

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 528
SENATE BILL 664

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 intersects with State Road 1751; thence East with State Road 1751 to a point marking the Southwest corner of tract identified as having tax identification parcel number 76-14-4-6; thence North with the western margin of said tract to the northwest corner of said tract; thence northeast along the northern boundary of said tract to the point where the northeast corner of said tract intersects with Southern Railroad; thence North along the western margin of tract identified as 76-14-5-6 to the intersection of said tract with U. S. Highway 70; thence northeast along the center of U.S. Highway 70 to the intersection of U.S. Highway 70 and Childers Street; thence West along the center of Childers Street to the point where Childers Street intersects with the southwestern corner of tract 76-30-6-4; thence North along the western margin of tract 76-30-6-4 to a point where said boundary intersects with the southwestern corner of tract 76-30-6-6; thence North with the western margin of tract 76-30-6-6 to said tract's northwest corner;

thence East along the northern margin of said tract to a point where said northern boundary intersects with Woodlawn Drive; thence North along the center of Woodlawn Drive approximately 320 Feet to a point marking the northwest corner of tract 76-30-4-5; thence along the northern boundary of tract 76-30-4-5 approximately 310 Feet to a point; thence continuing along the same line approximately 170 Feet to the point in the western boundary of tract 76-10-1-2; thence North and West along the western boundary of tract 76-10-1-2 to a point where the northwestern corner of said tract intersects with tract 76-10-1-25; thence East along the northern margin of tract 76-10-1-2 to a point where said tract intersects with tract 76-10-1-3; thence continuing along the same line, the northern margin of tract 76-10-1-3, to a point where said boundary initially intersects with tract 76-10-1-8; thence North along the western boundary of tract 76-10-1-8 to the northwestern corner of said tract; thence East along the northern boundary of tract 76-10-1-8 to the intersection with College Street; thence North along the western boundaries of tract 76-10-1-33 to a point in the southwestern corner of tract 76-10-1-27; thence North along the western boundary of tract 76-10-1-27 to a point marking the southwestern corner of tract 76-10-1-37; thence North along the western boundary of 76-10-1-37 to a southwestern corner of tract 76-10-1-20; thence North along the western boundary of tract 76-10-1-20 to a point where said boundary intersects with the southern boundary of tract 76-8-1-1; thence East along the southern boundary of tract 76-8-1-1 to said tract's southeasternmost corner, the same being the southwestern corner of tract 76-8-1-21; thence continuing along the same line East along the southern boundary of tract 76-8-1-21 to the southeastern corner of tract 76-8-1-21; thence North along the eastern boundary of tract 76-8-1-21 for the entire distance of the boundary of said tract; thence continuing along the same line and in same direction along the eastern boundary of tract 76-8-1-1 to the northeasternmost corner of tract 76-8-1-1 which lies on the boundary of tract 76-8-1-9 and directly in the southeasternmost corner of tract 76-6-1-11; thence West along the southern border of tract 76-6-1-11 to the point marking the southeast corner of the Tignor property, which is at 76-6-1-1; thence continuing in the same direction West along the southern boundary of tract 76-6-1-1 to a point said line intersects with tract marked 76-8-1-33; thence North with the eastern boundary of tract 76-8-1-33 to the northeast corner of said tract; thence West along a southern boundary of the Tignor property to a point where the Tignor property southwest corner connects with the southeastern corner of the Corbett property; thence North along the western boundary of the Tignor property to a point marking the northwest corner of the Tignor property; thence North along the western boundary of the West property described as tract 76-6-1-10 West to the northwest corner of the West tract; thence continuing North along the western boundary of the Kisor property described as tract 76-6-1-8 to the northwest corner of the Kisor property; thence North along the western margin of tract 76-6-1-18 to a point where said line intersects with a western boundary of tract 76-6-1-3; thence continuing along the western boundary of tract 76-6-1-3 North to a point; thence West along a boundary of tract 76-6-1-3 to a point; thence continuing North along the western boundary of tract 76-6-1-3 to a point where said tract intersects with tract 76-6-1-5; thence North along the western margin of said tract to a point where the western boundary of said tract

intersects with the property owned by Crescent Land and Timber which lies to the North and East; thence eastward along the southern boundary of the Crescent Land and Timber property line; thence, with the Crescent Land and Timber southern boundaries to Noland Creek; thence, east and south with Noland Creek to the residence and property owned presently by Larry Humphries; thence, around the boundaries of the Larry Humphries' property, excluding the Larry Humphries' property from the Corporate Town Limits, back to Noland Creek; thence, with Noland Creek East and South to the intersection of Noland Creek and State Road 1614, referred to as the Oak Ridge Church Road); thence East with the Oak Ridge Church Road to the intersection of Rhodhiss Road and Decker's old store (now the Handy Mart); thence, Southwest with the Rhodhiss Road, that is, State Road 1611, in a southwest direction to the intersection of Highway 70 at the Knob; thence, in a southeasterly direction with Highway 70 to the intersection of Berea Circle, that is, State Road 1620; thence with State Road 1620 West to the intersection of State Road 1758, that is, Berea Church Road, to the North boundary of Interstate 40; thence with the northern edge and boundary of Interstate 40 West to Coulter Springs Branch; thence, South with the meanders of Coulter Springs Branch to parcels 97-54-1-5 and 97-54-1-8; thence along the eastern boundary of (97-54-1-8); to the eastern most point of the property line bearing tax identification parcel number 97-54-1-8; (said call and distance containing approximately 891 feet to the easternmost point of 97-54-1-8); thence West along the southernmost boundary of the tract bearing tax identification parcel number 97-54-1-8 for approximately 1,020 Feet until it intersects with the tract of realty bearing parcel number 97-54-1-9; thence, South along the boundaries of property bearing the tax identification number 97-54-1-9 for approximately 484 Feet; thence, continuing South along the tract of realty bearing tax identification parcel number 97-54-1-10 for approximately 149 Feet; thence continuing South along the property bearing tax identification parcel number 97-2-2-3 for approximately 190 Feet; thence, along the eastern boundary of the tract of realty described as having tax identification number 97-2-2-4 in a southerly direction for approximately 361 Feet; thence, south with the eastern boundary of 97-2-2-6 for 274 Feet; thence, almost due West with the southern boundary of the tract of realty described as tax identification parcel number 97-2-2-6 for 600 Feet; thence, North with the western boundary of tax identification parcel number 97-2-2-6 for approximately 110 Feet; thence, due West along the Southern boundary of tax identification parcel number 97-2-2-7 for a distance of approximately 80 Feet to the southwesternmost boundary of said tract; thence, North with the western boundary of 97-2-2-7 for 300 Feet; thence continuing along the western borders of parcel 97-2-2-19 for 100 Feet; thence, on the western border of 97-2-2-8 for 100 Feet; thence, continuing along the western border of 97-2-2-9 for 400 Feet; thence, continuing along 97-2-2-9 until it intersects with the northern boundary of tract 97-2-2-9; thence, due West along the Southern border of 97-2-1-10 crossing over Cole Water Street, along the Southern boundary of 97-54-2-11 and 97-54-2-10 to a point marking the southwesternmost boundary of 97-54-2-9; thence, northeast along the western border of 97-54-2-9 and 97-54-2-8 for 379 Feet to the southern border of the A.G. Wilson estate tract located at Map Book 97-2-2-10; thence, east along the southern border of said tract for a distance

of approximately 100 Feet to the eastern corner of said tract; thence, North along the eastern border of the A.G. Wilson and Hazel Roundtree property, North 1,190 Feet to a point; thence continuing along the eastern border of the A.G. Wilson life estate property and the Hazel Roundtree remainder property, 670 Feet to a point; thence, continuing along the easternmost border of the same tract, 720 Feet to a point in the southern right-of-way margin of Interstate Highway 40; thence, West along the northern border of the A.G. Wilson life estate property and Hazel Roundtree remainder tract, West 1,020 Feet to a point; thence, continuing west along the southern border of Interstate Highway 40 to the point where the southern right of way of Interstate Highway 40 intersects with the east bank of Smith Creek; thence, North to the point where Interstate Highway 40 intersects with the east bank of Smith Creek at the northern right of way of the westbound lane of Interstate Highway 40, the point of the BEGINNING.

"CHAPTER III.

"Governing Body.

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

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

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

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

The Board of Aldermen shall in all ways respond to reasonable requests of the Town's constituents giving due consideration to the United States and State Constitutions, to the welfare of the Town, and to the long range effects and impacts of the decisions of the Town.

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

"CHAPTER IV.

"Elections.

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

"Sec. 4.2. **Interim Budget.** The Town Council may adopt a budget ordinance for the 1989-90 fiscal year following their qualification for office, without having to

comply with the budget preparation and adoption timetable set out in the Local Government Budget and Fiscal Control Act. Ad valorem taxes for fiscal year 1989-90 shall be payable at par until 90 days after adoption of the ordinance levying from and thereafter in accordance with the schedule in G.S. 105-360 as if they had been due September 1, 1989.

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

"CHAPTER V.

"Administrative Departments.

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

"CHAPTER VI.

"Appointive Boards and Commissions.

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

"CHAPTER VII.

"Public Utilities.

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

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

Sec. 2. Special Election for Approval. (a) The Board of Elections in Burke County shall call and conduct a special election on a date to be set by the Burke County Board of Commissioners not earlier than 60 days after ratification of this act, but not later than 180 days after the ratification of this act for the purpose of submitting to the qualified voters of the area described herein as the proposed corporate limits of Connelly Springs, a question of whether or not such area shall be incorporated as a municipal corporation known as Connelly Springs. In conducting the election required to be held by this act, the Board of Elections of Burke County shall follow the procedures contained in G.S.163-288.2, in this act, and the procedures contained in Chapter 163 of the General Statutes of North Carolina regarding municipal elections, where the same are not in conflict with this act, except that notice of the election shall be given not later than 10 days before the registration books close and the Board of

Elections may set a special schedule under G.S. 163-228.2 with deadlines it determines, if there is insufficient time to meet the time requirements of that section.

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

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

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

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 30th day of June, 1989.