

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 44
HOUSE BILL 793

AN ACT TO INCORPORATE THE TOWN OF FLETCHER, SUBJECT TO A
REFERENDUM.

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF FLETCHER.

"Chapter I.

"Incorporation and Corporate Powers.

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

"Chapter II.

"Corporate Boundaries.

"Sec. 2.1. Town boundaries. (a) Until modified in accordance with law, the boundaries of the Town of Fletcher are as follows:

BEGINNING at a point in the center of Cane Creek where said creek is intersected by the eastern margin of the N.C. Department of Transportation's right-of-way of Interstate 26; thence easterly, running with the center of Cane Creek to the point of confluence of Hooper's Creek with Cane Creek; thence continuing easterly, running with the center of Hooper's Creek to a point where said creek intersects the southeastern margin of State Road (SR) 1539 (Jackson Road); thence northeasterly, running with the southeastern margin of SR 1539 to its intersection with the northeastern margin of SR 1552 (Souther Road, also known as Youngblood Loop and Burney Mountain Road); Thence northwesterly running with the northeastern margin of SR 1552 to its intersection with the northern margin of SR 1553 (Hooper's Creek Road); Thence westerly running with the northern Margin of SR 1553 to its intersection with the northeastern margin of SR 1552 (Burney Mountain Road); Thence running northwesterly with the northeastern Margin of SR 1552 to its intersection with the eastern margin of SR 1551 (Mills Gap Road); Thence northerly running with the eastern margin of SR 1551 to its intersection with the amended Buncombe-Henderson County boundary line as established by an Act of the Legislature of North Carolina in 1851, (recorded in Laws of North Carolina, 1850-1851, Chapter XLV, Page 113-114, ratified the 23rd day of January 1851); Thence westerly running with the amended Buncombe-Henderson County boundary line to a concrete monument, the terminus of the first call of the Buncombe-Henderson County boundary line as established by House Bill 1283, (1959-Session Laws, Chapter

1145, ratified the 18th day of June, 1959); Thence running easterly and southerly with the Buncombe-Henderson County boundary line as established by said House Bill 1283, to its intersection with the eastern Boundary of the Interstate 26 right-of-way; thence southerly, running with the eastern Boundary of the Interstate 26 right-of-way to its intersection with the Buncombe-Henderson County boundary line as established by House Bill 1283; thence easterly and southerly, running with the Buncombe-Henderson County boundary line as established by House Bill 1283, to its intersection with the eastern boundary of the Interstate 26 right-of-way; thence southerly, running with the eastern boundary of the Interstate 26 right-of-way to the point of BEGINNING.

(b) Notwithstanding Article 4A of Chapter 160A of the General Statutes, the Town of Fletcher may not annex any territory within Buncombe County.

"Sec. 2.2. Electoral District Boundaries.

(a) For the purpose of residence of members of the Town Council as provided in section 3.2 of this Charter, the boundaries of electoral district 1 are as follows:

BEGINNING at a point in the east margin of Mills Gap Road (SR 1551) at its intersection with the Amended Buncombe-Henderson County line as established by an Act of Legislature of North Carolina in 1851 (recorded in Laws of North Carolina, 1850-1851, Chapter XLV Page 113-114, ratified the 23rd day of January 1851);

Thence, from said beginning point, westerly with the Amended Buncombe-Henderson County line to a point in the west line of Block 4 of Dade-Olina Park, Ref. Plat Cabinet B, Slide 45A, Henderson County Register of Deeds Office, the same being the east line of the Calvary Episcopal Church property;

Thence southerly with said line of Dade-Olina Park and Calvary Episcopal Church and continuing to a point in the center of Old Airport Road (SR 1547);

Thence with the centerline of Old Airport Road easterly to its intersection with the centerline of Cane Creek Road (SR 1545);

Thence with the centerline of Cane Creek Road southerly and westerly to a point over the center of the centerline of Southern Railway's main line;

Thence, with the centerline of Southern Railway's main line, southerly to its intersection with the center of Cane Creek;

Thence easterly running with the center of Cane Creek to the point of confluence of Hooper's Creek with Cane Creek;

Thence continuing easterly running with the center of Hooper's Creek to a point where said creek intersects the southeastern margin of Jackson Road (SR 1539);

Thence northeasterly, running with the southeastern margin of Jackson Road (SR 1539) to its intersection with the northeastern margin of Souther Road, also known as Youngblood Loop and Burney Mountain Road (SR 1552);

Thence northwesterly running with the northeastern margin of Souther Road (SR 1552) to its intersection with the northern margin of Hooper's Creek Road (SR 1553);

Thence westerly running with the northern margin of Hooper's Creek Road (SR 1553) to its intersection with the northeastern margin of Burney Mountain Road (SR 1552);

Thence running northwesterly with the northeastern margin of Burney Mountain Road (SR 1552) to its intersection with the eastern margin of Mills Gap Road (SR 1551);

Thence northerly running with the eastern margin of Mills Gap Road (SR 1551) to the Point of Beginning.

(b) For the purpose of residence of members of the Town Council as provided in section 3.2 of this Charter, the boundaries of electoral district 2 are as follows:

BEGINNING AT a point in the Amended Buncombe-Henderson County line as established by an Act of Legislature of North Carolina in 1851 (recorded in Laws of North Carolina, 1850-1851, Chapter XLV, page 113-114, ratified the 23rd day of January, 1851), at its intersection with the west line of Block 4 of Dade-Olina Park, Ref. Plat Cabinet B, Slide 45A, Henderson County Register of Deeds Office, the same being the east line of the Calvary Episcopal Church property;

Thence southerly with said line of Dade-Olina Park and Calvary Episcopal Church and continuing to a point in the center of Old Airport Road (SR 1547);

Thence with the centerline of Old Airport Road easterly to its intersection with the centerline of Cane Creek Road (SR 1545);

Thence with the centerline of Cane Creek Road southerly and westerly to a point over the center of the centerline of Southern Railway's main line;

Thence with the centerline of Southern Railway's main line southerly to its intersection with the center of Cane Creek;

Thence with the center of Cane Creek westerly crossing U. S. Highway No. 25 to the point of confluence of Cane Creek with Westfeldt Branch.

Thence northerly with the center of Westfeldt Branch to its intersection with the centerline of Fanning Bridge Road (SR 1358);

Thence westerly and northerly with the centerline of Fanning Bridge Road to its intersection with St. John's Road (SR 1361);

Thence northerly with the centerline of St. John's Road to its intersection with U.S. 25;

Thence northerly with the centerline of U. S. 25 to its intersection with the aforementioned Amended Buncombe-Henderson County line;

Thence easterly with the Amended Buncombe-Henderson County line to the Point of Beginning.

(c) For the purpose of residence of members of the Town Council as provided in section 3.2 of this Charter, the boundaries of electoral district 3 are as follows:

BEGINNING at a point in the center of Cane Creek where said creek is intersected by the eastern margin of the North Carolina Department of Transportation right-of-way of Interstate 26;

Thence easterly, running with the center of Cane Creek to the point of confluence of Westfeldt Branch;

Thence northerly with the center of said branch to its intersection with the centerline of Fanning Bridge Road;

Thence westerly with the centerline of Fanning Bridge Road to its intersection with the Buncombe-Henderson County line as established by House Bill 1283 (1959-Session Laws, Chapter 1145, ratified the 18th day of June, 1959);

Thence southerly with said Buncombe-Henderson County line to its intersection with the eastern boundary of the North Carolina Department of Transportation's right-of-way of Interstate 26;

Thence southerly with said right-of-way to the Point of Beginning.

(d) For the purpose of residence of members of the Town Council as provided in section 3.2 of this Charter, the boundaries of electoral district 4 are as follows:

BEGINNING at a point in the centerline of U.S. 25 at its intersection with the amended Buncombe-Henderson County Line as established by an Act of Legislature of North Carolina in 1851 (recorded in Laws of North Carolina 1850-1851, Chapter XLV, Page 113-114, ratified the 23rd day of January, 1851);

Thence southerly with the centerline of U.S. 25 to its intersection with the centerline of St. John's Road (SR 1361);

Thence southerly with the centerline of St. John's Road to its intersection with the centerline of Fanning Bridge Road (SR 1358);

Thence westerly with the centerline of Fanning Bridge Road to the Buncombe-Henderson County Line as established by House Bill 1283, (1959-Session Laws, Chapter 1145, ratified the 18th day of June, 1959);

Thence northerly and westerly running with said Buncombe-Henderson County line as established by House Bill 1283 to its intersection with the eastern boundary of the right-of-way of Interstate 26;

Thence northerly with the eastern boundary of the right-of-way of Interstate 26 to its intersection with the Buncombe-Henderson County line as established by House Bill 1283;

Thence with the Buncombe-Henderson County line as established by House Bill 1283 northerly and westerly to a concrete monument, the terminus of the first call of the Buncombe-Henderson boundary line as established by House Bill 1283, said monument standing in the amended Buncombe-Henderson County line aforementioned;

Thence easterly with said Amended Buncombe-Henderson County line to the Point of Beginning.

(e) The boundaries of the electoral districts may be adjusted as provided by G.S. 160A-23 after annexations and after the decennial federal census.

"Chapter III.

"Governing Body.

"Sec. 3.1. Structure of governing body; number of members. The governing body of the Town of Fletcher is the Town Council, which has four members, and the Mayor.

"Sec. 3.2. Manner of electing board. The Town is divided into four electoral districts, and each is represented on the Council by one member. The qualified voters of the entire Town nominate and elect the members of the Council. To be eligible for election to the council, a person must reside in the district of the office sought.

"Sec. 3.3. Term of office of Council members. Members of the Town Council are elected to four-year terms, except at the initial election in 1989, the two highest vote getters who are elected to district seats shall be elected to four-year terms, and the next two highest vote-getters elected to district seats shall be elected to two-year terms. In 1991 and quadrennially thereafter, two members of the Council shall be elected for four-year terms. In 1993 and quadrennially thereafter, two members of the Council shall be elected for four-year terms.

"Sec. 3.4. Selection of Mayor; term of office. The qualified voters of the entire town nominate and elect the Mayor. A mayor shall be elected in 1989 and quadrennially thereafter for a four-year term.

"Chapter IV.

"Elections.

"Sec. 4.1. Conduct of Town elections. The Town Council and Mayor shall be elected on a nonpartisan basis and the results determined by the primary method as provided by G.S. 163-294; provided that if the City of Hendersonville is scheduled to hold a primary on the sixth Tuesday before the election under G.S. 163-279(a)(2), the nonpartisan primary in the Town of Fletcher shall be on that date.

"Chapter V.

"Administration.

"Sec. 5.1. Mayor-Council plan. The Town of Fletcher operates under the Mayor-Council plan as provided by Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 5.2. Board and Commissions. The Town Council may appoint such commissions and committees as it deems necessary or advisable in providing local governmental service to the Town.

"Sec. 5.3. Streets. The Town Council may contract with the North Carolina Department of Transportation for street maintenance.

"Sec. 5.4. Fire protection. The Town shall contract with Fletcher Fire and Rescue for fire and rescue purposes, as long as Fletcher Fire and Rescue is capable of providing such services, under an agreed upon contract.

"Sec. 5.5. Police Protection. The Town of Fletcher may contract with the Henderson County Board of Commissioners to set up a special force of the Sheriff's Department to provide police protection within the Town. That contract may call for at least six such officers to be assigned to provide police protection to the Town."

Sec. 2. From and after July 1, 1989, the citizens and property in the Town of Fletcher shall be subject to municipal taxes levied for the year beginning July 1, 1989, and for that purpose the Town shall obtain from Henderson County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1989, and the businesses in the Town shall be liable for privilege license tax from the effective date of the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal year 1989-90 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. If ad valorem taxes for fiscal year 1989-90 are adopted after August 1, 1989, they shall become due and payable at par 90 days after the adoption of the ordinance levying them, and thereafter as if they had been due on September 1, 1989, in accordance with the schedule in G.S. 105-360.

Sec. 3. (a) Until members of the Town Council are elected in 1989 in accordance with the Town Charter and the law of North Carolina, Harold Conner, Byron Terrell, Sara Waechter, and John Parris, Sr. shall serve as members of the Town Council.

(b) Until a Mayor is elected in 1989, the Council shall elect a chairman from its membership who shall have the powers of a Mayor provided by general law, but may vote on all issues before the Council.

Sec. 4. (a) The Henderson County Board of Elections shall conduct an election on a date set by it, to be not less than 60 nor more than 120 days after the date of ratification of this act, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of Fletcher, the question of whether or not such area shall be incorporated as Fletcher. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

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

FOR Incorporation of Fletcher

AGAINST Incorporation of Fletcher".

Sec. 5. In such election, if a majority of the votes cast are not cast "FOR Incorporation of Fletcher", then Sections 1 through 3 of this act shall have no force and effect.

Sec. 6. In such election, if a majority of the votes cast shall be cast "FOR Incorporation of Fletcher" then Sections 1 through 3 of this act shall become effective on the date that the Henderson County Board of Elections determines the result of the election. The Henderson County Board of Elections may modify the filing period for the 1989 regular Town Council and mayoral election if the date of certification of the election results is after the date that filing should have opened under general law.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 5th day of April, 1989.