Town shall obtain from Wayne County a record of property in the area herein  
37 incorporated which was listed for taxes as of January 1, 2003.

38 "Section 6.3. **Budget.** The Town of Northbrook may adopt a budget ordinance for  
39 fiscal year 2003-2004 without following the timetable in the Local Government Budget  
40 and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the Act  
41 insofar as is practical. For fiscal year 2003-2004, ad valorem taxes may be paid at par or  
42 face amount within 90 days of adoption of the budget ordinance and thereafter in  
43 accordance with the schedule set forth in G.S. 105-360 as if the taxes had been due and  
44 payable September 1, 2003. If the effective date of incorporation is prior to July 1,

1 2003, the Town may adopt a budget ordinance for fiscal year 2002-2003 without  
2 following the timetable in the Local Government Budget and Fiscal Control Act, but  
3 shall follow the sequence of actions in the spirit of the Act insofar as is practical, but no  
4 ad valorem taxes shall be levied for that year.

5 "CHAPTER VII.

6 "ORDINANCES.

7 "Section 7.1. **Ordinances.** Except as otherwise provided in the Charter, the Town of  
8 Northbrook is authorized to adopt such ordinances as the Town Council deems  
9 necessary for the governance of the Town.

10 "CHAPTER VIII.

11 "MISCELLANEOUS.

12 "Section 8.1. **Conflicts of Interest.** No person or a member of the person's  
13 immediate family who is employed by or is an official of the Town of Northbrook shall  
14 do business with the Town unless the Town Council specifically approves such activity.  
15 All appointed officials of the Town must inform the Town Council of any conflicts of  
16 interest and the failure to so inform shall constitute grounds for immediate dismissal for  
17 cause. No official of the Town may accept any gratuity from any business, person, or  
18 other official if the gratuity is related to his or her official duties.

19 "Section 8.2. **Enlargement of Town Council.** The qualified voters of the Town of  
20 Northbrook may seek to enlarge the number of members of the Town Council by  
21 submitting a petition to that effect signed by twenty percent (20%) of the qualified  
22 voters. Upon the passage of a resolution as provided in G.S. 160A-102 or upon the  
23 receipt of a valid petition, the Town Council shall immediately take steps as provided in  
24 Part 4 of Article 5 of Chapter 160A of the General Statutes to determine by referendum  
25 whether the number of members of the Town Council should be increased. If a majority  
26 of the votes cast in the referendum are in the affirmative, a special election shall be held  
27 at the earliest possible date to elect the additional members required to enlarge the Town  
28 Council to the number set forth in the referendum.

29 "Section 8.3. **Amendments to Charter.** The Town Council may propose and enact  
30 amendments to this Charter in accordance with Part 4 of Article 5 of Chapter 160A of  
31 the General Statutes. No amendment to this Charter shall become effective until public  
32 notice is given and a public hearing is held to receive comments on the proposed  
33 Charter amendment. Notwithstanding G.S. 160A-103, upon receipt of a referendum  
34 petition bearing the signatures and residence addresses of twenty percent (20%) of the  
35 qualified voters of the Town, the Town Council shall submit ordinances adopted under  
36 G.S. 160A-102 to a vote of the people.

37 "Section 8.4. **Provision of Services and Administration of Functions.** The Town  
38 Council may enter into agreements with other governmental bodies and private  
39 enterprises for the provision of services and the administration of corporate functions in  
40 order to provide the services and administer the functions in the most efficient and  
41 cost-effective manner.

42 "CHAPTER IX.

43 "SPECIAL PROVISIONS.

1 "Section 9.1. **Ad Valorem Taxes.** The Town Council shall not increase the ad  
2 valorem tax rate more than \$0.10/\$100.00 valuation above the ad valorem tax rate  
3 established on the date of incorporation of the Town of Northbrook without the vote or  
4 consent of a majority of the qualified voters of the Town of Northbrook.

5 "Section 9.2. **Fire Protection.** The Town of Northbrook shall contract with the  
6 Belfast and Pikeville Volunteer Fire Departments to provide fire protection for the  
7 Town. The contract terms and amount paid by the Town of Northbrook to the Belfast  
8 and Pikeville Volunteer Fire Departments shall be mutually agreed upon and annually  
9 renewed by the Board of Directors for the Belfast and Pikeville Volunteer Fire  
10 Departments and the Town Council."

11 **SECTION 2.** The Wayne County Board of Elections shall conduct an  
12 election on a date set by the Board, to be not less than 60 nor later than 120 days after  
13 this act becomes law, for the purpose of submission to the qualified voters for the area  
14 described in Section 2.1 of the Charter of the Town of Northbrook the question of  
15 whether or not the area shall be incorporated as the Town of Northbrook. Registration  
16 for the election shall be conducted in accordance with G.S. 163-288.2.

17 **SECTION 3.** In the election, the question on the ballot shall be:

18 "[ ]FOR [ ]AGAINST

19 Incorporation of the Town of Northbrook."

20 **SECTION 4.** In the election, if a majority of the votes are cast "For the  
21 Incorporation of the Town of Northbrook", Section 1 of this act shall become effective  
22 on the date that the Wayne County Board of Elections certifies the results of the  
23 election. Otherwise, Section 1 of this act shall have no force and effect.

24 **SECTION 5.** This act is effective when it becomes law.