

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 614
Committee Substitute Favorable 5/6/97

Short Title: Swift Creek Incorporated.

(Local)

Sponsors:

Referred to:

March 26, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE VILLAGE OF SWIFT CREEK.

3 The General Assembly of North Carolina enacts:

4 Section 1. A charter of the Village of Swift Creek is enacted as follows:

5 **"THE CHARTER OF THE VILLAGE OF SWIFT CREEK.**

6 **"CHAPTER I.**

7 **"INCORPORATION AND CORPORATE POWERS.**

8 "Section 1-1. **Incorporation and Corporate Powers.** The inhabitants of the Village
9 of Swift Creek are a body corporate and politic under the name 'Village of Swift Creek'.
10 Under that name they have all the powers, duties, rights, privileges, and immunities
11 conferred and imposed on cities by the general law of North Carolina, except that the
12 Village of Swift Creek shall permit North Carolina State University to continue to
13 operate and to expand existing research farm operations, known as the Lake Wheeler
14 Road Field Laboratories, on those lands owned by the State of North Carolina, or leased
15 or otherwise provided to the university for its use. The General Assembly intends by this
16 act to assist in fulfilling the broad public purpose of environmental preservation,
17 protection of watersheds, and enhancement of natural resources.

18 **"CHAPTER II.**

19 **"CORPORATE BOUNDARIES.**

1 "Sec. 2-1. **Village Boundaries.** Until modified in accordance with the law, the
2 boundaries of the Village of Swift Creek are as follows:

3 In Wake County, beginning at the intersection of Tryon Road and Lake Wheeler
4 Road, thence following Lake Wheeler Road in a direction generally south to where it
5 crosses Middle Creek, thence following Middle Creek in a direction generally west to its
6 intersection with Rocky Branch, thence following Rocky Branch in a direction generally
7 north to where it crosses Holly Springs Road, thence following Holly Springs Road
8 generally southwest to its intersection with Kildaire Farm Road, thence following
9 Kildaire Farm Road in a direction generally north to the northwest corner of Wake
10 County parcel 0760064109, thence following the northern boundaries of Wake County
11 parcels 0760064109, 0760065159, 0760161037, 0760164130, and 0760166148, easterly
12 to the northeast corner of Wake County Parcel 0760166148 thence following the eastern
13 boundaries of Wake County Parcels 0760166148, 0760167046, 0760157945,
14 0760157854, 0760156790, 0760157662, and 0760158428 southerly to Wake County
15 Parcel 0760159388, thence following the northern boundaries of Wake County Tax
16 Parcels 0760159388, 0760251434, and 0760253495 to Surry Ridge Circle, thence
17 following that same line across Surry Ridge Circle to the northwest corner of Wake
18 County Parcel 0760257443, thence following the northern boundary of Wake County
19 Parcels 0760257443, 0760350476, and 0760354421 east to the northeast corner of Wake
20 County Parcel 0760354421, thence following the eastern boundary of Wake County
21 Parcel 0760354421 south to the northern boundary of Wake County Parcel 0760355221,
22 thence along the northern boundaries of Wake County Parcels 0760355221, and
23 0760356240 east to where that line intersects Wake County Parcel 0760450236, thence
24 following the northern boundary of Wake County Parcel 0760450236 east, north, and
25 east to the intersection with Wake County Parcel 0760452485, thence following the
26 western boundary of Wake County Parcel 0760452485 in a generally northeast direction
27 to its intersection with Arthur Pierce Road, thence following Arthur Pierce Road in a
28 direction generally southeast to its intersection with Holly Springs Road, thence
29 following Holly Springs Road in a direction generally northeast to its intersection with
30 the extraterritorial zoning jurisdiction of the Town of Cary as it existed on March 26,
31 1997, thence following the extraterritorial zoning jurisdiction of the Town of Cary as it
32 existed on March 26, 1997, generally east to its intersection with Campbell Road, thence
33 following Campbell Road north to Tryon Road, thence following Tryon Road in a
34 direction generally east to the point and place of BEGINNING. This description includes
35 all named roads to their outer right-of-way, but excludes any area which on January 1,
36 1997, was within the corporate limits of the Town of Cary, the Town of Holly Springs, or
37 the City of Raleigh.

38 **"CHAPTER III.**
39 **"GOVERNING BODY.**

40 "Sec. 3-1. **Structure of the Governing Body; Number of Members.** The
41 governing body of the Village of Swift Creek is the Board of Aldermen which has five
42 members.

1 "Sec. 3-2. **Manner of Electing Board.** The qualified voters of the entire Village
2 nominate and elect the Board.

3 "Sec. 3-3. **Term of Office of Board Members.** Except for the initial Board,
4 members of the Board are elected to four-year terms. In 1999, five members shall be
5 elected to the Board. The three members receiving the highest number of votes shall
6 serve four-year terms. The two receiving the next highest number of votes shall serve
7 two-year terms. In 2001, and quadrennially thereafter, two members shall be elected to
8 the Board. In 2003, and quadrennially thereafter, three members shall be elected to the
9 Board.

10 "Sec. 3-4. **Mayor; Term of Office.** The Mayor shall be selected by the qualified
11 voters of the Village. The Mayor shall be elected in 1999 and quadrennially thereafter
12 for a four-year term. The Mayor shall vote on all issues before the council unless
13 excused under G.S. 160A-75.

14 "CHAPTER IV.

15 "ELECTIONS.

16 "Sec. 4-1. **Method.** Board members shall be elected on a nonpartisan plurality basis
17 and the results determined in accordance with G.S. 163-292.

18 "Sec. 4-2. **Results.** Election results shall be determined by the Wake County Board
19 of Elections according to Chapter 163 of the General Statutes.

20 "Sec. 4-3. **General Law.** Except as provided by this Charter, town election shall be
21 conducted in accordance with Chapter 163 of the General Statutes.

22 "CHAPTER V.

23 "ADMINISTRATION.

24 "Sec. 5-1. **Mayor-Board Plan.** The Village of Swift Creek shall operate under the
25 Council-Manager Plan as provided in Part 2 of Article 7 of Chapter 160A of the General
26 Statutes."

27 Section 2. (a) From and after the effective date of this act, the citizens and property in
28 the Village of Swift Creek shall be subject to municipal taxes levied for the year
29 beginning July 1, 1998, and for that purpose the Village shall obtain from Wake County a
30 record of property in the area herein incorporated which was listed for taxes as of January
31 1, 1998, and the businesses in the Village shall be liable for privilege license tax from the
32 effective date of the privilege license tax ordinance.

33 (b) The Village may adopt a budget ordinance for fiscal years 1998-99 and
34 1999-2000 without following the timetable in the Local Government Budget and Fiscal
35 Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is
36 practical. For fiscal year 1998-99, ad valorem taxes may be paid at par or face amount
37 within 90 days of adoption of the budget ordinance, and thereafter in accordance with the
38 schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 1998.

39 Section 3. The Wake County Board of Elections shall conduct a special
40 election on November 3, 1998, for the purpose of submission to the qualified voters of
41 the area described in Section 2-1 of the Charter of the Village of Swift Creek the question
42 of whether or not such area shall be incorporated as the Village of Swift Creek.
43 Registration for the election shall be conducted in accordance with G.S. 163-288.2.

