

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 317

Short Title: Glenville Charter.

(Local)

Sponsors: Senator Carpenter.

Referred to: Local Government and Regional Affairs.

March 27, 1991

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

4 The General Assembly of North Carolina enacts:

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

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

10 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town
11 of Glenville are a body corporate and politic under the name 'Town of Glenville.'
12 Under that name they have all the powers, duties, rights, privileges, and immunities
13 conferred and imposed on towns by the general law of North Carolina.

14 "Sec. 1.2. **Corporate Limits.** The corporate limits of the Town of Glenville Lake
15 are as described in Section 2 of Chapter 139 of the 1891 Private Laws. Within 30 days
16 after the interim Town Council of Glenville assumes office as provided in this Charter,
17 the Town Council shall, by ordinance, adjust the corporate limits to include the entirety
18 of any lot a portion of which is within the corporate described in this section, and to
19 include adjacent existing rights-of-way. The adjustment required by this section shall
20 be made without complying with any otherwise applicable requirements of Article 4A
21 of Chapter 160A of the General Statutes. A map showing the corporate boundary as
22 adjusted in accordance with this section shall be the official map of the Town, shall be
23 maintained permanently in the office of the Town clerk, and shall be available for
24 public inspection. Following the adjustment required by this section, the corporate

1 limits may be altered from time to time, in the manner required by law, and copies of
2 the corporate boundaries so altered, upon alteration, shall be filed in the office of the
3 Secretary of State, the County Register of Deeds, and the appropriate board of elections.

4 **"ARTICLE II. GOVERNING BODY.**

5 "Sec. 2.1. **Mayor and Town Council.** The governing body of the Town of
6 Glenville is the Town Council.

7 "Sec. 2.2. **Town Council; Composition; Terms of Office.** The Town Council has
8 four members, each of whom is elected for a term of four years. Town Council
9 members are elected as provided in Article III of this Charter and serve until their
10 successors are elected and qualified.

11 "Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor is elected as provided in
12 Article III of this Charter to serve for a term of two years and serves until a successor is
13 elected and qualified. The Mayor is the official head of the Town government and
14 presides at all meetings of the Town Council. The Mayor may vote in any matter before
15 the Council and may exercise the powers and perform the duties presently of hereinafter
16 conferred by law.

17 "Sec. 2.4. **Mayor Pro Tempore.** In accordance with the law, the Town Council
18 shall appoint one of its members to act as Mayor Pro Tempore to perform the duties of
19 Mayor in the Mayor's absence. The Mayor Pro Tempore has no fixed term of office,
20 but serves in that capacity at the pleasure of the remaining members of the Council.

21 "Sec. 2.5. **Meetings of the Board.** The Town Council shall establish the time and
22 place for its regular meetings in accordance with the law. Special meetings may be held
23 in accordance with the law.

24 "Sec. 2.6. **Ordinances and Resolutions.** The adoption, amendment, repeal,
25 pleading, or proving of Town ordinances and resolutions shall be in accordance with the
26 applicable provisions of the general laws of the State, not inconsistent with this Charter.
27 The ayes and nos shall be taken upon all ordinances and resolutions and entered upon
28 the minutes of the Council. The enacting clause of all Town ordinances is: 'Be it
29 ordained by the Town Council of the Town of Glenville.'

30 "Sec. 2.7. **Voting Requirements; Quorum.** Except as otherwise provided by law,
31 official action of the Council is by majority vote, provided that a quorum, consisting of
32 a majority of the actual membership of the Council, is present. Vacant seats are
33 subtracted from the Council membership to determine the actual membership for
34 purposes of this section.

35 "Sec. 2.8. **Qualifications for Office; Vacancies; Compensation.** The
36 compensation of Council members, the filling of vacancies on the Council, and the
37 qualifications of Council members is as provided by law.

38 **"ARTICLE III. ELECTIONS.**

39 "Sec. 3.1. **Regular Municipal Elections; Conduct and Method of Election.**
40 Regular municipal elections shall be held in the Town every two years in odd-numbered
41 years and shall be conducted by the Jackson County Board of Elections in accordance
42 with the uniform election laws of the State. At each election, the Mayor and two
43 members of the Town Council shall be elected by the nonpartisan plurality election
44 method.

1 "Sec. 3.2. **Election of Council Members.** In 1993, all four members of the Town
2 Council shall be elected, two for four years and two for two years. The two candidates
3 receiving the highest number of votes shall serve for four years and the two candidates
4 receiving the next largest number of votes shall serve for two years. In 1995, and
5 biennially thereafter, two members shall be elected by the voters of the Town voting at
6 large.

7 "Sec. 3.3. **Election of the Mayor.** At the regular municipal election in 1993 and
8 biennially thereafter, the Mayor shall be elected by the voters voting at large.

9 "Sec. 3.4. **Appointment of Initial Town Council and Mayor.** Tom Moss, Ellen
10 A. Bryson, Susan Brown, and Richard A. Erdlitz shall serve as members of the Town
11 Council until their successors are elected in the 1993 municipal election and qualified.
12 David Johnston shall serve as Mayor of the Town of Glenville until his successor is
13 elected in the 1993 municipal election and qualified.

14 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

15 "Sec. 4.1. **Form of Government.** The Town operates under the Mayor-Council
16 form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the
17 General Statutes.

18 "Sec. 4.2. **Administrative Officers and Employees.** The Town Council may
19 establish positions, provide for the appointment of administrative officers and
20 employees, and generally organize the Town government in order to promote the
21 orderly and efficient administration of the affairs of the Town in accordance with the
22 law.

23 "Sec. 4.3. **Consolidation of Administrative Functions.** The Town Council may
24 consolidate any two or more administrative positions in the Town government or may
25 assign the functions of any position to the holder of any position, subject to the
26 requirements of the Local Government Budget and Fiscal Control Act and other State
27 laws.

28 "ARTICLE V. SPECIAL PROVISIONS.

29 "Sec. 5.1. Assessment for Street and Sidewalk Improvements; Petition Unnecessary.

30 (a) In addition to any authority which is now or may hereafter be granted by
31 general law to the Town for making street improvements, the Town Council may make
32 street improvements and assess the cost thereof against abutting property owners in
33 accordance with the provisions of this section.

34 (b) The Town Council may order street improvements and assess the cost thereof
35 against the abutting property owners, exclusive of the costs incurred at street
36 intersections, according to one or more of the assessment bases set forth in Article 10 of
37 Chapter 160A of the General Statutes without the necessity of a petition, upon a finding
38 by the Council that the street improvements do not exceed 1,200 linear feet, and

- 39 (1) That the street, or part thereof, is unsafe for vehicular traffic, and it is
40 in the public interest to make the improvements,
- 41 (2) That it is in the public interest to connect two streets, or portions of a
42 street, already improved,
- 43 (3) That it is in the public interest to widen a street, or part thereof, that is
44 already improved, provided that assessments for widening any street or

1 portion of a street without a petition shall be limited to the cost of
2 widening and otherwise improving the street in accordance with the
3 street classification and improvement standards established by the
4 Town for the street or part thereof to be widened under the authority
5 granted by this Article.

6 (c) For purposes of this Article, the term 'street improvement' includes grading,
7 regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-
8 of-way, and the construction or reconstruction of curbs, gutters, and street drainage
9 facilities.

10 (d) In addition to any authority which is now or may hereafter be granted by
11 general law to the Town for making sidewalk improvements, the Town Council may
12 without the necessity of a petition, make or order to be made sidewalk improvements or
13 repairs according to standards and specifications of the Town, and assess the total costs
14 thereof against abutting property owners, according to one or more of the assessment
15 bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes;
16 provided however that regardless of the assessment basis employed, the Town Council
17 may order the costs of sidewalk improvements made only on one side of a street to be
18 assessed against property owners abutting both sides of the street.

19 (e) In ordering street and sidewalk improvements without a petition and
20 assessing the cost thereof under authority of this Article, the Council shall comply with
21 the procedures provided by Article 10 of Chapter 160A of the General Statutes, except
22 those relating to the petition of property owners and the sufficiency thereof.

23 (f) The effect of the act of levying assessments under the authority of this Article
24 shall for all purposes be the same as if the assessments were levied under authority of
25 Article 10 of Chapter 160A of the General Statutes."

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

31 Sec. 3. This act does not repeal, modify, or in any manner affect any of the
32 following acts, portions of acts, or amendments thereto, whether or not such acts,
33 portions of acts, or amendments are expressly set forth herein:

- 34 (1) Any acts concerning the property, affairs, or government of public
35 schools in the Town of Glenville.
36 (2) Any acts validating, confirming, approving or legalizing official
37 proceedings, actions, contracts, or obligations of any kind.

38 Sec. 4. Chapter 139 of the 1891 Private Laws, having served the purposes for
39 which it was enacted, or having been consolidated into this act is repealed.

40 Sec. 5. This act does not affect any rights or interests, whether public or
41 private:

- 42 (1) Now vested or accrued, in whole or in part, the validity of which might
43 be sustained or preserved by reference to any provisions of law
44 repealed by this act.

1 (2) Derived from, or which might be sustained or preserved in reliance
2 upon, action heretofore taken pursuant to or within the scope of any
3 provisions of law repealed by this act.

4 Sec. 6. No law heretofore repealed expressly or by implication, and no law
5 granting authority which has been exhausted, shall be revived by:

6 (1) The repeal herein of any act repealing such law, or

7 (2) Any provision of this act that disclaims an intention to repeal or affect
8 enumerated or designated laws.

9 Sec. 7. All existing ordinances and resolutions of the Town of Glenville and
10 all existing rules or regulations of departments or agencies of the Town of Glenville, not
11 inconsistent with the provisions of this act, shall continue in full force and effect until
12 repealed, modified, or amended.

13 Sec. 8. No action or proceeding of any nature, whether civil, criminal,
14 judicial, administrative or otherwise, pending at the effective date of this act by or
15 against the Town of Glenville shall be abated or otherwise affected by the adoption of
16 this act.

17 Sec. 9. If any provision of this act or the application thereof to any person or
18 circumstances is held invalid, such invalidity shall not affect other provisions or
19 applications of this act that can be given effect without the invalid provision or
20 application, and to this end the provisions of this act are declared to be severable.

21 Sec. 10. Whenever a reference is made in this act to a particular provision of
22 the General Statutes, and the provision is later amended, repealed, or superseded, the
23 reference shall be deemed amended to refer to the amended General Statute, or to the
24 General Statute that most clearly corresponds to the statutory provision that is repealed
25 or superseded.

26 Sec. 11. This act is effective upon ratification.