

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 685*

Short Title: Incorporate Sunset Harbor.

(Local)

Sponsors: Representative Hill.

Referred to: Finance.

March 26, 2003

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF SUNSET HARBOR.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Sunset Harbor is enacted to read:

"CHARTER OF THE TOWN OF SUNSET HARBOR.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

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

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the boundaries of the Town of Sunset Harbor shall be as follows:

BEGINNING at a point in the run of Mercer's Mill Pond Creek where said run of Mercer's Mill Pond Creek is intercepted by the southern boundary of River Run Plantation, as the same is shown on plats of River Run Plantation recorded in the Brunswick County Registry, as extended to the west; thence running eastwardly with the southern boundary of River Run Plantation as the same is shown on plats of River Run Plantation recorded in the Brunswick County Registry; thence across Sunset Harbor Road (State Road #1112) to the western boundaries of the Old Swain Property; thence southwardly with the western boundary of the Old Swain Property to a point where said extended line intersects with the boundary line of Lockwood Folly Township and Smithville Township in the U. S. Intracoastal Waterway, thence westwardly with the boundary line of Lockwood's Folly Township and Smithville Township in the U.S. Intracoastal Waterway, back to the run of Mercer's Mill Pond Creek; thence continuing with the run of Mercer's Mill Pond Creek, to a point in the run of Mercer's Mill Pond Creek where said run of Mercer's Mill Pond Creek is intercepted by the southern boundary of River Run Plantation, as the same is shown on plats of River Run

1 Plantation recorded in the Brunswick County Registry, as extended to the west, the
2 place and point of beginning.

3 "ARTICLE III. GOVERNING BODY.

4 "Section 3.1. **Structure of Governing Body.** The governing body of Sunset Harbor
5 shall be the Board of Aldermen, which shall have five members and a Mayor.

6 "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial
7 election in 2003 provided for by Section 4.1 of this Charter, Elaina Darter is hereby
8 appointed Mayor and Dennis Ruocco, Craig Howell, Jackie Haddon, Roger Comer, and
9 Miles Edge are appointed members of the Board of Aldermen of the Town of Sunset
10 Harbor, and they shall possess and exercise the powers granted to the governing body
11 until their successors are elected or appointed and qualified pursuant to this Charter. If
12 any person named in this section is unable to serve, the remaining temporary officers
13 shall, by majority vote, appoint a person to serve until the initial municipal election is
14 held in 2003.

15 "Section 3.3. **Manner of Electing Board of Aldermen; Terms of Office.** The
16 qualified voters of the entire Town shall elect the members of the Board of Aldermen
17 and, except as provided in this section, they shall be elected to two-year terms. In 2003,
18 the two candidates receiving the highest numbers of votes shall be elected to four-year
19 terms, and the three candidates receiving the next highest numbers of votes shall be
20 elected to two-year terms. In 2005, and biennially thereafter, three members shall be
21 elected to two-year terms. In 2007, and biennially thereafter, two members shall be
22 elected to two-year terms.

23 "Section 3.4. **Manner of Electing Mayor; Term of Office.** The qualified voters of
24 the entire Town shall elect the Mayor. In 2003, and biennially thereafter, the Mayor
25 shall be elected for a term of two years.

26 "ARTICLE IV. ELECTIONS.

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

29 "ARTICLE V. ADMINISTRATION.

30 "Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town of Sunset
31 Harbor will operate under the Mayor-Council plan as provided in Part 3 of Article 7 of
32 Chapter 160A of the General Statutes.

33 "Section 5.2. **Ad Valorem Taxes.** The maximum ad valorem tax rate for the Town
34 of Sunset Harbor is hereby established as ten cents (10¢) per one hundred dollars
35 (\$100.00) valuation, and the Board of Aldermen shall not increase that rate without the
36 vote or consent of a majority of the qualified voters of the Town of Sunset Harbor."

37 **SECTION 2.** From and after the effective date of this act, the citizens and
38 property in the Town of Sunset Harbor shall be subject to municipal taxes levied for the
39 year beginning July 1, 2003, and for that purpose, the Town shall obtain from
40 Brunswick County a record of property in the area incorporated in Section 1 of this act
41 that was listed for taxes as of January 1, 2003. The Town may adopt a budget ordinance
42 for fiscal year 2003-2004 without following the timetable in the Local Government
43 Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of
44 the act insofar as is practical. For fiscal year 2003-2004, ad valorem taxes may be paid

1 at par or face amount within 90 days of adoption of the budget ordinance and thereafter
2 in accordance with the schedule in G.S. 105-360. If the effective date of incorporation is
3 prior to July 1, 2003, the Town may adopt a budget ordinance for fiscal year 2002-2003
4 without following the timetable in the Local Government Budget and Fiscal Control
5 Act, but shall follow the sequence of actions in the spirit of the act insofar as is
6 practical. No ad valorem taxes may be levied for the 2002-2003 fiscal year.

7 **SECTION 3.** This act is effective when it becomes law.