

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 841
HOUSE BILL 1170

AN ACT TO INCORPORATE THE TOWN OF BELL'S ISLAND, INCORPORATED,
IN CURRITUCK COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Bell's Island, Incorporated, North Carolina, within the boundaries as established in Section 3 of this Act, shall be a body politic and corporate by name the Town of Bell's Island, Incorporated, and under that name shall have perpetual succession; may use a corporate seal, may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this Act, the Town of Bell's Island, Incorporated, shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Bell's Island, Incorporated, shall have, and may exercise all powers which, under the Constitution of North Carolina and the general laws of the State including, without limitation Chapter 160 of the General Statutes of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in the manner provided by ordinance or resolution of the town council.

Sec. 3. Corporate Limits. The corporate limits of the town shall be as follows:

Beginning at a point on the North side of N. C. Highway No. 34 leading from the mainland of Currituck County eastwardly to Belle's Island at a concrete monument located at a point which is the following courses and distances from the northwest corner of the bridge on the aforesaid highway crossing the outlet from a pond on the lands of the John E. Wood Estate, sometimes called Simmon's Pond: North 56 degrees 13 minutes East 282 feet and thence North 87 degrees 43 minutes East 1444 feet along the North side of said highway. Said point of beginning and the aforesaid concrete monument is designated "Monument No. 1" on the report of the surveyor in Civil Suit

No. 259 tried in the United States District Court for the Eastern District of North Carolina, Elizabeth City Division, said suit being entitled in part William S. Gray and wife vs. Russell B. Box, et al and said report of surveyor being recorded in Book 90 at page 200 in the office of the Register of Deeds of Currituck County and said report of surveyor being made at the direction of the aforesaid court and pursuant to the adjudication of the boundary line between the owners of the properties herein described and one John E. Wood, the then owner of the properties to the West the properties herein described, said judgment being dated April 9, 1967, and from said point of beginning thence along the line established by said judgment the following courses and distances: North 39 degrees 13 minutes East 579 feet, thence North 57 degrees 58 minutes East 376 feet and North 62 degrees 43 minutes East 488 feet to the waters of Currituck Sound, thence along the shore line of Bell's Island on the following general courses and distances: North 86 degrees 20 minutes East 845 feet, North 12 degrees 55 minutes East 960 feet, North 67 degrees 45 minutes East 1090 feet, South 38 degrees 15 minutes East 970 feet, South 08 degrees 40 minutes East 1705 feet, South 24 degrees 20 minutes East 2685 feet, South 06 degrees 50 minutes West 1850 feet to a 12 inch x 12 inch wood post in concrete at the northeast corner of the F. P. Bradley property, thence South 65 degrees 55 minutes West along the center line of a ditch to and thru three iron stakes a distance of 1643.7 feet to an iron pipe at the edge of Coinjock Bay, thence along the shore line of Belle's Island Marsh the following general courses and distances: North 37 degrees 10 minutes West 3840 feet, North 07 degrees 45 minutes East 1090 feet, North 32 degrees 50 minutes West 805 feet, South 15 degrees West 725 feet, South 67 degrees 35 minutes West 560 feet to the properties of Russell Box and others set aside to them in the actual partition in Civil No. 259 above-mentioned as per order confirming partition dated August 3, 1957, and recorded in Book 90 at page 176 in the office of the Register of Deeds of Currituck County, thence North 03 degrees West 1030 feet along the East line of the Box et al properties to the center line of N. C. Highway No. 34, thence westwardly along the center line of said highway South 87 degrees 43 minutes West a distance of 90 feet, thence North 02 degrees 37 minutes West 30 feet to the point of beginning and containing 407.93 acres as per plat of David Cox, Jr., dated June 13-16, 1966, entitled in part "A part of Bell's Island being conveyed to Belle Isle, Inc."

TOWN COUNCIL

Sec. 4. Creation, Terms of Office, Compensation. Except as otherwise provided in this Charter, all powers of the town shall be vested in a town council consisting of four members and a mayor appointed or nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor shall be for two years or until his successor is elected and qualified. The term of office for town councilman shall be for four years except as otherwise provided in this Act. If a vacancy occurs in the office of mayor or councilman, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the town council. The mayor and members of the town council shall be qualified electors of the town. A member of the town council or the mayor ceasing to possess any of the qualifications

specified in this Section, shall immediately forfeit his office. The mayor and members of the town council shall serve without compensation.

Sec. 5. Meeting of the Town Council. The town council shall meet at such times as may be prescribed by ordinance or resolution. Special meetings may be called upon the written request of the mayor or two members of the town council. All meetings of the town council shall be open to the public, and the rules of the council shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Sec. 6. Mayor and Mayor Pro Tempore. The mayor shall preside at meetings of the town council and shall exercise such other powers and perform such other duties as may now or hereafter be conferred and imposed upon him by the general laws of North Carolina, by this Charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the town council, take command of the police, maintain order and enforce the law. At its first meeting following a regular municipal election or appointment, the town council shall choose one of its members as mayor pro tempore. In case of the absence or disability of the mayor, the mayor pro tempore shall act as mayor during the continuance of the absence or disability.

Sec. 7. Quorum. A majority of the members elected or appointed to the town council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the town council shall be necessary to adopt any ordinances, resolution, order or vote; except that a vote to adjourn, or a vote regarding the attendance of absent members, may be adopted by a majority of the members present.

Sec. 8. Ordinances, Rules and Records. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Except as otherwise prescribed in this Act or by general law, all ordinances and resolutions passed by the town council shall take effect at the time indicated therein. Upon final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. The town council shall determine its own rules and order of business and keep a journal of its proceedings.

NOMINATIONS AND ELECTIONS

Sec. 9. Municipal Elections. The regular election for the choice of mayor and members of the town council shall be held on Tuesday following the first Monday in May in the odd-numbered years. Provided, the date of the first regular municipal election shall be determined as follows:

(1) If the mayor and members of the town council first elected as provided for elsewhere in this Act are elected during the odd-numbered year, the first regular municipal election shall be held in May of the odd-numbered year next following such appointments.

(2) If the mayor and members of the town council first elected are elected during an even-numbered year, the first regular municipal election shall be held in May of the odd-numbered year which is two years subsequent to the month of May in the odd-numbered year next following the year of such first elections.

Sec. 10. Regulations of Elections. All elections shall be conducted in accordance with the general laws of the State relating to municipal elections, except as otherwise provided in this Act.

Sec. 11. Nominations. Any qualified elector of the Town of Bell's Island, Incorporated, may file as a candidate for mayor or member of the town council by filing a notice of candidacy in substantially the following form:

"I, _____, hereby give notice that I am a candidate for election to the office of _____ to be voted on at the election to be held on _____ and I hereby request that my name be printed on the official ballot for such office. I also certify that I am a resident and qualified elector of the Town of Bell's Island, Incorporated, residing at _____ in said town.

_____ (Candidate) _____

_____ (Date) _____

Witness: _____".

The notice of candidacy prescribed above must be filed with the town clerk no earlier than 60 days nor later than 10 days before the date of election. The town clerk shall preserve all such notices until expiration of the term of the office for which the candidate filed. Any candidate may withdraw his notice of candidacy not later than the last day for filing by submitting written notice of withdrawal with the town clerk.

Sec. 12. Election of Mayor and Town Council. The mayor and members of the town council shall be elected at large by the qualified voters of the town. Every voter shall be entitled to vote for one candidate for mayor and for four candidates for the town council. The four candidates who receive the largest number of votes for councilman shall be declared elected. The candidate who receives the largest number of votes for mayor shall be declared elected, and the mayor shall serve for a term of two years. Councilmen shall serve for a term of four years. Provided, however, that at the first regular municipal election to be held as provided for elsewhere in this Act, the two candidates for the town council receiving the highest number of votes shall be elected to serve for a four-year term, and the other two candidates elected to the town council shall serve for a two-year term. Thereafter all members elected to the town council shall serve for a four-year term.

ADMINISTRATIVE SERVICE

Sec. 13. Appointment of Officers and Employees. The town council may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment. Provided, that the town council may appoint one person to perform the duties of any two or more positions. Such employees or officers shall serve at the pleasure of the town council, and shall perform such duties as may be prescribed by the town council. The town

council shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 14. Custody of Town Money. All moneys received by the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the town council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the treasurer or other official designated by the town council.

Sec. 15. Contracts and Purchases. All contracts for town improvements and all purchases of supplies, materials and equipment shall be governed by the applicable provisions of the General Statutes of North Carolina and in particular G. S. 143-129.

Sec. 16. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the town council, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be available to any interested citizens and may be published if so ordered by the town council.

MISCELLANEOUS PROVISIONS

Sec. 17. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the town council.

Sec. 18. Personal Interest. Neither the mayor nor any member of the town council nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services; except on behalf of the town as an officer or employee. Any wilful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the town council.

Sec. 19. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina; that I will in all respects observe the provisions of the Charter and ordinances of the Town of Bell's Island, Incorporated, and will faithfully discharge the duties of the office of _____."

Sec. 20. The authority granted by this Act shall not be exercised and the government of the Town of Bell's Island, Incorporated, as provided for in this Act shall not function unless the Town of Bell's Island, Incorporated, is activated by formal

resolution adopted by the Board of Commissioners of Currituck County pursuant to the following requirements:

(1) In the event a written petition signed by fifteen per cent (15%) of the resident freeholders whose property is located within the limits as described in Section 3 of this Act is filed with the Board of Commissioners of Currituck County, the Board of Commissioners of Currituck County upon confirmation of such petition and not later than 90 days from the date of the receipt thereof shall adopt a formal resolution activating the Town of Bell's Island, Incorporated, in accordance with this Act.

(2) The resolution activating the Town of Bell's Island, Incorporated, shall state that a petition or petitions as required herein were received and found sufficient, that the town is activated on the effective date of the resolution and shall function in accordance with this Act.

(3) Immediately upon the adoption of a Resolution of Activation, the Board of County Commissioners of Currituck County shall call an election for the purpose of electing a mayor and members of the town council, and shall cause a registration of qualified voters within the limits of the town to be had and appoint election officials for conducting such election, all in accord with procedure of general State laws relating to municipal elections.

(4) Once a resolution as required by this Act has been adopted by the Board of Commissioners of Currituck County formally activating the Town of Bell's Island, Incorporated, all provisions of this Act and general laws to which this Act refers shall govern the Town of Bell's Island, Incorporated, and the repeal of the activation resolution or other action by the Board of Commissioners of Currituck County shall not modify, repeal or affect in any manner the provisions of this Act.

Sec. 21. If any part of this Act shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Act. The provisions of this Act shall supersede all laws and ordinances not consistent herewith, insofar as the Town of Bell's Island, Incorporated, is affected thereby.

Sec. 22. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 23. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.