

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 664

Local Government & Regional Affairs Committee Substitute Adopted 5/9/89

Short Title: Town of Connelly Springs.

(Local)

Sponsors:

Referred to:

March 27, 1989

A BILL TO BE ENTITLED
AN ACT TO INCORPORATE THE TOWN OF CONNELLY SPRINGS IN BURKE
COUNTY.

Whereas, the community of Connelly Springs desires to be incorporated as an
incorporated town; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Charter for the Town of Connelly Springs shall be as follows:

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation.** The citizens of the area described in Chapter II of this
Charter shall be and constitute a body politic and corporate under the name of 'Town of
Connelly Springs', and shall have all of the powers, authority, rights, privileges and
immunities conferred upon municipal corporations by the Constitution and general laws
of North Carolina.

"Sec. 1.2. **Powers.** The Town shall have all the powers, duties, rights, privileges
and immunities now vested in the Town and now or hereafter granted to municipal
corporations by the General Assembly of the State of North Carolina, its statutes and by
this Charter.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. Until changed in accordance with law, the boundaries of the Town are:
BEGINNING at a point where Smith Creek intersects with Interstate 40 and runs
thence, North with the eastern bank of Smith Branch to a point where Smith Creek

1 intersects with State Road 1751; thence East with State Road 1751 to a point marking
2 the Southwest corner of tract identified as having tax identification parcel number 76-
3 14-4-6; thence North with the western margin of said tract to the northwest corner of
4 said tract; thence northeast along the northern boundary of said tract to the point where
5 the northeast corner of said tract intersects with Southern Railroad; thence North along
6 the western margin of tract identified as 76-14-5-6 to the intersection of said tract with
7 U. S. Highway 70; thence northeast along the center of U.S. Highway 70 to the
8 intersection of U.S. Highway 70 and Childers Street; thence West along the center of
9 Childers Street to the point where Childers Street intersects with the southwestern
10 corner of tract 76-30-6-4; thence North along the western margin of tract 76-30-6-4 to a
11 point where said boundary intersects with the southwestern corner of tract 76-30-6-6;
12 thence North with the western margin of tract 76-30-6-6 to said tract's northwest corner;
13 thence East along the northern margin of said tract to a point where said northern
14 boundary intersects with Woodlawn Drive; thence North along the center of Woodlawn
15 Drive approximately 320 Feet to a point marking the northwest corner of tract 76-30-4-
16 5; thence along the northern boundary of tract 76-30-4-5 approximately 310 Feet to a
17 point; thence continuing along the same line approximately 170 Feet to the point in the
18 western boundary of tract 76-10-1-2; thence North and West along the western
19 boundary of tract 76-10-1-2 to a point where the northwestern corner of said tract
20 intersects with tract 76-10-1-25; thence East along the northern margin of tract 76-10-1-
21 2 to a point where said tract intersects with tract 76-10-1-3; thence continuing along the
22 same line, the northern margin of tract 76-10-1-3, to a point where said boundary
23 initially intersects with tract 76-10-1-8; thence North along the western boundary of
24 tract 76-10-1-8 to the northwestern corner of said tract; thence East along the northern
25 boundary of tract 76-10-1-8 to the intersection with College Street; thence North along
26 the western boundaries of tract 76-10-1-33 to a point in the southwestern corner of tract
27 76-10-1-27; thence North along the western boundary of tract 76-10-1-27 to a point
28 marking the southwestern corner of tract 76-10-1-37; thence North along the western
29 boundary of 76-10-1-37 to a southwestern corner of tract 76-10-1-20; thence North
30 along the western boundary of tract 76-10-1-20 to a point where said boundary
31 intersects with the southern boundary of tract 76-8-1-1; thence East along the southern
32 boundary of tract 76-8-1-1 to said tract's southeasternmost corner, the same being the
33 southwestern corner of tract 76-8-1-21; thence continuing along the same line East
34 along the southern boundary of tract 76-8-1-21 to the southeastern corner of tract 76-8-
35 1-21; thence North along the eastern boundary of tract 76-8-1-21 for the entire distance
36 of the boundary of said tract; thence continuing along the same line and in same
37 direction along the eastern boundary of tract 76-8-1-1 to the northeasternmost corner of
38 tract 76-8-1-1 which lies on the boundary of tract 76-8-1-9 and directly in the
39 southeasternmost corner of tract 76-6-1-11; thence West along the southern border of
40 tract 76-6-1-11 to the point marking the southeast corner of the Tignor property, which
41 is at 76-6-1-1; thence continuing in the same direction West along the southern
42 boundary of tract 76-6-1-1 to a point said line intersects with tract marked 76-8-1-33;
43 thence North with the eastern boundary of tract 76-8-1-33 to the northeast corner of said
44 tract; thence West along a southern boundary of the Tignor property to a point where

1 the Tignor property southwest corner connects with the southeastern corner of the
2 Corbett property; thence North along the western boundary of the Tignor property to a
3 point marking the northwest corner of the Tignor property; thence North along the
4 western boundary of the West property described as tract 76-6-1-10 West to the
5 northwest corner of the West tract; thence continuing North along the western boundary
6 of the Kisor property described as tract 76-6-1-8 to the northwest corner of the Kisor
7 property; thence North along the western margin of tract 76-6-1-18 to a point where said
8 line intersects with a western boundary of tract 76-6-1-3; thence continuing along the
9 western boundary of tract 76-6-1-3 North to a point; thence West along a boundary of
10 tract 76-6-1-3 to a point; thence continuing North along the western boundary of tract
11 76-6-1-3 to a point where said tract intersects with tract 76-6-1-5; thence North along
12 the western margin of said tract to a point where the western boundary of said tract
13 intersects with the property owned by Crescent Land and Timber which lies to the North
14 and East; thence eastward along the southern boundary of the Crescent Land and
15 Timber property line; thence, with the Crescent Land and Timber southern boundaries
16 to Noland Creek; thence, east and south with Noland Creek to the residence and
17 property owned presently by Larry Humphries; thence, around the boundaries of the
18 Larry Humphries' property, excluding the Larry Humphries' property from the
19 Corporate Town Limits, back to Noland Creek; thence, with Noland Creek East and
20 South to the intersection of Noland Creek and State Road 1614, referred to as the Oak
21 Ridge Church Road); thence East with the Oak Ridge Church Road to the intersection
22 of Rhodhiss Road and Decker's old store (now the Handy Mart); thence, Southwest with
23 the Rhodhiss Road, that is, State Road 1611, in a southwest direction to the intersection
24 of Highway 70 at the Knob; thence, in a southeasterly direction with Highway 70 to
25 the intersection of Berea Circle, that is, State Road 1620; thence with State Road 1620
26 West to the intersection of State Road 1758, that is, Berea Church Road, to the North
27 boundary of Interstate 40; thence with the northern edge and boundary of Interstate 40
28 West to Coulter Springs Branch; thence, South with the meanders of Coulter Springs
29 Branch to parcels 97-54-1-5 and 97-54-1-8; thence along the eastern boundary of (97-
30 54-1-8); to the eastern most point of the property line bearing tax identification parcel
31 number 97-54-1-8; (said call and distance containing approximately 891 feet to the
32 easternmost point of 97-54-1-8); thence West along the southernmost boundary of the
33 tract bearing tax identification parcel number 97-54-1-8 for approximately 1,020 Feet
34 until it intersects with the tract of realty bearing parcel number 97-54-1-9; thence, South
35 along the boundaries of property bearing the tax identification number 97-54-1-9 for
36 approximately 484 Feet; thence, continuing South along the tract of realty bearing tax
37 identification parcel number 97-54-1-10 for approximately 149 Feet; thence continuing
38 South along the property bearing tax identification parcel number 97-2-2-3 for
39 approximately 190 Feet; thence, along the eastern boundary of the tract of realty
40 described as having tax identification number 97-2-2-4 in a southerly direction for
41 approximately 361 Feet; thence, south with the eastern boundary of 97-2-2-6 for 274
42 Feet; thence, almost due West with the southern boundary of the tract of realty
43 described as tax identification parcel number 97-2-2-6 for 600 Feet; thence, North with
44 the western boundary of tax identification parcel number 97-2-2-6 for approximately

1 110 Feet; thence, due West along the Southern boundary of tax identification parcel
2 number 97-2-2-7 for a distance of approximately 80 Feet to the southwesternmost
3 boundary of said tract; thence, North with the western boundary of 97-2-2-7 for 300
4 Feet; thence continuing along the western borders of parcel 97-2-2-19 for 100 Feet;
5 thence, on the western border of 97-2-2-8 for 100 Feet; thence, continuing along the
6 western border of 97-2-2-9 for 400 Feet; thence, continuing along 97-2-2-9 until it
7 intersects with the northern boundary of tract 97-2-2-9; thence, due West along the
8 Southern border of 97-2-1-10 crossing over Cole Water Street, along the Southern
9 boundary of 97-54-2-11 and 97-54-2-10 to a point marking the southwesternmost
10 boundary of 97-54-2-9; thence, northeast along the western border of 97-54-2-9 and 97-
11 54-2-8 for 379 Feet to the southern border of the A.G. Wilson estate tract located at
12 Map Book 97-2-2-10; thence, east along the southern border of said tract for a distance
13 of approximately 100 Feet to the eastern corner of said tract; thence, North along the
14 eastern border of the A.G. Wilson and Hazel Roundtree property, North 1,190 Feet to a
15 point; thence continuing along the eastern border of the A.G. Wilson life estate property
16 and the Hazel Roundtree remainder property, 670 Feet to a point; thence, continuing
17 along the easternmost border of the same tract, 720 Feet to a point in the southern right-
18 of-way margin of Interstate Highway 40; thence, West along the northern border of the
19 A.G. Wilson life estate property and Hazel Roundtree remainder tract, West 1,020 Feet
20 to a point; thence, continuing west along the southern border of Interstate Highway 40
21 to the point where the southern right of way of Interstate Highway 40 intersects with the
22 east bank of Smith Creek; thence, North to the point where Interstate Highway 40
23 intersects with the east bank of Smith Creek at the northern right of way of the
24 westbound lane of Interstate Highway 40, the point of the BEGINNING.

25 "CHAPTER III.

26 "GOVERNING BODY.

27 "Sec. 3.1. **Number of Members.** The governing body shall consist of the seven
28 members of the Board of Aldermen.

29 "Sec. 3.2. **Manner of Election of Board of Aldermen.** The qualified voters of the
30 entire Town of Connelly Springs shall elect the Board of Aldermen.

31 "Sec. 3.3. **Term of Office of Board of Aldermen.** Seven Aldermen are to be
32 elected at the first regular Town Council election to be held in November of 1989. The
33 person receiving the highest number of votes as Alderman shall be Mayor who will
34 serve a four-year term, together with the three persons receiving the next highest
35 numbers of votes, and they shall also serve a four-year term, and the three persons
36 receiving the next highest numbers of votes shall serve a two-year term.

37 In 1991 and quadrennially thereafter, three Council Members shall be elected for
38 four-year terms. In 1993 and quadrennially thereafter, four Council Members shall be
39 elected with the person receiving the highest number of votes being Mayor. If a
40 vacancy occurs in the office of the Council Member who is Mayor, the Council shall
41 designate one of its members to be Mayor for the remainder of the term.

42 The Board of Aldermen shall in all ways respond to reasonable requests of the
43 Town's constituents giving due consideration to the United States and State

1 Constitutions, to the welfare of the Town, and to the long range effects and impacts of
2 the decisions of the Town.

3 "Sec. 3.4. **The Mayor.** The Mayor of Connelly Springs' duties will be those of
4 administering the Town's Council and maintaining the governmental, administrative,
5 and executory functions of the Town Council and the operation of the city government
6 to the fullest extent of this Charter and law.

7 "CHAPTER IV.

8 "ELECTIONS.

9 "Sec. 4.1. **Conduct of Town Elections.** The Town officers shall be elected on a
10 nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292.
11 Elections shall be conducted by the Burke County Board of Elections.

12 "Sec. 4.2. **Interim Budget.** The Town Council may adopt a budget ordinance for
13 the 1989-90 fiscal year following their qualification for office, without having to
14 comply with the budget preparation and adoption timetable set out in the Local
15 Government Budget and Fiscal Control Act. Ad valorem taxes for fiscal year 1989-90
16 shall be payable at par until 90 days after adoption of the ordinance levying from and
17 thereafter in accordance with the schedule in G.S. 105-360 as if they had been due
18 September 1, 1989.

19 "Sec. 4.3. **Vacancies.** The provisions of G.S. 160A-63 shall not apply to the Town
20 of Connelly Springs until after the first election of the Town Council.

21 "CHAPTER V.

22 "ADMINISTRATIVE DEPARTMENTS.

23 "Sec. 5.1. **Administrative Departments and Officers.** The Council, by ordinance
24 not inconsistent with this Charter, may assign additional functions or duties to offices,
25 departments, or agencies. Where the positions are not incompatible, the Council may
26 combine in one person the powers and duties of two or more offices created or
27 authorized by this Charter.

28 "CHAPTER VI.

29 "APPOINTIVE BOARDS AND COMMISSIONS.

30 "Sec. 6.1. **Appointive Boards and Commissions.** All members of appointive
31 boards or commissions shall at the time of their appointment be residents of the Town,
32 and shall maintain their residencies for the duration of their terms in office.

33 "CHAPTER VII.

34 "PUBLIC UTILITIES.

35 "Sec. 7.1. **Establishment of Municipally Owned and Operated Utilities.** The
36 Town shall have the power to own and operate any public utility, to construct and install
37 all facilities that are reasonably needed, and to lease or purchase any existing utility
38 properties used or useful for public service. The Town may also furnish service to
39 adjacent and nearby territories that may be conveniently and economically served by a
40 municipally owned and operated utility, subject to the limitations of the provisions of
41 the general laws of the State. The Council may provide by ordinance for the
42 establishment of such utility and provide for its regulation and control and the fixing of
43 rates to be charged.

1 The Council may by ordinance provide for the extension, enlargement or
2 improvement of existing utilities and provide reasonable reserves for such purpose."

3 Sec. 2. Special Election for Approval. (a) The Board of Elections in Burke
4 County shall call and conduct a special election on a date to be set by the Burke County
5 Board of Commissioners not earlier than 60 days after ratification of this act, but not
6 later than 180 days after the ratification of this act for the purpose of submitting to the
7 qualified voters of the area described herein as the proposed corporate limits of
8 Connelly Springs, a question of whether or not such area shall be incorporated as a
9 municipal corporation known as Connelly Springs. In conducting the election required
10 to be held by this act, the Board of Elections of Burke County shall follow the
11 procedures contained in G.S.163-288.2, in this act, and the procedures contained in
12 Chapter 163 of the General Statutes of North Carolina regarding municipal elections,
13 where the same are not in conflict with this act, except that notice of the election shall
14 be given not later than 10 days before the registration books close and the Board of
15 Elections may set a special schedule under G.S. 163-228.2 with deadlines it determines,
16 if there is insufficient time to meet the time requirements of that section.

17 (b) In the special election, those voters who favor the incorporation of the Town
18 of Connelly Springs as provided in this act shall vote a ballot upon which shall be
19 printed the words: "FOR INCORPORATION OF THE TOWN OF CONNELLY
20 SPRINGS"; and those voters who are opposed to the incorporation of the Town of
21 Connelly Springs as provided in this act shall vote a ballot upon which shall be printed
22 the words: "AGAINST INCORPORATION OF THE TOWN OF CONNELLY
23 SPRINGS."

24 (c) If the majority of the votes cast in such special election shall not be cast
25 "FOR INCORPORATION OF THE TOWN OF CONNELLY SPRINGS", then the
26 provisions of Section 1 of this act shall have no force and effect.

27 (d) If a majority of the votes cast in the special election shall be cast "FOR
28 INCORPORATION OF THE TOWN OF CONNELLY SPRINGS", then the provisions
29 of Section 1 of this act shall be in full force and effect from and after the date upon
30 which the Burke County Board of Elections determines the result of the election. The
31 Board of Elections of Burke County may establish a special candidate filing period for
32 the 1989 regular municipal election if Section 1 of this act becomes effective after the
33 date filing is to open under general law.

34 Sec. 3. This act is effective upon ratification.