

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1546
Committee Substitute Favorable 6/25/92

Short Title: St. Pauls Charter Revised.

(Local)

Sponsors:

Referred to:

June 3, 1992

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
3 ST. PAULS.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the Town of St. Pauls is revised and consolidated
6 to read:

7 "THE CHARTER OF THE TOWN OF ST. PAULS.
8 "ARTICLE I. INCORPORATION, CORPORATE POWERS, AND
9 BOUNDARIES.

10 "Section 1.1. **Incorporation.** The Town of St. Pauls, North Carolina, and its
11 inhabitants shall continue to be a municipal body politic and corporate, under the name
12 of the 'Town of St. Pauls', also referred to as the 'Town'.

13 "Sec. 1.2. **Powers.** The Town has and may exercise all of the powers, duties, rights,
14 privileges, and immunities conferred upon the Town of St. Pauls specifically by this
15 Charter or upon municipal corporations by general law. The term 'general law' is
16 employed herein as defined in G.S. 160A-1.

17 "Sec. 1.3. **Corporate Limits.** Until changed in accordance with law, the corporate
18 limits are:

19 (1) Those established by Chapter 497 of the 1975 Session Laws effective
20 July 1, 1975, as follows:

21 **BEGINNING** at a stake in a small branch, D.A. McGougan and L. A.
22 McGeachy's corner, said stake being located 1 chain and 50 links due South of the West
23 end of a small dam on said branch, said Beginning corner also being located South 40

1 degrees East 54 chains from the intersection of the North line of Broad Street with the
2 centerline of the main line of the Virginia and Carolina Southern Railroad and running
3 thence as the McGougan-McGeachy line North 2 degrees East 3399 feet to a 1/2 inch
4 iron pipe in concrete at the edge of a large pocosin; thence North 80 degrees West
5 2267.25 feet to a railroad spike in the eastern edge of Railroad Street and in the western
6 right-of-way (50 feet from center) of the Virginia and Carolina Southern Railroad;
7 thence along said right-of-way North 21 degrees 30 minutes East 540.74 feet to a
8 concrete monument in said right-of-way; thence North 80 degrees West 1607.02 feet to
9 a concrete monument in the western right-of-way (50 feet from center) of U.S. Highway
10 301, 5th Street Extended; thence as said right-of-way North 10 degrees 02 minutes East
11 1035 feet to a concrete monument in said right-of-way; thence North 81 degrees 33
12 minutes West 442.30 feet to a concrete monument in the line of a ditch, 4 feet North of
13 and West of the School Fence; thence South 8 degrees 43 minutes West 606.00 feet to a
14 concrete monument in the line of another ditch, 4 feet West of the School Fence; thence
15 North 79 degrees 40 minutes West 454.85 feet to a concrete monument in the western
16 right-of-way (30 feet from center) of the Old Stage Road; thence along said right-of-
17 way North 6 degrees 35 minutes East 959.79 feet to a concrete monument in said right-
18 of-way, the Southeastern corner of the N.C. National Guard Armory Lot and in the
19 North line of Pool Street (25 feet from center) thence along and beyond the North line
20 of Pool Street, crossing Wilkinson Drive North 82 degrees 58 minutes West 678.21 feet
21 to a stake in the western right-of-way (30 feet from center) of Wilkinson Drive; thence
22 North 83 degrees 43 minutes West 147.50 feet to a stake in a field; thence South 6
23 degrees 35 minutes West, parallel to Wilkinson Drive 969.51 feet to a stake in the North
24 line of the Pete Ivey Residence Lot; thence along said line and beyond North 83 degrees
25 43 minutes West 197.50 feet to a stake in the West right-of-way (25 feet from center) of
26 Bellevue Street; thence along said right-of-way South 6 degrees 35 minutes West
27 150.00 to a stake in the right-of-way of said Street, at its intersection with the North
28 right-of-way (20 feet from center) of Britt Street; thence South 7 degrees 49 minutes
29 West 675.19 feet to a stake in the North line of Shaw Street (25 feet from center);
30 thence along the North line of said Street North 83 degrees 43 minutes West 400.91 feet
31 to a stake in the north line of said street, at its intersection with the Eastern right-of-way
32 (30 feet from center) of Sanford Street; thence along the Eastern right-of-way of
33 Sanford Street North 6 degrees 58 minutes East 635.00 feet to a stake in said right-of-
34 way; thence North 83 degrees 43 minutes West 589.30 feet to a new 1 inch iron pipe in
35 the Eastern right-of-way (88 feet from center) of a ramp leading off of N. C. Highway
36 20 onto Interstate 95; thence along said right-of-way South 2 degrees 45 minutes East
37 179.73 feet to an existing concrete R/W monument, the P.T. of a curve in said right-of-
38 way; thence along said curved right-of-way, the chord being South 8 degrees 36 minutes
39 West 315.35 feet to a concrete monument in said curved right-of-way; thence
40 continuing along said curved right-of-way, the chord being South 20 degrees 41 minutes
41 West 12.77 feet to an existing concrete R/W monument, the P.C. of said curve; thence
42 continuing along said right-of-way South 20 degrees 43 minutes West 330.39 feet to an
43 existing concrete R/W monument; thence continuing along said right-of-way South 13
44 degrees 46 minutes East 216.30 feet to a concrete monument in the north right-of-way

1 (70 feet from center) of N.C. Highway 20; thence along said right-of-way South 47
2 degrees 58 minutes East 356.59 feet to a concrete monument in said right-of-way, at its
3 intersection with the Southeastern right-of-way (25 feet from center) of Sanford Street;
4 thence along the Southeastern right-of-way of said street South 42 degrees 02 minutes
5 West 40.00 feet to a concrete monument in said right-of-way, in the northeastern right-
6 of-way (30 feet from center) of N.C. Highway 20; thence along said right-of-way South
7 47 degrees 58 minutes East 295.68 feet to a concrete monument in said right-of-way,
8 the P.C. of a curve in said Highway; thence continuing along said curved right-of-way,
9 the chord being South 48 degrees 26 minutes East 131.40 feet to a concrete monument
10 in said right-of-way, at its intersection with the original western Corporate Limit line of
11 the Town of St. Pauls; thence along said line South 10 degrees 00 minutes West
12 1002.58 feet to a concrete monument in a field west of Cumbo Branch; thence South 80
13 degrees 00 minutes East 2640.00 feet to a nail on the porch of the Dr. L. J. Moore
14 residence; thence due South passing through a concrete monument in the South line of
15 Sylvia Street at 2156.44 feet, continuing a total distance of 2256.44 feet to a stake at
16 Highwater Mark on the North side of the Great Marsh Swamp; thence down the various
17 courses of said Highwater Mark to and up the first mentioned small branch in an eastern
18 direction to the Beginning; and

19 (2) All additional territory as has been duly added to the corporate limits
20 under general law.

21 An official map of the Town, showing the current boundaries, shall be maintained
22 permanently in the office of the Town Clerk and shall be available for public inspection.
23 Immediately upon alteration of the corporate limits made pursuant to law, the
24 appropriate changes to the official map shall be made and copies shall be filed in the
25 office of the Secretary of State, the Robeson County Register of Deeds, and the
26 Robeson County Board of Elections.

27 "ARTICLE II. GOVERNING BODY.

29 "Sec. 2.1. **Mayor and Board of Commissioners.** The Mayor and the Board of
30 Commissioners, hereinafter referred to as the 'Board', comprise the governing body of
31 the Town.

32 "Sec. 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board
33 is composed of six Commissioners elected by all the qualified voters of the Town for
34 terms of four years or until their successors are elected and qualified. Three shall be
35 elected in 1993 and quadrennially thereafter, and three shall be elected in 1995 and
36 quadrennially thereafter.

37 "Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor is elected in 1993 and
38 quadrennially thereafter by all the qualified voters of the Town for a term of four years
39 and until a successor is elected and qualified.

40 "ARTICLE III. ELECTIONS.

41 "Sec. 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held
42 in each odd-numbered year in accordance with Chapter 163 of the General Statutes.
43

1 Elections are conducted on a nonpartisan basis and the results determined using the
2 nonpartisan plurality method as provided in G.S. 163-292.

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4 **"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.**

5 "Sec. 4.1. Appointment of Certain Officers and Employees by Board of
6 Commissioners; Duties, Salaries, etc., of These Officers and Employees Generally. The
7 Board may appoint a Town Clerk, a Town Treasurer, a Town Tax Collector, a Town
8 Administrator, a Town attorney, a chief of police, a fire chief, and any other officers and
9 employees as may be necessary, none of whom need be a resident of the town at the
10 time of appointment. The Board may appoint one person to perform the duties of any
11 two or more of these positions. The employees or officers shall serve at the pleasure of
12 the Board, and shall perform any duties as may be prescribed by the Board. The Board
13 shall fix all salaries, prescribe bonds, and require any oaths as it may deem necessary.

14 "Sec. 4.2. **Appointment and Powers and Duties Generally of Town Clerk and**
15 **Town Administrator.** The Board shall choose a Town Clerk who shall keep the
16 records of the board and perform any other duties as may be required by law or by the
17 Board. In addition to appointing a Town Clerk, the Board may, in its discretion and by
18 resolution duly adopted, appoint a Town Administrator or Town Manager as provided
19 by general law who shall have any powers and duties as are conferred upon the Town
20 Administrator or the Town Manager by the Board.

21 "Sec. 4.3. **Qualifications and Duties of Town Attorney.** The Town Attorney shall
22 be an attorney at law who has practiced in the State of North Carolina for at least four
23 years. The Town Attorney is the chief legal adviser of and attorney for the Town and
24 all of the Town's departments and offices in matters relating to their official powers and
25 duties. The Town Attorney or a designee shall perform all services incident to
26 providing legal services to the town; attend all meetings of the Board when so
27 requested; prosecute or defend, as the case may be, all suits or cases to which the Town
28 may be a party; prepare or review all contracts, bonds, and other instruments in writing
29 in which the Town is concerned; and perform other duties imposed upon the Town
30 Attorney by this Charter, by ordinance, or by resolution of the Board.

31 "Sec. 4.4. **Duties of Town Accountant.** The Town Accountant, or the Town Clerk,
32 or the Town Manager or the Town Administrator, whichever shall apply, shall prepare
33 the budget in accordance with the general local government laws of North Carolina
34 relating to the preparation of municipal budgets. This person shall: (i) maintain
35 accounting control over the finances of the Town, for which purpose this person may
36 operate a set of general accounts embracing all the financial transactions of the Town,
37 and any subsidiary accounts and cost records as may be required by ordinance or by the
38 Board for purposes of administrative direction and financial control; (ii) prescribe the
39 forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies
40 of the Town; (iii) examine and approve all contracts, orders, and other documents by
41 which the Town incurs financial obligations, having ascertained before approval that
42 moneys have been duly appropriated and allotted to meet these obligations and will
43 become available when the obligations are due and payable; audit and approve bills,
44 invoices, payrolls, and other evidences of claims, demands, or charges against the Town

1 and determine the regularity and correctness of these claims, demands, or charges; (iv)
2 make monthly reports on all receipts and expenditures of the Town to the Mayor and
3 Board and make monthly reports on funds, appropriations, allotments, encumbrances,
4 and authorized payments to the Mayor, the Board, and the head of the department or
5 agency directly concerned; (v) inspect and audit any accounts or records of financial
6 transactions that may be maintained by any department or agency of the Town apart
7 from or subsidiary to the general accounts; and (vi) perform other duties pertaining to
8 the financial records of the Town as the Board may require by ordinance.

9 "Sec. 4.5 **Duties of Town Tax Collector.** The Tax Collector, or a person who is
10 designated by the Board to perform this function, shall collect all taxes, licenses, fees,
11 and other moneys belonging to the Town, subject to this Charter and ordinances enacted
12 under this Charter, and shall diligently comply with and enforce the general laws of
13 North Carolina relating to the collection, sale, and foreclosure of taxes by
14 municipalities. The Tax Collector shall deposit daily in the town depository all money
15 belonging to the Town.

16 "Sec. 4.6. **Duties of Town Treasurer.** The Town Treasurer, or a person who is
17 designated by the Board to perform this function, shall have custody of and shall
18 disburse all moneys belonging to the Town subject to Chapter 159 of the General
19 Statutes, shall have custody of all investments and invested funds of the Town or in
20 possession of the Town in a fiduciary capacity, and shall keep a record of these
21 investments, and shall have custody of all bonds and certificates of Town indebtedness
22 including any bonds and certificates unissued or canceled, and the receipt and delivery
23 of Town bonds and certificates for transfer, registration, or exchange."

24 Sec. 2. The purpose of this act is to revise the Charter of the Town of St.
25 Pauls and to consolidate certain acts concerning the property, affairs, and government of
26 the Town. It is intended to continue without interruption those provisions of prior acts
27 that are expressly consolidated into this act, so that all rights and liabilities that have
28 accrued are preserved and may be enforced.

29 Sec. 3. This act does not repeal or affect any acts concerning the property,
30 affairs, or government of public schools, or acts validating official actions, proceedings,
31 contracts, or obligations of any kind.

32 Sec. 4. The following acts, having served the purposes for which they were
33 enacted or having been consolidated into this act, are expressly repealed:

- 34 (1) Chapter 695 of the 1971 Session Laws, except for Section 2.
- 35 (2) Chapter 325 of the 1973 Session Laws.
- 36 (3) Chapter 497 of the 1975 Session Laws.

37 Sec. 5. The Mayor and Commissioners serving on the date of ratification of
38 this act shall serve until the expiration of their terms. Thereafter those offices shall be
39 filled as provided in Articles II and III of the Charter contained in Section 1 of this act.

40 Sec. 6. This act shall not affect any rights or interests that arose under any
41 provisions repealed by this act.

42 Sec. 7. All existing ordinances, resolutions, and other provisions of the Town
43 of St. Pauls not inconsistent with this act shall continue in effect until repealed or
44 amended.

1 Sec. 8. No action or proceeding pending on the effective date of this act by or
2 against the Town or any of its departments or agencies is abated or otherwise affected
3 by this act.

4 Sec. 9. All contracts entered into by or for the benefit of the Town before the
5 effective date of this Charter shall continue in full force and effect. Public
6 improvements for which legislative steps have been taken under laws or Charter
7 provisions existing at the time this Charter takes effect may be carried to completion in
8 accordance with those laws and Charter provisions.

9 Sec. 10. The provisions of this act are severable. If any provision or
10 application of this act is held invalid, the invalidity shall not affect other provisions or
11 applications of this act that can be given effect without the invalid provision or
12 application.

13 Sec. 11. Whenever a reference is made in this act to a particular provision of
14 the General Statutes, and that provision is later amended, superseded, or recodified, the
15 reference is considered amended to refer to the amended General Statute, or to the
16 General Statute that most clearly corresponds to the statutory provision that is
17 superseded or recodified.

18 Sec. 12. This act is effective upon ratification.