

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1991

CHAPTER 874  
HOUSE BILL 1546

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF  
ST. PAULS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of St. Pauls is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF ST. PAULS.

"ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

"Section 1.1. **Incorporation.** The Town of St. Pauls, North Carolina, and its inhabitants shall continue to be a municipal body politic and corporate, under the name of the 'Town of St. Pauls', also referred to as the 'Town'.

"Sec. 1.2. **Powers.** The Town has and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the Town of St. Pauls specifically by this Charter or upon municipal corporations by general law. The term 'general law' is employed herein as defined in G.S. 160A-1.

"Sec. 1.3. **Corporate Limits.** Until changed in accordance with law, the corporate limits are:

- (1) Those established by Chapter 497 of the 1975 Session Laws effective July 1, 1975, as follows:

**BEGINNING** at a stake in a small branch, D.A. McGougan and L. A. McGeachy's corner, said stake being located 1 chain and 50 links due South of the West end of a small dam on said branch, said Beginning corner also being located South 40 degrees East 54 chains from the intersection of the North line of Broad Street with the centerline of the main line of the Virginia and Carolina Southern Railroad and running thence as the McGougan-McGeachy line North 2 degrees East 3399 feet to a 1/2 inch iron pipe in concrete at the edge of a large pocosin; thence North 80 degrees West 2267.25 feet to a railroad spike in the eastern edge of Railroad Street and in the western right-of-way (50 feet from center) of the Virginia and Carolina Southern Railroad; thence along said right-of-way North 21 degrees 30 minutes East 540.74 feet to a concrete monument in said right-of-way; thence North 80 degrees West 1607.02 feet to a concrete monument in the western right-of-way (50 feet from center) of U.S. Highway 301, 5th Street Extended; thence as said right-of-way North 10 degrees 02 minutes East 1035 feet to a concrete monument in said right-of-way; thence North 81 degrees 33 minutes West 442.30 feet to a concrete monument in the line of a ditch, 4 feet North of and West of the School Fence; thence South 8 degrees 43 minutes West 606.00 feet to a concrete monument in the line of another ditch, 4 feet West of the School Fence; thence

North 79 degrees 40 minutes West 454.85 feet to a concrete monument in the western right-of-way (30 feet from center) of the Old Stage Road; thence along said right-of-way North 6 degrees 35 minutes East 959.79 feet to a concrete monument in said right-of-way, the Southeastern corner of the N.C. National Guard Armory Lot and in the North line of Pool Street (25 feet from center) thence along and beyond the North line of Pool Street, crossing Wilkinson Drive North 82 degrees 58 minutes West 678.21 feet to a stake in the western right-of-way (30 feet from center) of Wilkinson Drive; thence North 83 degrees 43 minutes West 147.50 feet to a stake in a field; thence South 6 degrees 35 minutes West, parallel to Wilkinson Drive 969.51 feet to a stake in the North line of the Pete Ivey Residence Lot; thence along said line and beyond North 83 degrees 43 minutes West 197.50 feet to a stake in the West right-of-way (25 feet from center) of Bellevue Street; thence along said right-of-way South 6 degrees 35 minutes West 150.00 to a stake in the right-of-way of said Street, at its intersection with the North right-of-way (20 feet from center) of Britt Street; thence South 7 degrees 49 minutes West 675.19 feet to a stake in the North line of Shaw Street (25 feet from center); thence along the North line of said Street North 83 degrees 43 minutes West 400.91 feet to a stake in the north line of said street, at its intersection with the Eastern right-of-way (30 feet from center) of Sanford Street; thence along the Eastern right-of-way of Sanford Street North 6 degrees 58 minutes East 635.00 feet to a stake in said right-of-way; thence North 83 degrees 43 minutes West 589.30 feet to a new 1 inch iron pipe in the Eastern right-of-way (88 feet from center) of a ramp leading off of N. C. Highway 20 onto Interstate 95; thence along said right-of-way South 2 degrees 45 minutes East 179.73 feet to an existing concrete R/W monument, the P.T. of a curve in said right-of-way; thence along said curved right-of-way, the chord being South 8 degrees 36 minutes West 315.35 feet to a concrete monument in said curved right-of-way; thence continuing along said curved right-of-way, the chord being South 20 degrees 41 minutes West 12.77 feet to an existing concrete R/W monument, the P.C. of said curve; thence continuing along said right-of-way South 20 degrees 43 minutes West 330.39 feet to an existing concrete R/W monument; thence continuing along said right-of-way South 13 degrees 46 minutes East 216.30 feet to a concrete monument in the north right-of-way (70 feet from center) of N.C. Highway 20; thence along said right-of-way South 47 degrees 58 minutes East 356.59 feet to a concrete monument in said right-of-way, at its intersection with the Southeastern right-of-way (25 feet from center) of Sanford Street; thence along the Southeastern right-of-way of said street South 42 degrees 02 minutes West 40.00 feet to a concrete monument in said right-of-way, in the northeastern right-of-way (30 feet from center) of N.C. Highway 20; thence along said right-of-way South 47 degrees 58 minutes East 295.68 feet to a concrete monument in said right-of-way, the P.C. of a curve in said Highway; thence continuing along said curved right-of-way, the chord being South 48 degrees 26 minutes East 131.40 feet to a concrete monument in said right-of-way, at its intersection with the original western Corporate Limit line of the Town of St. Pauls; thence along said line South 10 degrees 00 minutes West 1002.58 feet to a concrete monument in a field west of Cumbo Branch; thence South 80 degrees 00 minutes East 2640.00 feet to a nail on the porch of the Dr. L. J. Moore residence; thence due South passing through a concrete monument in the South line of

Sylvia Street at 2156.44 feet, continuing a total distance of 2256.44 feet to a stake at Highwater Mark on the North side of the Great Marsh Swamp; thence down the various courses of said Highwater Mark to and up the first mentioned small branch in an eastern direction to the Beginning; and

- (2) All additional territory as has been duly added to the corporate limits under general law.

An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town Clerk and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in the office of the Secretary of State, the Robeson County Register of Deeds, and the Robeson County Board of Elections.

## "ARTICLE II. GOVERNING BODY.

"Sec. 2.1. **Mayor and Board of Commissioners.** The Mayor and the Board of Commissioners, hereinafter referred to as the 'Board', comprise the governing body of the Town.

"Sec. 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board is composed of six Commissioners elected by all the qualified voters of the Town for terms of four years or until their successors are elected and qualified. Three shall be elected in 1993 and quadrennially thereafter, and three shall be elected in 1995 and quadrennially thereafter.

"Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor is elected in 1993 and quadrennially thereafter by all the qualified voters of the Town for a term of four years and until a successor is elected and qualified.

## "ARTICLE III. ELECTIONS.

"Sec. 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with Chapter 163 of the General Statutes. Elections are conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

## "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. **Appointment of Certain Officers and Employees by Board of Commissioners; Duties, Salaries, etc., of These Officers and Employees Generally.** The Board may appoint a Town Clerk, a Town Treasurer, a Town Tax Collector, a Town Administrator, a Town attorney, a chief of police, a fire chief, and any other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment. The Board may appoint one person to perform the duties of any two or more of these positions. The employees or officers shall serve at the pleasure of the Board, and shall perform any duties as may be prescribed by the Board. The Board shall fix all salaries, prescribe bonds, and require any oaths as it may deem necessary.

"Sec. 4.2. **Appointment and Powers and Duties Generally of Town Clerk and Town Administrator.** The Board shall choose a Town Clerk who shall keep the

records of the board and perform any other duties as may be required by law or by the Board. In addition to appointing a Town Clerk, the Board may, in its discretion and by resolution duly adopted, appoint a Town Administrator or Town Manager as provided by general law who shall have any powers and duties as are conferred upon the Town Administrator or the Town Manager by the Board.

"Sec. 4.3. **Qualifications and Duties of Town Attorney.** The Town Attorney shall be an attorney at law who has practiced in the State of North Carolina for at least four years. The Town Attorney is the chief legal adviser of and attorney for the Town and all of the Town's departments and offices in matters relating to their official powers and duties. The Town Attorney or a designee shall perform all services incident to providing legal services to the town; attend all meetings of the Board when so requested; prosecute or defend, as the case may be, all suits or cases to which the Town may be a party; prepare or review all contracts, bonds, and other instruments in writing in which the Town is concerned; and perform other duties imposed upon the Town Attorney by this Charter, by ordinance, or by resolution of the Board.

"Sec. 4.4. **Duties of Town Accountant.** The Town Accountant, or the Town Clerk, or the Town Manager or the Town Administrator, whichever shall apply, shall prepare the budget in accordance with the general local government laws of North Carolina relating to the preparation of municipal budgets. This person shall: (i) maintain accounting control over the finances of the Town, for which purpose this person may operate a set of general accounts embracing all the financial transactions of the Town, and any subsidiary accounts and cost records as may be required by ordinance or by the Board for purposes of administrative direction and financial control; (ii) prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the Town; (iii) examine and approve all contracts, orders, and other documents by which the Town incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet these obligations and will become available when the obligations are due and payable; audit and approve bills, invoices, payrolls, and other evidences of claims, demands, or charges against the Town and determine the regularity and correctness of these claims, demands, or charges; (iv) make monthly reports on all receipts and expenditures of the Town to the Mayor and Board and make monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments to the Mayor, the Board, and the head of the department or agency directly concerned; (v) inspect and audit any accounts or records of financial transactions that may be maintained by any department or agency of the Town apart from or subsidiary to the general accounts; and (vi) perform other duties pertaining to the financial records of the Town as the Board may require by ordinance.

"Sec. 4.5. **Duties of Town Tax Collector.** The Tax Collector, or a person who is designated by the Board to perform this function, shall collect all taxes, licenses, fees, and other moneys belonging to the Town, subject to this Charter and ordinances enacted under this Charter, and shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities. The Tax Collector shall deposit daily in the town depository all money belonging to the Town.

"Sec. 4.6. **Duties of Town Treasurer.** The Town Treasurer, or a person who is designated by the Board to perform this function, shall have custody of and shall disburse all moneys belonging to the Town subject to Chapter 159 of the General Statutes, shall have custody of all investments and invested funds of the Town or in possession of the Town in a fiduciary capacity, and shall keep a record of these investments, and shall have custody of all bonds and certificates of Town indebtedness including any bonds and certificates unissued or canceled, and the receipt and delivery of Town bonds and certificates for transfer, registration, or exchange."

Sec. 2. The purpose of this act is to revise the Charter of the Town of St. Pauls and to consolidate certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts that are expressly consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act does not repeal or affect any acts concerning the property, affairs, or government of public schools, or acts validating official actions, proceedings, contracts, or obligations of any kind.

Sec. 4. The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

- (1) Chapter 695 of the 1971 Session Laws, except for Section 2.
- (2) Chapter 325 of the 1973 Session Laws.
- (3) Chapter 497 of the 1975 Session Laws.

Sec. 5. The Mayor and Commissioners serving on the date of ratification of this act shall serve until the expiration of their terms. Thereafter those offices shall be filled as provided in Articles II and III of the Charter contained in Section 1 of this act.

Sec. 6. This act shall not affect any rights or interests that arose under any provisions repealed by this act.

Sec. 7. All existing ordinances, resolutions, and other provisions of the Town of St. Pauls not inconsistent with this act shall continue in effect until repealed or amended.

Sec. 8. No action or proceeding pending on the effective date of this act by or against the Town or any of its departments or agencies is abated or otherwise affected by this act.

Sec. 9. All contracts entered into by or for the benefit of the Town before the effective date of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or Charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with those laws and Charter provisions.

Sec. 10. The provisions of this act are severable. If any provision or application of this act is held invalid, the invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application.

Sec. 11. Whenever a reference is made in this act to a particular provision of the General Statutes, and that provision is later amended, superseded, or recodified, the reference is considered amended to refer to the amended General Statute, or to the

General Statute that most clearly corresponds to the statutory provision that is superseded or recodified.

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 7th day of July, 1992.

James C. Gardner  
President of the Senate

Daniel Blue, Jr.  
Speaker of the House of Representatives