

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 894
HOUSE BILL 2160

AN ACT TO INCORPORATE THE TOWN OF BADIN, SUBJECT TO A
REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. A Charter for the Town of Badin is enacted to read:

"CHARTER OF THE TOWN OF BADIN.

"Chapter I.

"Incorporation and Corporate Powers.

"Section 1.1. Incorporation and corporate powers. The inhabitants of the Town of Badin are a body corporate and politic under the name of 'Town of Badin'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed upon cities by the general law of North Carolina except as herein specifically limited. Notwithstanding G.S. 160A-3 or G.S. 160A-4, the specific limitations contained in this Charter are restrictive and not supplementary to the general law of the State.

"Chapter II.

"Corporate Boundaries.

"Sec. 2.1. Town Boundaries. Until modified in accordance with law, the boundaries of the Town of Badin are as follows:

BEGINNING at a point #1 on contour at elevation 541 feet Yadkin, Inc., datum, which is the maximum normal water surface elevation of the Narrows Reservoir, and South 78-05 East 845 feet from the centerline of Tower No. 7 on the line from the Narrows Powerhouse to Alcoa's plant at Badin;

Thence South 18-55 east 1510 feet, point of centerline of Pine Street, Corner No. 2;

Thence meanders centerline of Hog Pen road in a south-westerly direction a distance of 3430 feet, more or less, to a point at the intersection of Hog Pen and Falls Road, Corner No. 3;

Thence meanders centerline of Falls Road in a northwesterly direction a distance of 1230 feet, more or less, to a point in the centerline of Falls Road, Corner No. 4;

Thence South 29-09 West 305 feet, Corner No. 5;

Thence South 73-30 West 698.5 feet, Corner No. 6;

Thence South 06-23 East 562.8 feet, Corner No. 7;

Thence South 27-55 West 905.4 feet, Corner No. 8;

Thence North 64-52 West 615.0 feet, Corner No. 9;

Thence South 03-49 East 150 feet, Corner No. 10;

Thence North 84-00 West 5 feet, Corner No. 11;

Thence South 03-49 East 80 feet, Corner No. 12;
Thence South 86-11 West 143 feet, Corner No. 13;
Thence South 03-49 East 370 feet, Corner No. 14;
Thence South 03-28 East 446 feet, Corner No. 15;
Thence South 05-15 East 630 feet, Corner No. 16;
Thence due West 2362 feet, more or less, to a point in the centerline of Little Mt. Creek, Corner No. 17;

Thence meanders the centerline of Little Mt. Creek in a northwesterly direction a distance of 4190 feet, more or less, Corner No. 18;

Thence North 35-11 West 319 feet, Corner No. 19;
Thence North 89-21 West 446 feet, Corner No. 20;
Thence North 58-19 West 1121 feet, Corner No. 21;
Thence North 32-24 East 1193 feet, Corner No. 22;
Thence North 03-01 East 1385 feet, Corner No. 23;
Thence North 39-20 East 2295 feet, Corner No. 24;
Thence South 50-40 East 820 feet, Corner No. 25;

Thence North 39-30 East 1270 feet, more or less, to a point on the southwest right of way of Highway No. 740, Corner No. 26;

Thence meanders the southwest right of way of Highway No. 740 in a southeasterly direction a distance of 1695 feet, more or less, to a point, said being on the right of way of Highway No. 740 and Alcoa's railroad, Corner No. 27;

Thence meanders the eastern right of way of Alcoa's railroad in a northeasterly direction a distance of 3995 feet, more or less, Corner No. 28;

Thence North 70-00 East 65 feet, more or less, to a point on the Narrows Reservoir at elevation 541 feet, Yadkin, Inc. datum, which is the maximum normal water surface elevation of said reservoir, Corner No. 29;

Thence meanders the 541 contour southwesterly, northeasterly and southeasterly direction a distance of 10,680 feet, more or less, to a point on said contour, point of beginning.

"Chapter III.

"Governing Body.

"Sec. 3.1. Structure of governing body; number of members. The governing body of the Town of Badin is the Town Council, which has five members.

"Sec. 3.2. Manner of electing board. The qualified voters of the entire Town elect the members of the Council. Two Resident Districts shall be established to be known as East Badin and West Badin. The East Badin District shall be defined as all of that area within the boundaries of the town lying to the east of N.C. Highway 740. The West Badin district shall be defined as all of that area within the boundaries of the Town lying to the west of N.C. Highway 740. One Council member shall be elected from each Resident District, with the remaining three members being elected at-large. Candidates for the district seats shall reside in and represent the districts, but all candidates shall be elected by all the qualified voters of the town.

"Sec. 3.3. Term of office of Council members. The initial members of the Council shall be elected in 1990 at the same time as the general election for county officers, and

the procedure shall be as generally provided for election of municipal officers in an odd-numbered year, except that the filing period shall open as soon as the results of the incorporation referendum are certified, and shall end at 12:00 noon on the third Friday after that date. The initial district members are elected for three-year terms, their successors shall be elected in 1993 and quadrennially thereafter for four-year terms. In 1990, the at-large candidate receiving the highest number of votes is elected to a three-year term, and the two at-large candidates receiving the next highest numbers of votes are elected to one-year terms. In 1991 and quadrennially thereafter, two at-large members are elected for four-year terms. In 1993 and quadrennially thereafter, one at-large member is elected for a four-year term. Initial town officers shall take office on the Monday following the canvassing of the returns of their election, at a time and place designated by any three of them.

"Sec. 3.4. Selection of Mayor: term of office. The members of the Town Council shall, from among their members, elect the Mayor at their organizational meeting to serve a two-year term, except that the Mayor elected in 1990 shall serve a one-year term.

"Chapter IV.

"Elections.

"Sec. 4.1. Conduct of Town elections. The Town Council shall be elected on a nonpartisan basis and the results determined by the plurality method as provided by G.S. 163-292.

"Chapter V.

"Administration.

"Sec. 5.1. Council-Town Administrator plan. The Town of Badin operates under the Council-Town Administrator plan as provided by Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 5.2. From and after July 1, 1990, the citizens and property in the Town of Badin shall be subject to municipal taxes levied for the year beginning July 1, 1990, and for that purpose the Town shall obtain from Stanly County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1990, and the businesses in the town shall be liable for privilege license tax from the effective date of the privilege tax ordinance. The Town may adopt a budget ordinance for fiscal year 1990-91 without following the timetable of the Local Government Budget and Fiscal Control Act. Ad valorem taxes for fiscal year 1990-91 shall become due and payable at par 90 days after the adoption of the ordinance levying them, and thereafter as if they had been due on September 1, 1990, in accordance with the schedule in G.S. 105-360.

"Sec. 5.3. In adopting its initial property tax rate, the Town council shall not exceed a rate of \$.21 per \$100 valuation. Thereafter the rate shall not be increased except biannually and only in the amount which does not exceed (1) the cumulative annual increase in the Implicit GNP Price Deflator over the preceding two years or (2) ten per cent of the rate for the next preceding year, whichever is less.

"Chapter VI.

"Limitation of Powers.

"Sec. 6.1. In recognition of existing regulatory authority of other governmental entities and notwithstanding common law or any general law to the contrary now or hereinafter enacted, the Town shall not adopt any regulatory ordinance or resolution relating to or affecting industrial facilities and operations.

"Sec. 6.2. Enactment of any ordinance adopting a Building Code, exercising the power of eminent domain, annexing property into the Town, or zoning or rezoning property shall require a 2/3 vote of the Town Council.

"Chapter VII.

"Transfer of Properties Owned and Town Services
Provided by Aluminum Company of America, Inc.

"Sec. 7.1. The Town of Badin shall accept all properties conveyed to it by Aluminum Company of America, Inc. in conjunction with incorporation of the Town, including but not limited to that portion of some street rights of way not previously dedicated to state highway use, sidewalks, back alleys, the storm water drain system and townsite areas set aside as parks. The Town shall maintain such properties as required by the public weal. The Town shall, upon transfer of said properties to it, assume all liability arising from the ongoing operation and maintenance of said properties as well as that attributable to their original design and construction. The Town shall upon incorporation assume the town services heretofore performed and provided by Aluminum Company of America, Inc. including street lighting, maintenance of some street rights of way not previously dedicated to state highway use, maintenance of townsite areas set aside as parks, maintenance of sidewalks, back alleys and storm water drainage systems."

Sec. 2. (a) The Stanly County Board of Elections shall conduct an election on a date set by it, to be not less than 60 nor more than 120 days after the date of ratification of this act, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of Badin, the question of whether or not such area shall be incorporated as Badin. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(b) In the election, the question on the ballot shall be:
"[] FOR Incorporation of Badin
[] AGAINST Incorporation of Badin".

Sec. 3. In such election, if a majority of the votes cast are cast "FOR Incorporation of Badin" then Section 1 of this act shall become effective on the date that the Stanly County Board of Elections determines the result of the election. Otherwise, Section 1 shall not become effective.

Sec. 3.1. The provisions of this act are severable, and if any provision of this act is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of the act which can be given effect without the invalid provision.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of July, 1990.