

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE BILL 1127
Finance Committee Substitute Adopted 6/16/04**

Short Title: Incorporate Wallburg.

(Local)

Sponsors:

Referred to:

May 18, 2004

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF WALLBURG.

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF WALLBURG.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

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

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Wallburg are as follows:

Beginning at a point in the centerline intersection of Secondary Road #1730 (Wallburg/Union Cross Road) and running thence in an easterly direction following the Forsyth County/Davidson County line to the northwest corner of PIN# 6862-02-69-9020; thence along the western boundary of PIN# 6862-02-69-9020; thence in a southerly direction along the western boundary of PIN # 6862-02-78-0144; thence in a southerly direction along the western boundary of PIN # 6862-02-77-0331 and easterly direction along the southern boundary of PIN # 6862-02-77-0331; thence in a northerly direction along the western boundary of PIN # 6862-02-86-4846 and easterly along the northern boundary of the following three parcels, (1) PIN # 6862-02-86-4846, (2) PIN # 6862-02-86-7823, (3) PIN # 6862-02-96-3711; thence in a southerly direction along the eastern boundary of the following two parcels, (1) PIN # 6862-02-96-3711, (2) PIN # 6862-02-96-2045 to the northern boundary of PIN # 6862-02-95-4143; thence in a westerly, southerly, and easterly direction along PIN # 6862-02-95-4143 to the centerline intersection of Secondary Road # 1733 (Georgetown Road); thence along the eastern and southern boundary of PIN # 6862-04-84-9252 to the northeast corner of PIN # 6862-04-74-2013 and in a southerly direction along the eastern boundary and

1 westerly along the southern boundary of PIN # 6862-04-74-2013 to the northeast corner
2 of PIN # 6862-04-73-8146; thence in a southerly direction along the PIN #
3 6862-04-73-8146 to the northern boundary of PIN # 6862-04-72-8400; thence in an
4 easterly direction along the northern boundary and in a southerly direction along the
5 eastern boundary of PIN # 6862-04-72-8400 and in a southerly direction along the
6 eastern boundary of the following 4 parcels, (1) PIN # 6862-04-92-2009, (2) PIN #
7 6862-04-81-6713, (3) PIN # 6862-04-81-3468, (4) PIN # 6862-04-81-4199 to the
8 southwest corner of PIN # 6862-04-91-6241; thence in an easterly direction along the
9 southern boundary and in a northerly direction along the eastern boundary of PIN #
10 6862-04-91-6241 to the northwest corner of PIN # 6872-03-00-2722; thence in an
11 easterly and southerly direction along the northern and eastern boundary of PIN #
12 6872-03-00-2722 to the centerline intersection of Secondary Road # 1741
13 (Wallburg-High Point Road) and running thence in an easterly direction, along the
14 centerline of Wallburg-High Point Road to the northeast corner of PIN #
15 6871-01-19-5161; thence in a southerly direction along the eastern boundary and
16 westerly along the southern boundary of PIN # 6871-01-19-5161 and westerly along the
17 southern boundary of PIN # 6871-01-18-0987 to the boundary of PIN #
18 6871-01-08-8339; thence in a southerly direction along the eastern boundary of PIN #
19 6871-01-08-8339 and southerly along the eastern boundary and westerly along the
20 southern boundary of PIN # 6871-01-08-6182; thence in a westerly direction along the
21 southern boundary of the following 4 parcels, (1) PIN # 6871-01-08-2334, (2) PIN #
22 6861-02-98-9167, (3) PIN # 6861-02-98-8359, (4) PIN # 6861-02-98-7437 and
23 northerly along the western boundary of PIN # 6861-02-98-6556 and continuing in a
24 northerly direction along the eastern boundary of PIN # 6861-02-88-7858 to the
25 centerline intersection of Secondary Road # 1741 (Wallburg-High Point Road); thence
26 continuing on from the centerline intersection of Wallburg-High Point Road in a
27 northerly direction along the eastern boundary of PIN # 6862-04-80-2633 to the
28 southern boundary of PIN # 6862-04-81-4199; thence in a westerly direction along the
29 northern boundary of PIN # 6862-04-80-2633 to the centerline intersection of
30 Secondary Road #1741 (Wallburg-High Point Road) and thence from the center line
31 intersection of Wallburg-High Point Road in a westerly and southerly direction along
32 the northern and western boundary of PIN # 6862-04-80-2633 and continuing westerly
33 to the northwest corner of PIN # 6861-02-69-2593; thence continuing westerly,
34 southerly and easterly along the boundary of PIN # 6861-02-69-2593 to the southwest
35 corner of PIN # 6862-04-80-2633; thence in an easterly direction along the southern
36 boundary of PIN # 6862-04-80-2633 and PIN # 6861-02-89-1437 to the boundary of
37 PIN # 6861-02-88-7858 and continuing in a southerly direction along the western
38 boundary of the following 3 parcels, (1) PIN # 6861-02-88-7858, (2) PIN #
39 6861-02-87-2956, (3) PIN # 6861-02-87-2574 to the boundary of PIN #
40 6861-02-76-6889; thence in a easterly and southerly along the northern and eastern
41 boundary of PIN # 6861-02-76-6889 and continuing southerly along the eastern
42 boundary of the following 4 parcels, (1) PIN # 6861-02-86-4378, (2) PIN #
43 6861-02-86-4264, (3) PIN # 6861-02-86-5006, (4) PIN # 6861-02-85-2672 and westerly
44 along the southern boundary and northerly on the western boundary of PIN #

1 6861-02-85-2672 to the southeast corner of PIN # 6861-02-75-8237; thence in a
2 westerly direction along the southern boundary of the following 3 parcels, (1) PIN #
3 6861-02-75-8237, (2) PIN # 6861-02-75-126, (3) PIN # 6861-02-65-3377 and
4 continuing in a northerly direction along the western boundary of PIN #
5 6861-02-65-3377 to the centerline intersection of Secondary Road # 1749 (Stoney
6 Ridge Road); thence in a westerly direction along the centerline intersection of Stoney
7 Ridge Road to the northeast corner of PIN # 6861-01-45-9232; thence in a southerly and
8 westerly direction along the eastern and southern boundary of PIN # 6861-01-45-9232;
9 thence in a southerly direction along the eastern boundary the following 2 parcels, (1)
10 PIN # 6861-03-44-6877, (2) PIN # 6861-03-44-7508 to the centerline intersection of
11 Secondary Road # 2995 (Johnson Road); thence continuing in a westerly direction to
12 the centerline intersection of North NC Hwy 109; thence southerly direction on North
13 NC Hwy 109 to the northeast corner of PIN # 6861-03-43-2478; thence westerly and
14 southerly direction along the northern and western boundary of PIN # 6861-03-43-2478
15 and southerly along the western boundary of PIN # 6861-03-42-3828; thence southerly
16 direction along the eastern boundary of the following 10 parcels, (1) PIN #
17 6861-03-32-7590, (2) PIN # 6861-03-32-8365, (3) PIN # 6861-03-32-8292, (4) PIN #
18 6861-03-32-9132, (5) PIN # 6861-03-31-9977, (6) PIN # 6861-03-41-0802, (7) PIN #
19 6861-03-41-0720, (8) PIN # 6861-03-41-0427, (9) PIN # 6861-03-41-0185, (10) PIN #
20 6861-03-40-1971 to the centerline intersection of Secondary Road #2964 (Oak Street);
21 thence in a southerly direction to southeast corner of PIN # 6861-03-40-0675; thence in
22 a westerly direction along the southern boundary of PIN # 6861-03-40-0675; thence in a
23 westerly and then northerly direction along the boundary of PIN # 6861-03-30-9773 and
24 thence in a northerly direction along the boundary of PIN # 6861-03-30-9849 to the
25 centerline intersection of Secondary Road # 1997 (Eden Park Drive); continuing in a
26 westerly direction along the southern boundary of PIN # 6861-03-30-6879 to the
27 southeast corner of PIN # 6861-03-21-8461; thence in a northerly and westerly direction
28 along the eastern and northern boundary of PIN # 6861-03-21-8461 continuing in a
29 westerly and northerly direction along the boundary of PIN # 6861-03-22-2156; thence
30 continuing in a northerly direction along the western boundary of the following 7
31 parcels, (1) PIN # 6861-03-22-1365, (2) PIN # 6861-03-22-1418, (3) PIN #
32 6861-03-22-0584, (4) PIN # 6861-03-22-0584, (5) PIN # 6861-03-22-0657, (6) PIN #
33 6861-03-22-0716, (7) PIN # 6861-03-12-9848 to the centerline intersection of
34 Secondary Road # 1751 (Shady Grove Church Road) and thence continuing in a
35 westerly direction on Shady Grove Church Road to the southeast corner of PIN #
36 6851-04-93-7638; thence in a northerly direction along the eastern boundary of PIN #
37 6851-04-93-7638; thence in a westerly direction along the southwestern of PIN #
38 6851-04-94-6468 to the southeast corner of PIN # 6851-02-95-0214; thence in a
39 northerly and easterly direction along the eastern boundary of PIN # 6851-02-95-0214;
40 thence in a southeasterly direction along the southwestern boundary of PIN #
41 6861-03-24-0560 to the centerline intersection of Secondary Road # 1751 (Shady Grove
42 Church Road); thence continuing in an easterly direction on Shady Grove Church Road
43 to the southwestern corner of PIN # 6861-03-34-3400; thence in a northerly direction
44 along the western boundary of PIN # 6861-03-34-3400; thence in a westerly and

1 northerly direction along the western boundary of PIN # 6861-03-33-1685 to the
2 boundary of PIN # 6861-01-35-4668; thence in an easterly, northerly and westerly
3 direction along the southern, eastern and northern boundary of PIN # 6861-01-35-4668
4 to the southwestern corner of PIN # 6861-01-36-8115; thence in a northerly direction
5 along the western boundary of the following 3 parcels, (1) PIN # 6861-01-36-8115, (2)
6 PIN # 6861-01-36-9371, (3) PIN # 6861-01-36-9523; thence in an easterly direction
7 along the northern boundary of PIN # 6861-01-36-9523 to the southwestern corner of
8 PIN # 6861-01-46-0617; thence in a northerly and easterly direction along the western
9 and northern boundary of PIN # 6861-01-46-0617 to the centerline intersection of North
10 NC Hwy 109; thence continuing in a northerly direction on North NC Hwy 109 to the
11 southeast corner of PIN # 6861-01-39-6482; thence in a northerly direction along the
12 eastern boundary of PIN # 6861-01-39-6482; thence in a northerly, westerly and
13 easterly direction along the eastern boundary of PIN # 6862-03-32-0247; thence in a
14 northwesterly direction along the northern boundary of PIN # 6862-03-32-0247 to the
15 southeast corner boundary of PIN # 6862-03-34-4226; thence continuing in a westerly
16 and southerly direction along the northern and western boundary of PIN #
17 6862-03-34-4226; thence in a southerly and westerly direction along the northern
18 boundary of PIN # 6862-03-32-0247 to the centerline intersection of Secondary Road
19 #1773 (Motsinger Road); thence continuing in a southerly direction on Motsinger Road
20 to the southwest corner of PIN # 6862-03-12-2667; thence continuing in a northerly,
21 westerly, southerly and easterly direction along the eastern, northern and western
22 boundary of PIN # 6852-04-72-6540 to the centerline intersection of Secondary Road
23 #1700 (Friendship-Ledford Road); thence continuing in a southerly direction on
24 Friendship-Ledford Road to the northeast corner of PIN # 6851-01-28-4557; thence in a
25 westerly and northerly direction along the northern boundary of PIN # 6851-01-28-4557
26 to the eastern boundary of PIN # 6852-03-11-0324; thence in a northerly direction along
27 the eastern boundary of PIN # 6852-03-11-0324 to centerline intersection of Secondary
28 Road #1711 (Gumtree Road); thence continuing across Gumtree Road to the southwest
29 corner of PIN # 6852-03-23-1651; thence in a northerly and northeasterly direction
30 along the western and northern boundary of PIN # 6852-03-23-1651 to the centerline
31 intersection of Secondary Road #1700 (Friendship-Ledford Road); thence continuing
32 across Friendship-Ledford Road in a northeasterly direction along the southeastern
33 boundary of the following 3 parcels, (1) PIN # 6852-03-24-2274, (2) PIN #
34 6852-03-24-6800, (3) PIN # 6852-03-24-8961 to the southeast corner boundary of PIN
35 # 6852-01-25-8744; thence continuing in a northerly and easterly direction along the
36 eastern boundary of PIN # 6852-01-25-8744 to the centerline intersection of Secondary
37 Road #1711 (Gumtree Road); thence in a northeasterly direction on Gumtree Road to
38 the northeast corner of PIN # 6852-01-16-7536; thence in a westerly direction along the
39 northern boundary of PIN # 6852-01-16-7536 to the northeast corner of PIN #
40 6852-01-06-2193; thence in a westerly and southern direction along the northern and
41 western boundary of PIN # 6852-01-06-2193 to the centerline intersection of Secondary
42 Road #1700 (Friendship-Ledford Road); thence continuing north on Friendship-Ledford
43 Road to southeast corner boundary of PIN # 6842-02-97-6174; thence in westerly
44 direction along the southern boundary of PIN # 6842-02-97-6174; thence in a northerly

1 direction along the western boundary of the following 6 parcels, (1) PIN #
2 6842-02-97-6217, (2) PIN # 6842-02-97-6400, (3) PIN # 6842-02-97-5578, (4) PIN #
3 6842-02-97-5745, (5) PIN # 6842-02-97-5817, (6) PIN # 6842-02-98-8101 to the
4 centerline intersection of Secondary Road #1708 (Mt. Vernon Church Road); thence in
5 a northeasterly direction along Mt. Vernon Church Road to the southwest corner
6 boundary of PIN # 6842-02-98-8101; thence in a northerly direction along the western
7 boundary of PIN # 6842-02-98-8101; thence in a northerly and easterly direction along
8 the western and northern boundary of PIN # 6842-02-98-7532; thence in a easterly and
9 northerly direction along the southern and eastern boundary of PIN # 6852-01-09-2040
10 to the southeast corner of the southern boundary of PIN # 6852-01-09-9621; thence
11 continuing in an easterly and northerly direction along the southern and eastern
12 boundary of PIN # 6852-01-09-9621 to centerline intersection of Secondary Road
13 #1709 (Rex Road); thence continuing in a northerly direction on Rex Road to the
14 Forsyth/Davidson County line; thence following the Forsyth/Davidson County line in an
15 easterly direction to the centerline intersection of Secondary Road #1730
16 (Wallburg/Union Cross Road) which is the beginning.

17 All references to the PIN # herein are references to Davidson county tax map system as
18 of March 17, 2003. A copy shall be maintained in the records of the town of Wallburg.

19 "Section 2.2. **Annexation.** (a) The Town of Wallburg shall not extend its boundaries
20 into Forsyth County by annexation pursuant to Article 4A of Chapter 160A of the
21 General Statutes.

22 (b) The Town of Wallburg shall not extend its boundaries in Davidson County by
23 annexation east of the line shown on the map dated March 16, 2004, entitled "Proposed
24 Town of Wallburg," as prepared by the City of High Point Department of Planning and
25 Development. That line begins at the place where Abbots Creek Church Road (S.R.
26 1734) intersects the Forsyth/Davidson County line; then south along Abbots Creek
27 Church Road to its intersection with Moore Road (S.R. 1745); then west and south
28 along Moore Road to its intersection with Mock Road (S.R. 1744); then south along
29 Mock Road to its intersection with Old Greensboro Road (S.R. 1756); then west and
30 south along Old Greensboro Road to N.C. Highway 109.

31 (c) G.S. 160A-58.1(b)(2) does not apply to the Town of Kernersville as it relates
32 to the Town of Wallburg.

33 (d) G.S. 160A-58.1(b)(2) does not apply to the City of Winston-Salem as it
34 relates to the Town of Wallburg.

35 "ARTICLE III. GOVERNING BODY.

36 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing
37 body of the Town of Wallburg is the Mayor and Town Council, which shall have five
38 members.

39 "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial
40 election in 2005 provided for by Section 4.1 of this Charter, Jack Craven is hereby
41 appointed Mayor and Ronnie Bailey, Zane Hedgecock, Sue Martin, Daphne Rogers, and
42 Mark Swaim are appointed Council Members of the Town of Wallburg, and they shall
43 possess and exercise the powers granted to the governing body until their successors are
44 elected or appointed and qualified pursuant to this Charter. If any person named in this

1 section is unable to serve, the remaining temporary officers shall, by majority vote,
2 appoint a person to serve until the initial municipal election is held in 2005.

3 "Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified
4 voters of the entire Town shall elect the members of the Town Council and, except as
5 provided in this section, they shall serve four-year terms. In 2005, the two candidates
6 receiving the highest numbers of votes shall be elected to four-year terms and the three
7 candidates receiving the next highest numbers of votes shall be elected to two-year
8 terms. In 2007, and quadrennially thereafter, three members shall be elected to four-year
9 terms. In 2009, and quadrennially thereafter, two members shall be elected to four-year
10 terms.

11 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified
12 voters of the entire Town shall elect the Mayor. In 2005, and quadrennially thereafter,
13 the Mayor shall be elected for a term of four years. The Mayor shall be the official head
14 of Town government and shall preside at all meetings of the Council, shall have the
15 right to vote only when there is an equal division on any question or matter before the
16 Council, and shall exercise the powers and duties conferred by law or as directed by the
17 Council.

18 "ARTICLE IV. ELECTIONS.

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

21 "ARTICLE V. ADMINISTRATION.

22 "Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town shall
23 operate under the Mayor-Council form of government as provided in Part 3 of Article 7
24 of Chapter 160A of the General Statutes.

25 "Section 5.2. **Town Attorney.** The Council shall appoint a Town Attorney licensed
26 to practice law in North Carolina. It shall be the duty of the Town Attorney to represent
27 the Town, advise Town officials, and perform other duties as required by law or as
28 directed by the Town Council. The Town Attorney shall serve at the pleasure of the
29 Town Council.

30 "Section 5.3. **Town Clerk.** The Council shall appoint a Town Clerk who shall
31 perform duties as required by law or as directed by the Town Council. The Town Clerk
32 shall serve at the pleasure of the Council.

33 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

34 "Section 6.1. **Commencement of Tax Collection.** From and after the effective date
35 of this act, the citizens and property in the Town of Wallburg shall be subject to
36 municipal taxes levied for the year beginning July 1, 2004, and for that purpose the
37 Town shall obtain from Davidson County a record of property in the area herein
38 incorporated which was listed for property taxes as of January 1, 2004.

39 "Section 6.2. **Budget.** The Town may adopt a budget ordinance for fiscal year
40 2004-2005 without following the timetable in the Local Government Budget and Fiscal
41 Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is
42 practical. For fiscal year 2004-2005, ad valorem taxes may be paid at par or face
43 amount within 90 days of adoption of the budget ordinance and thereafter in accordance
44 with the schedule in G.S. 105-360. If the effective date of the incorporation is prior to

1 July 1, 2004, the Town may adopt a budget ordinance for fiscal year 2003-2004 without
2 following the timetable in the Local Government Budget and Fiscal Control Act, but
3 shall follow the sequence of actions in the spirit of the act insofar as practical. No ad
4 valorem taxes may be levied for the 2003-2004 fiscal year.

5 "Section 6.3. **Ad Valorem Taxes.** The Town Council shall not increase the ad
6 valorem tax rate more than \$0.10/\$100.00 valuation above the ad valorem tax rate
7 established on the date of incorporation of the Town of Wallburg without the vote or
8 consent of a majority of the qualified voters of the Town of Wallburg. The election on
9 the question of increasing the ad valorem tax rate shall be conducted in accordance with
10 G.S. 160A-209."

11 **SECTION 2.** This act is effective when it becomes law.