

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE DRS75082-LMx-30 (02/10)

Short Title: Incorporate Sneads Ferry.

(Local)

Sponsors: Senator Brown.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE VILLAGE OF SNEADS FERRY.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Village of Sneads Ferry is enacted to read:

"CHARTER OF THE VILLAGE OF SNEADS FERRY.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Village of Sneads Ferry are a body corporate and politic under the name 'Village of Sneads Ferry.' The Village of Sneads Ferry 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. **Village Boundaries.** Until modified in accordance with law, the boundaries of the Village of Sneads Ferry are as follows:

BEGINNING at a point where the centerline of Turkey Creek intersects the centerline of the Intracoastal Waterway right-of-way and being the same as shown on a plat recorded in Map Book 10 Page 73 of the Onslow County Registry; thence along the centerline of Turkey Creek in a general Northerly direction to the centerline of NCSR 1529 (commonly known as Turkey Point Road – 60 foot right-of-way); and running thence along the centerline of Turkey Point Road in a general Northwesterly direction where it intersects the centerline of NCSR 1518 (commonly known as Old Folkstone Road – 60 foot right-of-way); thence along the centerline of NCSR 1518 in a general Westerly direction to the centerline of NCSR 1528 (commonly known as Winery Road – 60 foot right-of-way); thence along the centerline of NCSR 1528 in a generally Northerly direction to the centerline of N.C. Highway 172 (100 foot right-of-way); thence along the centerline of N.C. Highway 172 in a general Westerly direction to the centerline of a road (commonly know as Pilchers Branch Road) and recorded as Stone Creek Road – Private and being described as a 60 foot ingress & egress easement as per Deed Book 947 Page 31 and referenced in Map Book 35 Page 81 & Map Book 43 Page 172 of the Onslow County Registry; thence leaving N.C. Highway 172 and running along the most Western line of the property shown in Map Book 43 Page 172 and the Eastern edge of Stone Creek Road in a general Northwesterly direction to a point in the centerline of Indian Grave Branch; thence along the centerline of said branch in a general Southeasterly direction to the centerline of N.C. Highway 210 (100 foot right-of-way) as shown in Map Book 43 Page 172 of the Onslow County Registry; thence along the centerline of N.C. Highway 210 as measured in a general Southeasterly direction to the projected property line of the U.S. Marine Corps property as shown in Map Book 41 Page 151 of the Onslow County Registry; thence leaving the centerline



1 of N.C. Highway 210 and running along the Southeastern line of the U.S. Marine Corps
2 property as shown in Map Book 45 Page 151 of the Onslow County Registry in a general
3 Northeasterly direction to the run of Everett Creek; thence along the centerline of the run of
4 Everett Creek as measured in a Southeasterly and Northeasterly direction to the centerline of
5 the run of New River; thence along the centerline of the run of New River as measured in a
6 general Southeasterly direction to the centerline of the Intracoastal Waterway; thence along the
7 centerline of the Intracoastal Waterway as measured in a general Southwestern direction to the
8 point and place of beginning.

9 "ARTICLE III. GOVERNING BODY.

10 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing body
11 of the Village of Sneads Ferry is the Mayor and the Village Council, which shall have six
12 members.

13 "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial
14 election in 2011 provided for by Section 4.1 of this Charter, Scotty J. Everett is appointed
15 Mayor and Robert D. Bryant, Angela B. Edens, Jerry L. Hinnant, Jr., Donald H. Howell,
16 Carolyn P. Lankas, and Brian K. Shepard are appointed council members of the Village of
17 Sneads Ferry, and they shall possess and exercise the powers granted to the Mayor and
18 governing body until their successors are elected or appointed and qualified pursuant to this
19 Charter. Robert D. Bryan shall serve as Interim Mayor Pro Tempore. If any person named in
20 this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint
21 a person to serve until the initial election is held in 2011.

22 "Section 3.3. **Manner of Electing Village Council; Term of Office.** The qualified voters
23 of the entire Village shall elect the members of the Village Council and, except as provided in
24 this section, they shall serve four-year terms. In 2011, the three candidates receiving the highest
25 numbers of votes shall be elected to four-year terms and the three candidates receiving the next
26 highest numbers of votes shall be elected to two-year terms. In 2013 and quadrennially
27 thereafter, three members shall be elected to four-year terms. In 2015 and quadrennially
28 thereafter, three members shall be elected to four-year terms. To be eligible for election to the
29 Village Council, an individual must reside in the Village of Sneads Ferry. Vacancies on the
30 Village Council shall be filled in accordance with G.S. 160A-63.

31 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified voters of
32 the entire Village shall elect the Mayor. In 2011 and quadrennially thereafter, the Mayor shall
33 be elected for a term of four years. The Mayor shall attend and preside over meetings of the
34 Village Council, shall advise the Village Council from time to time as to matters involving the
35 Village of Sneads Ferry, and shall have the right to vote as a member of the Village Council on
36 all matters before the Council but shall have no right to break a tie vote in which the Mayor has
37 participated. In the case of a vacancy in the office of Mayor, the remaining members of the
38 Village Council shall choose from their own number a successor for the unexpired term.

39 "Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.** The
40 Mayor Pro Tempore shall be elected from among the members of the Village Council at the
41 organizational meeting after the initial election in 2011 and shall serve for a term of two years.
42 The Mayor Pro Tempore shall act in the absence or disability of the Mayor. If the Mayor and
43 Mayor Pro Tempore are both absent from a meeting of the Village Council, the members of the
44 Village Council present may elect a temporary chair to preside in the absence. The Mayor Pro
45 Tempore shall have the right to vote on all matters before the Village Council and shall be
46 considered a member of the Village Council for all purposes.

47 "Section 3.6. **Compensation of Mayor and Village Council.** The Mayor and members of
48 the Village Council shall be reimbursed for ordinary and necessary expenses and may receive
49 salary and honoraria only upon a majority vote of the qualified voters of the Village who vote
50 on the question in a special referendum.

51 "ARTICLE IV. ELECTIONS.

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

3 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter
4 163 of the General Statutes, with the first regular municipal election to be held in 2011.

5 "Section 4.3. **Special Elections and Referenda.** Special elections and referenda may be
6 held only as provided by general law or applicable local acts of the General Assembly.

7 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

8 "Section 5.1. **Form of Government.** The Village shall operate under the Mayor-Council
9 form of government as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

10 "Section 5.2. **Village Attorney.** The Village Council shall appoint a Village Attorney
11 licensed to practice law in North Carolina. It shall be the duty of the Village Attorney to
12 represent the Village, advise Village officials, and perform other duties as required by law or as
13 directed by the Village Council. The Village Attorney shall serve at the pleasure of the Village
14 Council.

15 "Section 5.3. **Village Clerk.** The Village Council shall appoint a Village Clerk who shall
16 perform duties as required by law or as directed by the Village Council. The Village Clerk shall
17 serve at the pleasure of the Village Council.

18 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

19 "Section 6.1. **Powers of the Town Council.** The Village Council may levy those taxes and
20 fees authorized by general law. An affirmative vote equal to a majority of all the members of
21 the Village Council shall be required to change the ad valorem tax rate from the rate established
22 during the prior fiscal year.

23 "Section 6.2. **Commencement of Tax Collection.** From and after July 1, 2010, the citizens
24 and property in the Village of Sneads Ferry shall be subject to municipal taxes levied for the
25 year beginning July 1, 2010, and for that purpose the Village shall obtain from Onslow County
26 a record of property in the area herein incorporated which was listed for property taxes as of
27 January 1, 2010.

28 "Section 6.3. **Budget.** The Village may adopt a budget ordinance for fiscal year 2010-2011
29 without following the timetable in the Local Government Budget and Fiscal Control Act but
30 shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year
31 2010-2011, ad valorem taxes may be paid at par or face amount within 90 days of adoption of
32 the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360 as if the
33 taxes had been due and payable on September 1, 2010. If, in the referendum authorized in
34 Sections 2 through 4 of this act, a majority of the votes are cast "For the Incorporation of the
35 Village of Sneads Ferry," the Village may adopt a budget ordinance for fiscal year 2009-2010
36 without following the timetable in the Local Government Budget and Fiscal Control Act, but
37 shall follow the sequence of actions in the spirit of the act insofar as practical. No ad valorem
38 taxes may be levied for the 2009-2010 fiscal year.

39 "Section 6.4. **Ad Valorem Taxes.** The ad valorem tax rate for the Village shall be
40 \$.10/\$100.00 valuation until June 30, 2012. After June 30, 2012, the Village Council shall not
41 increase the ad valorem tax rate more than \$.10/\$100.00 valuation above the ad valorem tax
42 rate initially established after incorporation of the Village of Sneads Ferry without the vote or
43 consent of a majority of the qualified voters of the Village of Sneads Ferry. The procedures of
44 G.S. 160A-209 shall be followed for any such election.

45 "ARTICLE VII. ORDINANCES.

46 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Village of
47 Sneads Ferry is authorized to adopt such ordinances as the Village Council deems necessary for
48 the governance of the Village."

49 **SECTION 2.** The Onslow County Board of Elections shall conduct an election on
50 May 4, 2010, for the purpose of submission to the qualified voters for the area described in
51 Section 2.1 of the Charter of the Village of Sneads Ferry the question of whether or not the area

1 shall be incorporated as the Village of Sneads Ferry. Registration for the election shall be
2 conducted in accordance with G.S. 163-288.2. The referendum shall be held only if the
3 referendum and the Charter have been approved under section 5 of the Voting Rights Act of
4 1965. If by March 1, 2010, the conduct of the election and the Charter have not been approved,
5 then the election shall be held on a date set by the Onslow County Board of Elections no later
6 than 120 days after both have been approved.

7 **SECTION 3.** In the election, the question on the ballot shall be:

8 "[]FOR []AGAINST

9 Incorporation of the Village of Sneads Ferry."

10 **SECTION 4.** In the election, if a majority of the votes are cast "For the
11 Incorporation of the Village of Sneads Ferry," Section 1 of this act shall become effective on
12 the date that the Onslow County Board of Elections certifies the results of the election.
13 Otherwise, Section 1 of this act shall have no force and effect.

14 **SECTION 5.** Until Section 1 of this act becomes effective and a Village Attorney
15 is appointed, the members of the Sneads Ferry Incorporation Committee, being Robert D.
16 Bryant, Angela B. Edens, Scotty J. Everett, Jerry L. Hinnant, Jr., Donald H. Howell, Carolyn P.
17 Lankas, and Brian K. Shepard shall be responsible for submitting any information required by
18 G.S. 120-30.9F to the Attorney General of the United States. The committee shall
19 simultaneously submit both the issue of the incorporation referendum and the Charter itself.

20 **SECTION 6.** This act is effective when it becomes law.