

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 456
HOUSE BILL 613

AN ACT TO CREATE THE CHARLOTTE-MECKLENBURG RECREATION
COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Section 54 of Chapter 366 of the Public-Local Laws of 1939, as amended, is hereby rewritten to read as follows:

"Sec. 54. (a) Charlotte-Mecklenburg Recreation Commission Created; Purpose. There is hereby created in the City of Charlotte and the County of Mecklenburg a joint commission to be known as the Charlotte-Mecklenburg Recreation Commission, which shall have the powers and duties hereinafter set forth.

"(b) Membership; Terms of Office; How Appointed. The Commission shall consist of 11 members who shall be appointed as follows:

(1) Seven members appointed by the Charlotte City Council in the following manner:

a. The first members of the Commission who shall be deemed to have been appointed by the city council shall be those persons now serving terms of office on the present Charlotte Park and Recreation Commission, hereby abolished, who shall continue to serve on the Charlotte-Mecklenburg Commission for terms equal to the unexpired terms held on the Charlotte Commission. They are Mr. L. M. McEwen, Jr., whose term shall expire on March 21, 1960; Mr. Ernest J. Sifford and Mr. J. B. Clark, whose terms shall expire on March 21, 1961; Mr. J. H. Murnick, whose term shall expire on March 21, 1962; Mr. R. P. Steffey, whose term shall expire on March 21, 1963; and Mr. Joseph W. Grier, Jr., and Mrs. Robert D. Howerton, whose terms shall expire on March 21, 1964.

b. Upon the expiration of each of the terms of those seven members as set out in the preceding paragraph, the Charlotte City Council shall appoint successor members of the Charlotte-Mecklenburg Commission who shall serve for terms of five years each and until successors are appointed for like terms.

(2) Four members appointed by the Mecklenburg County Commissioners in the following manner:

a. Immediately following the date when this Act becomes effective, as hereinafter provided, the Mecklenburg Board of County Commissioners shall meet and appoint to the Commission four members, whose terms shall commence on appointment and one of whom shall be appointed for a term to expire March 21, 1963, one for a term

to expire March 21, 1962, one for a term to expire March 21, 1961, and one for a term to expire March 21, 1960.

b. Upon the expiration of each of the terms of those four members provided for in the preceding paragraph, the Mecklenburg County Commissioners shall appoint successor members of the Commission who shall serve for terms of five years and until successors are appointed for like terms.

Vacancies occurring on the Commission otherwise than by expiration of a term, shall be filled by appointment for the unexpired term to the vacant office by the authority originally appointing the member whose office has been vacated.

"(c) Powers, Purposes and Duties of the Commission. The powers, purposes and duties of the Charlotte-Mecklenbug Recreation Commission shall include:

(1) The acquisition by purchase, gift, lease or otherwise, of parks, playgrounds and other property and use of the same, or the proceeds, for parks, playgrounds or other recreational purposes in and near the County of Mecklenburg, in the interest of providing adequate healthful recreation facilities for all the citizens of Mecklenburg County and vicinity;

(2) Using, laying out, improving and maintaining those recreational facilities acquired, and providing therefor such playground equipment, swimming pools, baseball grounds, tennis courts, and such other facilities and equipment for recreation and play as the Commission may deem necessary or desirable;

(3) The making of such reasonable rules and regulations for its own proper organization and procedure, and the management, control and improvement of those recreational facilities acquired, including the expenditure of such funds as may be or become available for the improvement or management thereof and the charging of reasonable fees for the use of such facilities as well as reasonable entrance fees for the viewing of exhibitions played or performed thereon, provided such rules and regulations are not inconsistent with the laws of the State of North Carolina or the ordinances of Mecklenburg County or the City of Charlotte.

(4) Election from its membership of all officers necessary to the efficient management and operation of the Commission and all funds coming into the hands of the Commission, including a chairman, vice-chairman, and secretary. At its first meeting the Commission shall elect officers to serve until the following March 21st, and thereafter the Commission shall elect officers annually to serve for one year and until their successors are elected. The members of the Commission and its officers shall receive no compensation. The Treasurer of the City of Charlotte shall, by virtue of his office, also be the Treasurer of the Commission, and shall serve as such treasurer without compensation. All funds coming into the hands of the Commission shall be held by the treasurer, who shall pay out said funds only on vouchers approved by such person or persons as the Commission may from time to time designate. At all meetings of the Commission, a majority of the entire membership of the Commission shall constitute a quorum.

(5) The employment of a superintendent and such other employees as may be necessary for the proper implementation of the purposes and duties of the Commission.

(6) The power to sue and be sued in its own name as the Charlotte-Mecklenburg Recreation Commission, as a corporate body; to have a common seal; and to contract and be contracted with for the proper implementation and carrying out of the purposes and duties of the Commission. The power to hold title to property and transfer and convey the same in its name by its officers in the same manner as business corporations, subject to the limitations herein contained.

(7) Cooperating and coordinating with commissions, clubs, departments, corporations or other organizations in other counties, cities and towns, including but not limited to those organized under the provisions of G. S. 160-155, et seq., both within and without the State of North Carolina, which are engaged in providing recreation.

"(d) Limitations on Powers. The Commission shall not have the power to:

(1) Mortgage or encumber property owned by it or under its control or supervision otherwise than as hereinafter provided;

(2) Borrow money from any source whatsoever, but the governing bodies of the City of Charlotte or Mecklenburg County may in their discretion advance and lend to the Commission in anticipation of uncollected taxes such sums, not exceeding in the aggregate at any time the total amount of taxes theretofore levied for the purposes of the Commission and then remaining uncollected. In the event of such an advancement in anticipation of uncollected taxes the city or the county making the advancement shall have a lien upon such uncollected taxes for the amount of such advancement and shall reimburse itself for such amounts out of such taxes as and when collected.

Provided that, the Commission is hereby authorized and empowered to lease or rent any property owned by it or under its supervision or control for a period of time not to exceed twenty years by and with the consent of the governing bodies of the City of Charlotte and Mecklenburg County; and provided further that any property owned by the Commission can be sold or exchanged by and with similar consent given. The provisions of subdivision (1) of this subsection shall not be construed to prohibit the Commission, by and with the consent of the governing bodies of the city and county, from buying property within or without Mecklenburg County, and paying therefor by cash or by deferred payments, secured by notes or bonds or mortgages or deeds of trust on the land so purchased, so long as the land purchased is the sole security for the payment of such notes, bonds, mortgage or deed of trust and provided the purchase cannot in any wise be a charge upon the general credit of the City of Charlotte, Mecklenburg County or the Charlotte-Mecklenburg Recreation Commission, and provided further that the Commission shall not create, in the aggregate, annual deferred payments on principal and interest in such purchases of real estate which exceed twenty per cent (20%) of the average annual income of said Commission, computed on the basis of annual income received by the Commission for a period of three years prior to the time of such purchase.

"(e) Levy of Taxes for Maintenance and Support of Commission. The Charlotte City Council and the Mecklenburg Board of County Commissioners, at the time of levying taxes for the general operation of the city and the county, respectively, are hereby authorized to levy a tax for the maintenance and support of the Commission in an amount not to exceed the amount heretofore or hereafter approved by a vote of the

people of the city and the portion of the county outside the city, respectively, for such purpose, and shall pay the proceeds of such taxes over to the Commission as collected by the city or county, in monthly payments, provided that only property lying outside the limits of the City of Charlotte may be taxed by the county for this purpose and only that property lying inside the limits of the city may be taxed by the city for this purpose. Such taxes as provided for herein shall not preclude the levy of any additional taxes that may be lawfully assessed for the benefit of the Commission or other public recreational purposes by the city or the county or any other municipality having authority to levy taxes and located in Mecklenburg County. Authority is hereby granted to the city and the county to call special elections for the purposes of this subsection.

"(f) Transfer of Ownership of Property; Change of Beneficiary of Revenues. All property, real and personal, heretofore owned or possessed by the Charlotte Park and Recreation Commission and duties and obligations connected therewith are hereby transferred and conveyed to the Charlotte-Mecklenburg Recreation Commission as successor to the Charlotte Park and Recreation Commission, and all moneys, funds, and revenues heretofore going to and received by the Charlotte Park and Recreation Commission shall hereafter go to and be received by the Charlotte-Mecklenburg Recreation Commission as successor to the said Charlotte Park and Recreation Commission, including but not limited to taxes levied by the City of Charlotte, revenues from Mecklenburg County Alcoholic Board of Control funds and State intangible taxes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective only upon approval by the voters of the portion of Mecklenburg County outside the City of Charlotte of a tax levy under the provisions of subsection (e) of Section 54, providing for a levy of not to exceed five cents (5¢) per hundred dollars (\$100.00) valuation, for the uses and purposes of the Commission, except that authority is hereby granted to the governing body and Board of Elections of Mecklenburg County to call such an election and to this extent this Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1959.