

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 495*

Short Title: Fletcher Incorporated.

(Local)

Sponsors: Senators Hardin and Carpenter.

Referred to: Local Government.

March 20, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF FLETCHER, SUBJECT TO A
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

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

6 **"CHARTER OF THE TOWN OF FLETCHER.**

7 **"CHAPTER I.**

8 **"INCORPORATION AND CORPORATE POWERS.**

9 "Section 1.1. Incorporation and corporate powers. The inhabitants of the Town of
10 Fletcher are a body corporate and politic under the name 'Town of Fletcher'. Under that
11 name they have all the powers, duties, rights, privileges, and immunities conferred and
12 imposed upon cities by the general law of North Carolina.

13 **"CHAPTER II.**

14 **"CORPORATE BOUNDARIES.**

15 "Sec. 2.1. Town boundaries. (a) Until modified in accordance with law,
16 the boundaries of the Town of Fletcher are as follows:

17 BEGINNING at a point in the center of Cane Creek where said creek is intersected by
18 the eastern margin of the N.C. Department of Transportation's right-of-way of Interstate
19 26; thence easterly, running with the center of Cane Creek to the point of confluence of
20 Hooper's Creek with Cane Creek; thence continuing easterly, running with the center of
21 Hooper's Creek to a point where said creek intersects the southeastern margin of State
22 Road (SR) 1539 (Jackson Road); thence northeasterly, running with the southeastern
23 margin of SR 1539 to its intersection with the northeastern margin of SR 1552 (Souther
24 Road, also known as Youngblood Loop and Burney Mountain Road); Thence

1 northwesterly running with the northeastern margin of SR 1552 to its intersection with
2 the northern margin of SR 1553 (Hooper's Creek Road); Thence westerly running with
3 the northern Margin of SR 1553 to its intersection with the northeastern margin of SR
4 1552 (Burney Mountain Road); Thence running northwesterly with the northeastern
5 Margin of SR 1552 to its intersection with the eastern margin of SR 1551 (Mills Gap
6 Road); Thence northerly running with the eastern margin of SR 1551 to its intersection
7 with the amended Buncombe-Henderson County boundary line as established by an Act
8 of the Legislature of North Carolina in 1851, (recorded in Laws of North Carolina,
9 1850-1851, Chapter XLV, Page 113-114, ratified the 23rd day of January 1851);
10 Thence westerly running with the amended Buncombe-Henderson County boundary
11 line to a concrete monument, the terminus of the first call of the Buncombe-Henderson
12 County boundary line as established by House Bill 1283, (1959-Session Laws, Chapter
13 1145, ratified the 18th day of June, 1959); Thence running easterly and southerly with
14 the Buncombe-Henderson County boundary line as established by said House Bill 1283,
15 to its intersection with the eastern Boundary of the Interstate 26 right-of-way; thence
16 southerly, running with the eastern Boundary of the Interstate 26 right-of-way to its
17 intersection with the Buncombe-Henderson County boundary line as established by
18 House Bill 1283; thence easterly and southerly, running with the Buncombe-Henderson
19 County boundary line as established by House Bill 1283, to its intersection with the
20 eastern boundary of the Interstate 26 right-of-way; thence southerly, running with the
21 eastern boundary of the Interstate 26 right-of-way to the point of BEGINNING.

22 (b) Notwithstanding Article 4A of Chapter 160A of the General Statutes, the
23 Town of Fletcher may not annex any territory within Buncombe County.

24 "Sec. 2.2. Electoral District Boundaries.

25 (a) For the purpose of residence of members of the Town Council as provided in
26 section 3.2 of this Charter, the boundaries of electoral district 1 are as follows:
27 BEGINNING at a point in the east margin of Mills Gap Road (SR 1551) at its
28 intersection with the Amended Buncombe-Henderson County line as established by an
29 Act of Legislature of North Carolina in 1851 (recorded in Laws of North Carolina,
30 1850-1851, Chapter XLV Page 113-114, ratified the 23rd day of January 1851);
31 Thence, from said beginning point, westerly with the Amended Buncombe-Henderson
32 County line to a point in the west line of Block 4 of Dade-Olina Park, Ref. Plat Cabinet
33 B, Slide 45A, Henderson County Register of Deeds Office, the same being the east line
34 of the Calvary Episcopal Church property;
35 Thence southerly with said line of Dade-Olina Park and Calvary Episcopal Church and
36 continuing to a point in the center of Old Airport Road (SR 1547);
37 Thence with the centerline of Old Airport Road easterly to its intersection with the
38 centerline of Cane Creek Road (SR 1545);
39 Thence with the centerline of Cane Creek Road southerly and westerly to a point over
40 the center of the centerline of Southern Railway's main line;
41 Thence, with the centerline of Southern Railway's main line, southerly to its intersection
42 with the center of Cane Creek;
43 Thence easterly running with the center of Cane Creek to the point of confluence of
44 Hooper's Creek with Cane Creek;

1 Thence continuing easterly running with the center of Hooper's Creek to a point where
2 said creek intersects the southeastern margin of Jackson Road (SR 1539);
3 Thence northeasterly, running with the southeastern margin of Jackson Road (SR 1539)
4 to its intersection with the northeastern margin of Souther Road, also known as
5 Youngblood Loop and Burney Mountain Road (SR 1552);
6 Thence northwesterly running with the northeastern margin of Souther Road (SR 1552)
7 to its intersection with the northern margin of Hooper's Creek Road (SR 1553);
8 Thence westerly running with the northern margin of Hooper's Creek Road (SR 1553)
9 to its intersection with the northeastern margin of Burney Mountain Road (SR 1552);
10 Thence running northwesterly with the northeastern margin of Burney Mountain Road
11 (SR 1552) to its intersection with the eastern margin of Mills Gap Road (SR 1551);
12 Thence northerly running with the eastern margin of Mills Gap Road (SR 1551) to the
13 Point of Beginning.

14 (b) For the purpose of residence of members of the Town Council as provided in
15 section 3.2 of this Charter, the boundaries of electoral district 2 are as follows:
16 BEGINNING AT a point in the Amended Buncombe-Henderson County line as
17 established by an Act of Legislature of North Carolina in 1851 (recorded in Laws of
18 North Carolina, 1850-1851, Chapter XLV, page 113-114, ratified the 23rd day of
19 January, 1851), at its intersection with the west line of Block 4 of Dade-Olina Park, Ref.
20 Plat Cabinet B, Slide 45A, Henderson County Register of Deeds Office, the same being
21 the east line of the Calvary Episcopal Church property;
22 Thence southerly with said line of Dade-Olina Park and Calvary Episcopal Church and
23 continuing to a point in the center of Old Airport Road (SR 1547);
24 Thence with the centerline of Old Airport Road easterly to its intersection with the
25 centerline of Cane Creek Road (SR 1545);
26 Thence with the centerline of Cane Creek Road southerly and westerly to a point over
27 the center of the centerline of Southern Railway's main line;
28 Thence with the centerline of Southern Railway's main line southerly to its intersection
29 with the center of Cane Creek;
30 Thence with the center of Cane Creek westerly crossing U. S. Highway No. 25 to the
31 point of confluence of Cane Creek with Westfeldt Branch.
32 Thence northerly with the center of Westfeldt Branch to its intersection with the
33 centerline of Fanning Bridge Road (SR 1358);
34 Thence westerly and northerly with the centerline of Fanning Bridge Road to its
35 intersection with St. John's Road (SR 1361);
36 Thence northerly with the centerline of St. John's Road to its intersection with U.S. 25;
37 Thence northerly with the centerline of U. S. 25 to its intersection with the
38 aforementioned Amended Buncombe-Henderson County line;
39 Thence easterly with the Amended Buncombe-Henderson County line to the Point of
40 Beginning.

41 (c) For the purpose of residence of members of the Town Council as provided in
42 section 3.2 of this Charter, the boundaries of electoral district 3 are as follows:

1 BEGINNING at a point in the center of Cane Creek where said creek is intersected by
2 the eastern margin of the North Carolina Department of Transportation right-of-way of
3 Interstate 26;
4 Thence easterly, running with the center of Cane Creek to the point of confluence of
5 Westfeldt Branch;
6 Thence northerly with the center of said branch to its intersection with the centerline of
7 Fanning Bridge Road;
8 Thence westerly with the centerline of Fanning Bridge Road to its intersection with the
9 Buncombe-Henderson County line as established by House Bill 1283 (1959-Session
10 Laws, Chapter 1145, ratified the 18th day of June, 1959);
11 Thence southerly with said Buncombe-Henderson County line to its intersection with
12 the eastern boundary of the North Carolina Department of Transportation's right-of-way
13 of Interstate 26;
14 Thence southerly with said right-of-way to the Point of Beginning.

15 (d) For the purpose of residence of members of the Town Council as provided in
16 section 3.2 of this Charter, the boundaries of electoral district 4 are as follows:
17 BEGINNING at a point in the centerline of U.S. 25 at its intersection with the amended
18 Buncombe-Henderson County Line as established by an Act of Legislature of North
19 Carolina in 1851 (recorded in Laws of North Carolina 1850-1851, Chapter XLV, Page
20 113-114, ratified the 23rd day of January, 1851);
21 Thence southerly with the centerline of U.S. 25 to its intersection with the centerline of
22 St. John's Road (SR 1361);
23 Thence southerly with the centerline of St. John's Road to its intersection with the
24 centerline of Fanning Bridge Road (SR 1358);
25 Thence westerly with the centerline of Fanning Bridge Road to the Buncombe-
26 Henderson County Line as established by House Bill 1283, (1959-Session Laws,
27 Chapter 1145, ratified the 18th day of June, 1959);
28 Thence northerly and westerly running with said Buncombe-Henderson County line as
29 established by House Bill 1283 to its intersection with the eastern boundary of the right-
30 of-way of Interstate 26;
31 Thence northerly with the eastern boundary of the right-of-way of Interstate 26 to its
32 intersection with the Buncombe-Henderson County line as established by House Bill
33 1283;
34 Thence with the Buncombe-Henderson County line as established by House Bill 1283
35 northerly and westerly to a concrete monument, the terminus of the first call of the
36 Buncombe-Henderson boundary line as established by House Bill 1283, said monument
37 standing in the amended Buncombe-Henderson County line aforementioned;
38 Thence easterly with said Amended Buncombe-Henderson County line to the Point of
39 Beginning.

40 (e) The boundaries of the electoral districts may be adjusted as provided by G.S.
41 160A-23 after annexations and after the decennial federal census.

42 **"CHAPTER III.**
43 **"GOVERNING BODY.**

1 "Sec. 3.1. Structure of governing body; number of members. The governing body of
2 the Town of Fletcher is the Town Council, which has four members, and the Mayor.

3 "Sec. 3.2. Manner of electing board. The Town is divided into four electoral
4 districts, and each is represented on the Council by one member. The qualified voters of
5 the entire Town nominate and elect the members of the Council. To be eligible for
6 election to the council, a person must reside in the district of the office sought.

7 "Sec. 3.3. Term of office of Council members. Members of the Town Council are
8 elected to four-year terms, except at the initial election in 1989, the two highest vote
9 getters who are elected to district seats shall be elected to four-year terms, and the next
10 two highest vote-getters elected to district seats shall be elected to two-year terms. In
11 1991 and quadrennially thereafter, two members of the Council shall be elected for
12 four-year terms. In 1993 and quadrennially thereafter, two members of the Council
13 shall be elected for four-year terms.

14 "Sec. 3.4. Selection of Mayor; term of office. The qualified voters of the entire town
15 nominate and elect the Mayor. A mayor shall be elected in 1989 and quadrennially
16 thereafter for a four-year term.

17 **"CHAPTER IV.**
18 **"ELECTIONS.**

19 "Sec. 4.1. Conduct of Town elections. The Town Council and Mayor shall be
20 elected on a nonpartisan basis and the results determined by the primary method as
21 provided by G.S. 163-294; provided that if the City of Hendersonville is scheduled to
22 hold a primary on the sixth Tuesday before the election under G.S. 163-279(a)(2), the
23 nonpartisan primary in the Town of Fletcher shall be on that date.

24 **"CHAPTER V.**
25 **"ADMINISTRATION.**

26 "Sec. 5.1. Mayor-Council plan. The Town of Fletcher operates under the Mayor-
27 Council plan as provided by Part 3 of Article 7 of Chapter 160A of the General Statutes.

28 "Sec. 5.2. Board and Commissions. The Town Council may appoint such
29 commissions and committees as it deems necessary or advisable in providing local
30 governmental service to the Town.

31 "Sec. 5.3. Streets. The Town Council may contract with the North Carolina
32 Department of Transportation for street maintenance.

33 "Sec. 5.4. Fire protection. The Town shall contract with Fletcher Fire and Rescue
34 for fire and rescue purposes, as long as Fletcher Fire and Rescue is capable of providing
35 such services, under an agreed upon contract.

36 "Sec. 5.5. Police Protection. The Town of Fletcher may contract with the
37 Henderson County Board of Commissioners to set up a special force of the Sheriff's
38 Department to provide police protection within the Town. That contract may call for at
39 least six such officers to be assigned to provide police protection to the Town."

40 Sec. 2. From and after July 1, 1989, the citizens and property in the Town of
41 Fletcher shall be subject to municipal taxes levied for the year beginning July 1, 1989,
42 and for that purpose the Town shall obtain from Henderson County a record of property
43 in the area herein incorporated which was listed for taxes as of January 1, 1989, and the
44 businesses in the Town shall be liable for privilege license tax from the effective date of

1 the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal
2 year 1989-90 without following the timetable in the Local Government Budget and
3 Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act
4 insofar as is practical. If ad valorem taxes for fiscal year 1989-90 are adopted after
5 August 1, 1989, they shall become due and payable at par 90 days after the adoption of
6 the ordinance levying them, and thereafter as if they had been due on September 1,
7 1989, in accordance with the schedule in G.S. 105-360.

8 Sec. 3. (a) Until members of the Town Council are elected in 1989 in
9 accordance with the Town Charter and the law of North Carolina, Harold Conner,
10 Byron Terrell, Sara Waechter, and John Parris, Sr. shall serve as members of the Town
11 Council.

12 (b) Until a Mayor is elected in 1989, the Council shall elect a chairman from its
13 membership who shall have the powers of a Mayor provided by general law, but may
14 vote on all issues before the Council.

15 Sec. 4. (a) The Henderson County Board of Elections shall conduct an
16 election on a date set by it, to be not less than 60 nor more than 120 days after the date
17 of ratification of this act, for the purpose of submission to the qualified voters of the
18 area described in Section 2.1 of the Charter of Fletcher, the question of whether or not
19 such area shall be incorporated as Fletcher. Registration for the election shall be
20 conducted in accordance with G.S. 163-288.2.

21 (b) In the election, the question on the ballot shall be:

22 "[]FOR Incorporation of Fletcher
23 []AGAINST Incorporation of Fletcher".

24 Sec. 5. In such election, if a majority of the votes cast are not cast "FOR
25 Incorporation of Fletcher", then Sections 1 through 3 of this act shall have no force and
26 effect.

27 Sec. 6. In such election, if a majority of the votes cast shall be cast "FOR
28 Incorporation of Fletcher" then Sections 1 through 3 of this act shall become effective on
29 the date that the Henderson County Board of Elections determines the result of the
30 election. The Henderson County Board of Elections may modify the filing period for
31 the 1989 regular Town Council and mayoral election if the date of certification of the
32 election results is after the date that filing should have opened under general law.

33 Sec. 7. This act is effective upon ratification.