

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 773*

Short Title: Millers Creek Incorporated. (Local)

Sponsors: Representatives Walker; and Holmes.

Referred to: Finance.

March 26, 2001

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Millers Creek is enacted to read:

"CHARTER OF THE TOWN OF MILLERS CREEK.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Millers Creek are a body corporate and politic under the name 'Town of Millers Creek'. The Town of Millers Creek has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Millers Creek are as follows:

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Millers Creek is the Mayor and the Town Council, which shall have six members.

"Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial election in 2001 provided for by Section 4.1 of this Charter, Buck Parsons is hereby appointed Mayor, and Ravaughn Ashley, Harold Bowlin, Clyde Bumgarner, Joyce Dyer, John Higgins, and Archie Nichols are appointed members of the Town Council. They shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter.

1 "Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified
2 voters of the entire Town shall elect the members of the Town Council and, except as
3 provided in this section, they shall serve four-year terms. In 2001, the three candidates
4 receiving the highest numbers of votes shall be elected to four-year terms and the three
5 candidates receiving the next highest numbers of votes shall be elected to two-year
6 terms. In 2003, and quadrennially thereafter, three members shall be elected to four-year
7 terms. In 2005, and quadrennially thereafter, three members shall be elected to four-year
8 terms.

9 "Section 3.4. **Manner of Electing Mayor; Term of Office.** The qualified voters of
10 the entire Town shall elect the Mayor. In 2001, and biennially thereafter, the Mayor
11 shall be elected for a term of two years.

12 "ARTICLE IV. ELECTIONS.

13 "Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a
14 nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

15 "ARTICLE V. ADMINISTRATION.

16 "Section 5.1. **Town to Operate under Mayor-Council Plan.** The Town shall
17 operate under the Mayor-Council form of government as provided in Part 3 of Article 7
18 of Chapter 160A of the General Statutes.

19 "Section 5.2. **Town Clerk.** The Town Council shall appoint a Town Clerk as
20 provided in G.S. 160A-171, and the clerk shall perform the duties required by law or the
21 Council.

22 "Section 5.3. **Town Attorney.** The Town Council shall appoint a Town Attorney as
23 provided in G.S. 160A-173, and the Town Attorney shall serve at the pleasure of the
24 Town Council and be its legal adviser.

25 **SECTION 2.** From and after the effective date of this act, the citizens and
26 property in the Town of Millers Creek shall be subject to municipal taxes levied for the
27 year beginning July 1, 2001. For that purpose the Town shall obtain from Wilkes
28 County a record of property in the area herein incorporated which was listed for
29 property taxes as of January 1, 2001. The Town may adopt a budget ordinance for
30 fiscal year 2001-2002 without following the timetable in the Local Government Budget
31 and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act
32 insofar as is practical. For fiscal year 2001-2002, ad valorem taxes may be paid at par
33 or face amount within 90 days of adoption of the budget ordinance and thereafter in
34 accordance with the schedule in G.S. 105-360. If the effective date of the incorporation
35 is prior to July 1, 2001, the Town may adopt a budget ordinance for fiscal year
36 2000-2001 without following the timetable in the Local Government Budget and Fiscal
37 Control Act, but shall follow the sequence of actions in the spirit of the act insofar as
38 practical. No ad valorem taxes may be levied for the 2000-2001 fiscal year.

39 **SECTION 3.** The Wilkes County Board of Elections shall conduct an
40 election on a date set by the Board, to be not less than 60 nor later than 120 days after
41 this act becomes law, for the purpose of submission to the qualified voters for the area
42 described in Section 2.1 of the Charter of the Town of Millers Creek the question of
43 whether or not the area shall be incorporated as the Town of Millers Creek. Registration
44 for the election shall be conducted in accordance with G.S. 163-288.2.

1 **SECTION 4.** In the election, the question on the ballot shall be:

2 " FOR AGAINST

3 Incorporation of the Town of Millers Creek".

4 **SECTION 5.** In the election, if a majority of the votes are cast "For the
5 Incorporation of the Town of Millers Creek", Sections 1 and 2 of this act shall become
6 effective on the date that the Wilkes County Board of Elections certifies the results of
7 the election. Otherwise, Sections 1 and 2 of this act shall have no force and effect.

8 **SECTION 6.** This act is effective when it becomes law.