

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1556*

Short Title: Winterville Charter Revision.

(Local)

Sponsors: Representative McLawhorn.

Referred to: Local and Regional Government I.

May 25, 1994

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WINTERVILLE.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Winterville is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF WINTERVILLE.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. **Incorporation.** The Town of Winterville, North Carolina in Pitt County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'Town of Winterville', hereinafter at times referred to as the 'Town'.

"Sec. 1.2. **Powers.** The Town shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the Town of Winterville 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.** The corporate limits shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Town and as they may be altered from time to time in accordance with 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

1 official map shall be made and copies shall be filed in the office of the Secretary of
2 State, the Pitt County Register of Deeds, and the appropriate board of elections.

3 **"ARTICLE II. GOVERNING BODY.**

4 "Sec. 2.1. **Mayor and Board of Aldermen; Composition.** The Mayor and the
5 Board of Aldermen, hereinafter referred to as the 'Board', shall be the governing body of
6 the Town.

7 "Sec. 2.2. **Aldermen; Terms of Office.** Until the organizational meeting following
8 the 1995 regular municipal election, the Board shall be composed of three members
9 elected at large by all the qualified voters of the Town for four-year staggered terms or
10 until their successors are elected and qualified. Beginning with the organizational
11 meeting following the 1995 regular municipal elections, the Board shall be composed of
12 five members elected at large by all the qualified voters of the Town for four-year
13 staggered terms or until their successors are elected and qualified.

14 "Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
15 qualified voters of the Town for a term of four years or until his or her successor is
16 elected and qualified. The Mayor shall be the official head of the Town government
17 and preside at meetings of the governing body, shall have the right to vote only when
18 there is an equal division on any question or matter before the Board, and shall exercise
19 the powers and duties conferred by law or as directed by the Board.

20 "Sec. 2.4. **Mayor Pro Tempore.** The Board shall elect one of its members as
21 Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or
22 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such
23 capacity at the pleasure of the Board.

24 "Sec. 2.5. **Meetings.** In accordance with general law, the Board shall establish a
25 suitable time and place for its regular meetings. Special and emergency meetings may
26 be held as provided by general law.

27 "Sec. 2.6. **Voting Requirements; Quorum.** Official actions of the Board and all
28 votes shall be taken in accordance with the applicable provisions of general law,
29 particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

30 "Sec. 2.7. **Compensation; Qualifications for Office; Vacancies.** The
31 compensation and qualifications of the Mayor and Aldermen shall be fixed in
32 accordance with general law. Vacancies that occur in any elective office of the Town
33 shall be filled by appointment as provided in G.S. 160A-63.

34 **"ARTICLE III. ELECTIONS.**

35 "Sec. 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held
36 in each odd-numbered year in accordance with the uniform municipal election laws of
37 North Carolina. Elections shall be conducted on a nonpartisan basis and the results
38 determined using the nonpartisan plurality method as provided in G.S. 163-292.

39 "Sec. 3.2. **Election of Mayor.** A Mayor shall be elected in 1997 and in the regular
40 municipal election every four year thereafter.

41 "Sec. 3.3. **Election of Aldermen.** Four Aldermen shall be elected at the regular
42 municipal election in 1995. The three candidates receiving the highest number of votes
43 shall be elected to four-year terms, and the candidate receiving the next highest number
44 of votes shall be elected to a two-year term. In 1997, and every four years thereafter,

1 two Aldermen shall be elected to four-year terms. In 1999, and every four years
2 thereafter, three Aldermen shall be elected to four-year terms.

3 "Sec. 3.4. **Special Elections and Referendums.** Special elections and referendums
4 may be held only as provided by general law or applicable local acts of the General
5 Assembly.

6 **"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.**

7 "Sec. 4.1. **Form of Government.** The Town shall operate under the mayor-council
8 form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the
9 General Statutes.

10 "Sec. 4.2. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal of
11 the proceedings of the Board, to maintain official records and documents, to give notice
12 of meetings, and to perform such other duties required by law or as the Board may
13 direct.

14 "Sec. 4.3. **Town Attorney.** The Board shall appoint a Town Attorney licensed to
15 practice law in North Carolina. It shall be the duty of the Town Attorney to represent
16 the Town, advise Town officials and perform other duties required by law or as the
17 Board may direct.

18 "Sec. 4.4. **Other Administrative Officers and Employees.** The Board may
19 authorize other positions and may organize the Town government as deemed
20 appropriate, subject to the requirements of general law."

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

26 Sec. 3. This act does not repeal or affect any acts validating official actions,
27 proceedings, contracts, or obligations of any kind.

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

30 Chapter 95, Private Laws of 1897

31 Chapter 256, Private Laws of 1899

32 Chapter 423, Private Laws of 1907

33 Chapter 47, Private Laws of 1909

34 Chapter 198, Private Laws of 1917

35 Chapter 576, Public-Local Laws of 1939, except validations are not
36 repealed

37 Chapter 345, Session Laws of 1955

38 Chapter 149, Session Laws of 1957

39 Chapter 355, Session Laws of 1959

40 Chapter 556, Session Laws of 1965

41 Chapter 857, Session Laws of 1973, except as to Section 3

42 Chapter 277, Session Laws of 1975

43 Chapter 356, Session Laws of 1989.

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

4 Sec. 6. This act does not affect any rights or interests which arose under any
5 provisions repealed by this act.

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

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

12 Sec. 9. If any provision or application of this act is held invalid, such
13 invalidity shall not affect other provisions or applications of this act which can be given
14 effect without the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

16 Sec. 10. Whenever a reference is made in this act to a particular provision of
17 the General Statutes, and such provision is later amended, superseded, or recodified, the
18 reference shall be deemed amended to refer to the amended General Statute, or to the
19 General Statute which most clearly corresponds to the statutory provision which is
20 superseded or recodified.

21 Sec. 11. This act is effective upon ratification.