

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 680

Short Title: Mulberry-Fairplains Incorporated.

(Local)

Sponsors: Representatives J. Brown and Holmes (Co-sponsors).

Referred to: Local and Regional Government II.

March 30, 1995

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF MULBERRY-FAIRPLAINS.

The General Assembly of North Carolina enacts:

Section 1. A Charter for the Town of Mulberry-Fairplains is enacted to read:

"CHARTER OF THE TOWN OF MULBERRY-FAIRPLAINS.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

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

"Sec. 1.2. **Map.** An official map of the Town, showing the current boundaries, is maintained permanently in the office of the Town Clerk and is available for public inspection. A true copy of such shall be filed in the office of the Wilkes County Register of Deeds.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. **Town Boundaries.** Until modified in accordance with law the boundaries of the Town of Mulberry-Fairplains are as follows:

1 From the intersection of Highway #18 North at Mulberry Church Road to the
2 intersection of SR #1703 and SR #1723; then on the Northwest side of the fire district
3 line, established February 6, 1963, on SR #1544 and SR #1545 to the end of Kilby
4 Branch Road; then on the Northwest side of SR #1546 to Robert Grimes property,
5 including the original boundary for the Mulberry-Fairplains Fire District beginning at a
6 point on Highway 18, 2/10 mile east of its intersection with Mertie Road; then northwest
7 to a point on the Mertie Road 2/10 mile northwest of its intersection with Highway 18,
8 then southeasterly to a point at the end of Road # 1542; then southeasterly to a point on
9 Road #1541 at the bridge on North Fork of Reddies River.

10 Then southeasterly to a point on Road # 1540, 6/10 mile northwest of bridge on North
11 Fork of Reddies River; then southeasterly to a point at the Fork of Reddies River. Then
12 following Reddies River southeasterly to a point approximately 6/10 mile northwest of
13 Suncrest Road. Then southeast to a point on Suncrest Road 2/10 mile southwest of its
14 intersection with Hackett (formerly, Gordon) Street.

15 Then southeast, following the city limits of North Wilkesboro along Waugh Street to
16 a point where the city limits of North Wilkesboro follow the route of Hwy. 18 North.
17 Then following the city limits of North Wilkesboro northwesterly to a point 1/10 mile
18 northwest of the intersection of Hwy. 18 and Mountain View Road, then to a point 1/10
19 mile northeasterly of the intersection of Hwy. 18 and Mountain View Road crossing
20 Mountain View Road and following the city limits of the town of North Wilkesboro
21 southeasterly to Northview Plaza, then following the city limits east, northeasterly past
22 Pine Street, south toward Hwy. 268 along the city limits of North Wilkesboro, then
23 east/northeasterly following the city limits of North Wilkesboro to the point where the
24 city limits of North Wilkesboro stop prior to the intersection of Hwy. 268 and Aaron Call
25 Road, then southeast crossing Hwy. 268 at a point where the city limits of North
26 Wilkesboro proceed westwardly, following the city limits of North Wilkesboro to a point
27 1.7 miles southwest on Flint Hill Road to a point where the city limits turn south, then
28 following the city limits of North Wilkesboro south/southeasterly along the line of the
29 city limits of North Wilkesboro to Mulberry River.

30 Then north along Mulberry River to a point on Highway 268 at the Mulberry River
31 bridge. Then following the Mulberry River northwesterly to a point on Road #1002, at
32 the Mulberry River bridge. Then northwesterly to a point on Road # 1706, at
33 Haymeadow Creek bridge. Then northerly to a point on Road #1703, 1.2 miles north of
34 the Mulberry River bridge excluding property on Road #1706 north of the preceding
35 point.

36 Then northwesterly to a point on Road #1717, 4/10 mile northeast of its intersection
37 with Road #1722. Then west to a point on Road #1722, 4/10 mile west of its intersection
38 with Road #1717. Then northwesterly to the beginning point on Highway 18, excluding
39 property on Road #1722 north of the preceding point.

40 **"CHAPTER III.**
41 **"GOVERNING BODY.**

1 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing
2 body of the Town of Mulberry-Fairplains is the Board of Aldermen, which has five
3 members, and the Mayor.

4 "Sec. 3.2. **Manner of Electing Board of Aldermen.** The qualified voters of the
5 entire Town elect the members of the Board of Aldermen.

6 "Sec. 3.3. **Term of Office of Board of Aldermen.** Members of the Board of
7 Aldermen are elected to four-year terms, except that of those elected at the initial election
8 in 1995, the three highest vote getters who are elected shall serve for four-year terms and
9 the next two highest vote getters shall serve for two-year terms. In 1997 and
10 quadrennially thereafter, two members of the Board of Aldermen shall be elected for
11 four-year terms. In 1999 and quadrennially thereafter, three members of the Board of
12 Aldermen shall be elected for four-year terms.

13 "Sec. 3.4. **Election of Mayor; Term of Office.** The Mayor shall be elected by the
14 qualified voters of the Town in 1995 and quadrennially thereafter for a four-year term.

15 "CHAPTER IV.

16 "ELECTIONS.

17 "Sec. 4.1. **Conduct of Town Elections.** Town elections shall be conducted on a
18 nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292.
19 Elections shall be conducted by the Wilkes County Board of Elections.

20 "CHAPTER V.

21 "ADMINISTRATION.

22 "Sec. 5.1. The Town of Mulberry-Fairplains shall operate under the Mayor-Council
23 plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

24 Sec. 2. Until the organizational meeting of the Board of Aldermen following
25 the 1995 municipal election, Jack D. Badgett, Herbert Church, Bryce Sebastian, James
26 Turner, and Phillip Wilson shall serve as members of the Board of Aldermen and Nada
27 Cleary Lawrimore shall serve as Mayor. In the event of a vacancy on the Board of
28 Aldermen, the Board of Aldermen shall appoint a qualified person to fill such vacancy
29 until the organizational meeting. The initial meeting of the Board of Aldermen shall be
30 called by the Mayor.

31 Sec. 3. (a) From and after the effective date of this act, the citizens and property in the
32 Town of Mulberry-Fairplains shall be subject to municipal taxes levied for the year
33 beginning July 1, 1995, and for that purpose the Town shall obtain from Wilkes County a
34 record of property in the area herein incorporated which was listed for taxes as of January
35 1, 1995; and the businesses in the Town shall be liable for privilege license tax from the
36 effective date of the privilege license tax ordinance.

37 (b) The Town may adopt a budget ordinance for fiscal year 1995-96 without
38 following the timetable in the Local Government Budget and Fiscal Control Act, but shall
39 follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal
40 year 1995-96, ad valorem taxes may be paid at par or face amount within 90 days of
41 adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S.
42 105-360 as if the taxes had been due and payable on September 1, 1995.

1 Sec. 4. At a date no earlier than 60 days after ratification of this act and no
2 later than September 1, 1995, established by the Board of Commissioners of Wilkes
3 County, the Wilkes County Board of Elections shall conduct a special election for the
4 purpose of submission to the qualified voters of the area described in Section 2.1 of the
5 Charter of the Town of Mulberry-Fairplains, the question of whether or not such area
6 shall be incorporated as the Town of Mulberry-Fairplains; provided that the Board of
7 Commissioners of Wilkes County may, by ordinance, provide that there shall be no
8 election on incorporation, in which case Sections 1 through 3 of this act have no force
9 and effect. Registration for the election shall be conducted in accordance with G.S. 163-
10 288.2.

11 Sec. 5. In the election, the question on the ballot shall be:

12 " FOR AGAINST
13 **INCORPORATION OF THE TOWN OF MULBERRY-FAIRPLAINS"**.

14 Sec. 6. In the election, if a majority of the votes are cast "For incorporation of
15 the Town of Mulberry-Fairplains", Sections 1 through 3 of this act become effective on
16 the date that the Wilkes County Board of Elections certifies the results of the election.
17 Otherwise, those sections shall have no force and effect.

18 Sec. 7. If a majority of the voters approve the incorporation of Mulberry-
19 Fairplains, the election of the Board of Aldermen and Mayor shall take place at an
20 election held on November 7, 1995. The Wilkes County Board of Elections shall
21 establish a special candidate filing period in lieu of that provided by Chapter 163 of the
22 General Statutes.

23 Sec. 8. This act is effective upon ratification.