

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 405

Short Title: Northwest Incorporated.

(Local)

Sponsors: Representative Wright.

Referred to: Local and Regional Government I.

March 9, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE CITY OF NORTHWEST.

3 The General Assembly of North Carolina enacts:

4 Section 1. A charter for the City of Northwest is enacted to read:

5 "CHARTER OF THE CITY OF NORTHWEST.

6 "CHAPTER I.

7 "INCORPORATION AND CORPORATE POWERS.

8 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the City
9 of Northwest are a body corporate and politic under the name 'City of Northwest.'
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.

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

16 "CHAPTER II.

17 "CORPORATE BOUNDARIES.

18 "Sec. 2.1. **City Boundaries.** Until modified in accordance with the law the
19 boundaries of the City of Northwest are as follows:

20 CITY OF NORTHWEST

21 The following description was prepared by scale method from a map entitled
22 'Composite Boundary Map of the City of Northwest and Environs', dated November
23 1992, and prepared by Arnold W. Carson, RLS, from tax maps of a portion of
24 Brunswick County and a map entitled 'Boundary Survey of Sandy Creek, NC,

1 Extraterritorial Jurisdiction', said map being recorded in Map Cabinet W, Page 178 of
2 the Brunswick County Registry.

3 Beginning at a point, said point being the southwest corner of tax parcel 14-9, said point
4 also being located in the northerly right-of-way line of US Highway 74-76; thence,

5 1. running in a Northeastward direction 2,950'+/- leaving said right-of-
6 way line and along the westerly lines of tax parcels 14-9, 14-12.03,
7 and 15-34 to the northwest corner of parcel 15-34; thence,

8 2. running in a Southeastward direction 1,900'+/- along the northerly
9 lines of parcels 15-34 and 15-32 to the western most corner of parcel
10 15-23; thence,

11 3. running in a Northeastward direction 400'+/- along the westerly line of
12 tax parcel 15-23 to the southern most corner of parcel 15-21; thence,

13 4. running in a Northwestward direction 1,400'+/- along the
14 southwesterly line of parcel 15-21 to a point in the southerly line of
15 parcel 15-15; thence,

16 5. running in a Westward direction 400'+/- along the said southerly line
17 to the southerly most corner of said parcel 15-15; thence,

18 6. running in a Northwestward direction 300'+/- to the westerly most
19 corner of parcel 15-15; thence,

20 7. running in a Northeastward direction 600'+/- to the southwest corner of
21 parcel 15-16.01; thence,

22 8. running in a Northeastward direction 100'+/- along the westerly line of
23 said parcel to the southwest corner of parcel 15-14; thence,

24 9. running in a Northeastward direction 250'+/- along the westerly line of
25 said parcel to the southwest corner of parcel 15-6.01; thence,

26 10. running in a Northeastward direction 400'+/- along the westerly line of
27 said parcel to a point in the southerly line of parcel 15-3; thence,

28 11. running in a Southwestward direction 50'+/- to the southwest corner of
29 said parcel; thence,

30 12. running in a Northward direction 850'+/- along the westerly line of
31 said parcel to the southwest corner of parcel 15-1; thence,

32 13. running in a Northward direction 900'+/- along the westerly line of
33 said parcel to a point in the southerly right-of-way line of S.R. 1419;
34 thence,

35 14. running in a Northwestward direction 7,300'+/- along said southerly
36 right-of-way line to the northwest corner of parcel 8-27; thence,

37 15. running in a Northward direction perpendicular to said right-of-way
38 line 60'+/- to a point in the northerly right-of-way line of S.R. 1419;
39 thence,

40 16. running in a Westward direction 500'+/- along said right-of-way line to
41 a southwest corner of parcel 8-23; thence,

42 17. running in a Northeastward direction 200'+/- leaving said right-of-way
43 line and along the division line between said parcel and parcel 14-1 to

- 1 a point in the southerly right-of-way line of the Seaboard Coast Line
2 Railroad right-of-way; thence,
3 18. running in a Northward direction perpendicular to said right-of-way
4 line 200'+/- along said division line to a point in the northerly right-of-
5 way line of said right-of-way; thence,
6 19. running in a Northwestward direction 1,100'+/- along said right-of-
7 way line to a point in the westerly line of parcel 8-23; thence,
8 20. running in a Northward direction 1,100'+/- along said westerly line to
9 the northeast corner of parcel 14-1; thence,
10 21. running in a Westward direction 400'+/- along the northerly line of
11 said parcel to the northeast corner of parcel 8-22; thence,
12 22. running in a Southward direction 1,000'+/- along the easterly lines of
13 parcels 8-22, 8-21.01, and 8-21 and crossing said railroad right-of-way
14 to a point in the southerly right-of-way line of said railroad; thence,
15 23. running in a Northwestward direction 400'+/- along said right-of-way
16 to the northeast corner of parcel 8-1; thence,
17 24. running in a Southward direction 500'+/- along the easterly line of said
18 parcel to a point in the northerly right-of-way line of S.R. 1419;
19 thence,
20 25. running in a Westward direction 500'+/- along said right-of-way line to
21 the southwest corner of said parcel; thence,
22 26. running in a Northward direction 400'+/- leaving said right-of-way line
23 and along the westerly line of said parcel to a point; thence,
24 27. running in a Northeastward direction 100'+/- along said line of said
25 parcel to a point; thence,
26 28. running in a Northward direction 100'+/- to the northwest corner of
27 said parcel; thence,
28 29. running in a Southeastward direction 250'+/- along the northerly line
29 of said parcel to a point in the westerly right-of-way line of S.R. 1420;
30 thence,
31 30. running in a Northeastward direction 100'+/- along said right-of-way
32 line to a point where said right-of-way line intersects with the southern
33 right-of-way line of said railroad right-of-way; thence,
34 31. running in a Northwestward direction 700'+/- along said railroad right-
35 of-way line to a point in the county line between Brunswick and
36 Columbus Counties; thence,
37 32. running in a Northeastward direction 3,100'+/- leaving said right-of-
38 way line and along said county line to the northerly most corner of
39 parcel 8-12; thence,
40 33. running in a Southward direction 400'+/- along the easterly line of said
41 parcel to a point in Fox Grape Branch; thence,
42 34. running in an Eastward direction 7,400'+/- up the run of said branch as
43 it meanders to a point in the easterly line of S.R. 1421 (Goose Neck
44 Road); thence,

- 1 35. running in a Northward direction 1,500'+/- along said easterly right-of-
- 2 way line to the northwest corner of parcel 8-40; thence,
- 3 36. running in an Eastward direction 3,400'+/- along the northerly line of
- 4 said parcel and parcel 9-11.03 to the southwest corner of parcel 9-
- 5 15.01; thence,
- 6 37. running in a Northeastward direction 400'+/- to the southwest corner of
- 7 parcel 5-3.02; thence,
- 8 38. running in a Northward direction 2,200'+/- along the westerly line of
- 9 said parcel and parcels 5-3.01 and 5-3.04 to the northwest corner of
- 10 parcel 5-3.04; thence,
- 11 39. running in an Eastward direction 1,300'+/- along the northerly line of
- 12 said parcel and along a line of parcel 5-3 to a corner of parcel 5-3;
- 13 thence,
- 14 40. running in a Northward direction 100'+/- along the line of parcel 5-3 to
- 15 the northerly most corner of said parcel; thence,
- 16 41. running in an Eastward direction 750'+/- along the northerly lines of
- 17 said parcel and parcel 5-5 to the northeast corner of parcel 5-5; thence,
- 18 42. running in a Northward direction 550'+/- along the westerly line of
- 19 parcel 5-7 to the northerly most corner of parcel 5-7; thence,
- 20 43. running in an Eastward direction 1,400'+/- along the line of said parcel
- 21 and crossing the right-of-way of S.R. 1422 to a point in the eastern
- 22 right-of-way line of said S.R. 1422 (Blue Banks Avenue); thence,
- 23 44. running in a Northeastward direction 2,700'+/- along said right-of-way
- 24 line to the northwest corner of parcel 5-12.02 said point also being in
- 25 the run of Grist Mill Branch; thence,
- 26 45. running in an Eastward direction 3,000'+/- along the northerly lines of
- 27 parcels 5-12.02, 5-14.01, 5-14, and 5-15 (said northerly lines also
- 28 being the run of said branch as it meanders) to the northeast corner of
- 29 parcel 5-15; thence,
- 30 46. running in a Southward direction 2,400'+/- along the easterly lines of
- 31 parcels 5-15 and 5-9 to a corner of parcel 5-9; thence,
- 32 47. running in a Westward direction 800'+/- along the line of parcel 5-9 to
- 33 a corner of said parcel; thence,
- 34 48. running in a Southward direction 1,400'+/- along a line of said parcel
- 35 to the southeast corner of said parcel located in the northerly line of
- 36 parcel 5-7; thence,
- 37 49. running in an Eastward direction 1,700'+/- along the said northerly line
- 38 of said parcel to the northeast corner of said parcel; thence,
- 39 50. running in a Southwestward direction 1,300'+/- along the easterly line
- 40 of said parcel to a point in the northerly line of parcel 9-117.01;
- 41 thence,
- 42 51. running in a Northwestward direction 100'+/- along the division line of
- 43 parcels 5-7 and 9-117.01 to the northern most corner of parcel 9-
- 44 117.01; thence,

- 1 52. running in a Southwestward direction 3,900'+/- along the easterly lines
- 2 of parcels 5-7, 9-88, and 9-80 to the southeast corner of 9-80 (said
- 3 point being in the run of Double Run Branch); thence,
- 4 53. running in a Northwestward direction 400'+/- up the run of said branch
- 5 as it meanders to the northerly most corner of parcel 9-75; thence,
- 6 54. running in a Southwestward direction 3,300'+/- along the easterly lines
- 7 of parcels 9-75, 9-74, 9-73, 9-71, and 9-69 to the westerly most corner
- 8 of parcel 9-99; thence,
- 9 55. running in a Northeastward direction 900'+/- along the northerly line
- 10 of parcel 9-98 to the northeast corner of said parcel; thence,
- 11 56. running in a Southeastward direction 2,000'+/- along the easterly line
- 12 of said parcel and crossing the right-of-way of S.R. 1426 to a point in
- 13 the southern right-of-way line of said right-of-way; thence,
- 14 57. running in a Westward direction 1,600'+/- along said right-of-way line
- 15 to the northeasterly corner of parcel 15-73; thence,
- 16 58. running in a Southward direction 500'+/- along the easterly line of said
- 17 parcel to a point in the northerly right-of-way line of the Seaboard
- 18 Coast Line Railroad right-of-way; thence
- 19 59. running in a Southeastward direction 3,350'+/- along said right-of-way
- 20 line to a point in the run of Rattlesnake Branch; thence,
- 21 60. running in a Southward direction 1,900'+/- up the run of said branch
- 22 as it meanders to the northerly most corner of parcel 15-52; thence,
- 23 61. running in a Southeastward direction 2,100'+/- along the northeasterly
- 24 lines of parcels 15-52 and 15-49 to the easterly most corner of parcel
- 25 15-49; thence,
- 26 62. running in a Southwestward direction 2,900'+/- along the easterly line
- 27 of said parcel to the westerly corner of parcel 15-48; thence,
- 28 63. running in a Southeastward direction 300'+/- along the southwesterly
- 29 line of said parcel to a corner of parcel 15-49; thence,
- 30 64. running in a Southwestward direction 1,500'+/- along the division line
- 31 between parcels 15-49 and 15-43 to a point in the northeasterly right-
- 32 of-way line of S.R. 1419; thence,
- 33 65. running in a Southeastward direction 300'+/- along said right-of-way
- 34 line to a point where said right-of-way line intersects with the
- 35 northerly right-of-way line intersects with the northerly right-of-way
- 36 line of US Highway 74-76; thence,
- 37 66. running in a Westward direction 5,100'+/- along the said northerly
- 38 right-of-way line to a point in the corporate limits line of the Town of
- 39 Sandy Creek said point also being the southeast corner of parcel 15-
- 40 35.01; thence,
- 41 67. running in a Northeastward direction 220'+/- along said corporate
- 42 limits to the northeast corner of said parcel; thence,

- 1 68. running in a Northwestward direction 600'+/- along said corporate
2 limits in the northerly lines of parcels 15-35.01, 15-35, and 15-35.02 to
3 the northerly most corner of parcel 15-35.02; thence,
4 69. running in a Northeastward direction 100'+/- along said corporate
5 limits and the easterly line of parcel 14-12.06 to the easterly most
6 corner of said parcel; thence,
7 70. running in a Northwestward direction 1,000'+/- along said corporate
8 limits and the northerly lines of said parcel and parcel 14-12.01 to the
9 northerly most corner of parcel 14-12.01; thence,
10 71. running in a Northward direction 400'+/- along said corporate limits
11 and a line of parcel 14-12.02 to a point; thence,
12 72. running in a Northwestward direction 550'+/- along said corporate
13 limits and the northerly lines of said parcel and parcels 14-12.05 and
14 14-12.04 to the northwest corner of parcel 14-12.04; thence,
15 73. running in a southwestward direction 900'+/- along said corporate
16 limits and the easterly line of parcels 14-12.03 and 14-12.07 to a point
17 in the northerly right-of-way line of US Highway 74-76; thence,
18 74. running in a Northwestward direction 1,300'+/- along said right-of-
19 way line to the Point of Beginning, containing 4,000 acres +/- as
20 determined by planimeter and scale methods.

21 It is the intent that the corporate limits of the City of Northwest follow the appropriate
22 actual property line(s) of the parcels referred to in this description as described in the
23 deeds or maps of the individual tracts as recorded in the Brunswick County Registry or
24 filed with the Clerk of Court's Office of Brunswick County.

25 "CHAPTER III.

26 "GOVERNING BODY.

27 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing
28 body of the City of Northwest is the City Council, which has five members, and the
29 Mayor.

30 "Sec. 3.2. **Manner of Electing Council.** The qualified voters of the entire City
31 elect the members of the Council. To be eligible for election, a person must reside in
32 the City.

33 "Sec. 3.3. **Term of Office of Council Members.** Members of the Council are
34 elected to four-year terms except that of those elected at the initial election in 1993, the
35 three highest vote getters who are elected shall serve for four-year terms and the next
36 two highest vote getters shall serve for two-year terms. In 1995 and quadrennially
37 thereafter, two members of the Council shall be elected for four-year terms. In 1997
38 and quadrennially thereafter, three members of the Council shall be elected for four-
39 year terms. In the event of a vacancy, the Council shall appoint a qualified person to fill
40 such vacancy as provided by law, but if the vote is tied, the Clerk of Superior Court of
41 Brunswick County shall break the tie.

42 "Sec. 3.4. **Election of Mayor; Term of Office.** The qualified voters of the entire
43 City of Northwest shall elect the Mayor in 1993 and biennially thereafter for a two-year
44 term. In the event of a vacancy, the Council shall appoint a qualified person to fill such

1 vacancy for the remainder of the unexpired term, but if the vote is tied, the Clerk of
2 Superior Court of Brunswick County shall break the tie.

3 **"CHAPTER IV.**

4 **"ELECTIONS.**

5 "Sec. 4.1. **Conduct of Town Elections.** The Town officers shall be elected on a
6 nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292.
7 Elections shall be conducted by the Brunswick County Board of Elections.

8 **"CHAPTER V.**

9 **"ADMINISTRATION.**

10 "Sec. 5.1. The City of Northwest shall operate under the Mayor-Council plan as
11 provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

12 "Sec. 5.2. **Mayor.** The Mayor may:

- 13 (1) Suspend for misconduct until the next City Council Meeting the City
14 Clerk, Chief of Police, City Treasurer or any other employee of the
15 City. If the City Council fails to sustain the suspension, the person or
16 persons so suspended shall be automatically reinstated as of the date of
17 the action by the City Council.
- 18 (2) Call special meetings of the City Council.
- 19 (3) Impose a curfew; during a riot or general civil disorders pursuant to
20 the Laws of the State of North Carolina.
- 21 (4) Vote at meetings of the City Council in the event of a tie.

22 "Sec. 5.3. **Powers and Duties of Council Members.** The City Council may make
23 ordinances and regulations for the general good, health, and safety of the residents of
24 the city and specifically shall have the following powers in accordance with general
25 law:

- 26 (1) To hire a City Clerk, Police Chief, Treasurer, Tax Collector, City
27 Attorney, and any other employee of the City and to establish salaries
28 and wages for the same.
- 29 (2) To provide for a uniform method of paving public streets, alleys, and
30 sidewalks.
- 31 (3) To provide for a water and sewer system for the City.
- 32 (4) To provide for the collection of garbage, trash, and other refuse within
33 the City limits.
- 34 (5) To provide for fire and police protection for the inhabitants of the City.
- 35 (6) To regulate the construction, repair, and maintenance of houses,
36 buildings, and other man-made structures in the City limits.
- 37 (7) To promulgate minimum housing and building codes and regulations
38 or adopt similar regulations promulgated by the State of North
39 Carolina.
- 40 (8) To establish a Public Library.
- 41 (9) To provide for and maintain Public Parks.
- 42 (10) To levy and collect taxes.
- 43 (11) To impose and collect fines and civil penalties for violations of City
44 Ordinances and Regulations.

- 1 (12) To regulate the charges and fares of taxicabs, buses, and other vehicles
2 for hire.
- 3 (13) To regulate the operation of motor vehicles within the City limits by
4 speed regulations and traffic control signals.
- 5 (14) To license and regulate solicitors, merchants, peddlers, pool halls,
6 taverns, and bars.
- 7 (15) To establish salaries for the Mayor and the City Council persons
8 pursuant to the Laws of the State of North Carolina.
- 9 (16) No member of the Council shall be excused from voting on any matter
10 not involving his own official conduct or his financial interest.
- 11 (17) Any other powers not in conflict with the Constitution of the United
12 States of America, and the Constitution of the State of North Carolina
13 which are given to cities under the General Statutes of North Carolina.

14 **"CHAPTER VI.**
15 **"SEVERABILITY.**

16 "Sec. 6.1. **Severability.** If any provisions of this Charter are modified or declared
17 invalid by a court of competent jurisdiction or superseded by an act of the General
18 Assembly, all other provisions of this Charter shall remain in force and effect."

19 Sec. 2. Until the organizational meeting of the City Council of Northwest
20 following the 1993 municipal election, Ms. Elsie Peterson, Mr. James Robinson, Mr.
21 Artis R. Bryant, and Mr. Sylvester Ballard shall serve as members of the City Council.
22 The initial meeting of the City Council shall be called by the clerk to the Brunswick
23 County Board of Commissioners. The interim governing body shall, at its first meeting,
24 elect from among its members a chairman who shall have the powers of a Mayor
25 provided by general law. The City Council shall remain at four members until the
26 organizational meeting after the first election.

27 Sec. 3. From and after the effective date of this act, the citizens and property
28 in the City of Northwest shall be subject to municipal taxes levied for the year
29 beginning July 1, 1993, and for that purpose the City shall obtain from Brunswick
30 County a record of property in the area herein incorporated which was listed for taxes as
31 of January 1, 1993; and the businesses in the town shall be liable for privilege license
32 tax from the effective date of the privilege license tax ordinance. The City may adopt a
33 budget ordinance for fiscal year 1993-94 without following the timetable in the Local
34 Government Budget and Fiscal Control Act, but shall follow the sequence of actions in
35 the spirit of the act insofar as is practical. For fiscal year 1993-94, ad valorem taxes
36 may be paid at par or face amount within 90 days of adoption of the budget ordinance,
37 and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been
38 due and payable on September 1, 1993. The City of Northwest is eligible to receive
39 distributions of State funds during fiscal year 1993-94.

40 Sec. 4. This act is effective upon ratification.