

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 874

Short Title: Kingston Incorporated.

(Local)

Sponsors: Representatives Lutz, Jack Hunt, and Weatherly.

Referred to: Government.

March 27, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF KINGSTON.

3 The General Assembly of North Carolina enacts:

4 Section 1. A Charter for the Town of Kingston is enacted to read:

5 "CHARTER OF THE TOWN OF KINGSTON.

6 "CHAPTER I.

7 "INCORPORATION AND CORPORATE POWERS.

8 "Sec. 1-1. **Incorporation and corporate powers.** The inhabitants of the Town of
9 Kingston, in the County of Cleveland, State of North Carolina, are a body corporate and
10 politic under the name 'Town of Kingston'. Under that name they have all the powers,
11 duties, rights, privileges, and immunities conferred and imposed on cities by the
12 General Law of North Carolina.

13 "CHAPTER II.

14 "CORPORATE BOUNDARIES.

15 "Sec. 2-1. **Town boundaries.** Until modified in accordance with law, the
16 boundaries of the Town of Kingston are as follows:

17 BEGINNING at an iron pin located in the point of intersection of centerline of the
18 intersection of KINGSTON ROAD (S.R. 1341) and ZION CHURCH ROAD (S.R.
19 1337) and proceeding thence N 26-30-15 W 128.44 feet to an iron pin located in the
20 centerline of KINGSTON ROAD (S.R. 1341); thence N87-58 W 2905,02 feet to an iron
21 pin; thence along the center of and following the course of BRUSHY CREEK, N 24-05
22 W 695 feet, further N 52-22- W 507.37 feet, further N 86-31-30 W 207.45 feet, further
23 N 05-45-15 W 295.16 feet, further N 07-58-E 255.50 feet, further N 08-11 W 224.84,
24 further N 00-14-40 W 547.43 feet, further N 05-19-30 W 155.64 feet, N 22-25-00 W

1 161.02 feet, N 07-09-15 W 150.35 feet, N 34-48-25 W 108.50 feet, N 52-50-00 W
2 229.24 feet, N 01-06-30 W 119.63, feet, N 30-23-10 W 132.59 feet, N 10-30-00 W
3 128.72 feet, N 51-29-00 W 169.65 feet, thence in a Southerly direction through the
4 Kingston Community leaving out the lands of Virginia M. Allen (Deed Book 15 V, at
5 Page (109), Phillip & Albert Greene (Deed Book 7P, at Page 253), Albert Greene &
6 Sarah Greene (Deed Book 185, at Page 841), J. M. Mauney (Deed Book 9U, at Page
7 628), and Mt. Calvary Baptist Church (Deed Book 10D, at Page 413) to an iron pin
8 located in Southern border of the Kingston Community; thence S 50-34-05 E 257.00
9 feet; thence; further S 51-44-15 W 22 feet, S 16-50-50 E 63.72 feet, S 30-21-18 E
10 141.40 feet, S 18-18-10 E 129.12 feet, S 15-10-10 E 113.51 feet, S 09-49-05 E 113.00
11 feet, S 00-01-35 W 151.00 feet, further S 20-42-50 E 71.51 feet; thence S 71-00-00 E
12 300.00 feet to an iron pin; thence N 82-24-05 E 585.02 feet to an iron pin; thence S 23-
13 00-00 E 220.00 feet to an iron pin, thence N 80-15-00 E 440 feet to an iron pin; S 09-
14 43-30 E 200.00 feet to an iron pin; S 88-16-30 W 265.58 feet to an iron pin; thence S
15 41-01-03 E 70.35 feet to an iron pin; N 80-39-40 E 415.09 feet to an iron pin; S 09-29-
16 30 E 405.50 feet to an iron pin; thence S 50-33-35 W 217.59 feet to an pin located in
17 the centerline of WILLIAMSTON ROAD: thence S 54-46-50 W 465.13 feet to an iron
18 pin; thence N 17-11-00 W 173.00 feet to an iron pin; thence S 80-15-00 W 260.52 to an
19 iron pin; S 17-11-00 E 120 feet to an iron pin; thence S 24-55-15 E 722.67 feet to an
20 iron pin; thence S 24-55-15 E 722.67 feet to an iron pin; thence S 06-12-00 E 196.60
21 feet to an iron pin; thence 2-23-31-00 E 957.00 feet to an iron pin; thence S 81-59-45 W
22 752.28 feet to an iron pin; thence S 26-08-42 E 690.20 feet to an iron pin; S 60-29-20 E
23 264.00 feet to an iron pin; thence N 88-32-36 E 651.75; thence S 06-55-50 W 503.15
24 feet to an iron pin; thence S 15-57-40 W 165.87 feet to iron pin; thence across a branch
25 S 84-08-40 E 391.58 feet to an iron pin; thence S 20-35-35 E 540.91 feet to an pin;
26 thence S 17-41-20 E 940.04 feet to an iron pin; thence in a Southerly direction through
27 the Kingston Community to the point and place of BEGINNING.

28 "CHAPTER III.

29 "GOVERNING BODY.

30 "Sec. 3-1. Structure of governing body; number of members.

31 (a) The governing body of the Town of Kingston is the Town Council, which has
32 five members, and the Mayor.

33 (b) Except as otherwise provided by this charter, all powers, the general
34 management and control of the Town of Kingston shall be vested in a Town Council of
35 five members and a Mayor elected by and from the qualified voters of the Town of
36 Kingston in the manner hereinafter provided, who shall exercise their power or powers
37 in conformity to the provisions of this charter and the provisions of the General Law
38 with reference to the powers and privileges of municipalities wherein no provision has
39 been made in this charter with respect thereto.

40 "Sec. 3-2. Manner of electing Council.

41 (a) The qualified voters of the entire Town nominate and elect the members of
42 the Council.

43 (b) The governing body of the Town may by ordinance duly adopted provide
44 that the governing body of the Town shall consist of six members elected by wards

1 which shall as nearly as possible be numerically equal in population and have fixed,
2 known, and visible boundaries.

3 "Sec. 3-3. Term of office of Council members.

4 (a) In 1989, five members of the Council shall be elected. The three receiving
5 the highest numbers of votes are elected to four-year terms, the two receiving the next
6 highest numbers of votes are elected to two-year terms. In 1991 and each four years
7 thereafter, two members of the Council shall be elected for four-year terms. In 1993
8 and each four years thereafter, three members of the Council shall be elected for four-
9 year terms.

10 (b) A vacancy shall exist when an elective officer shall fail, without good
11 cause, to qualify within 60 days after his election; shall die, resign, remove himself from
12 the Town; is convicted or submits to the charge of a felony; is judicially declared a
13 lunatic or is removed for cause by a court of competent jurisdiction or by operation of
14 law. Every such vacancy shall be filled for the remainder of the unexpired term by a
15 majority vote of the remaining Board members of the Town Council in regular or
16 special meeting.

17 "Sec. 3-4. **Election of Mayor.** A Mayor shall be elected in 1991 and every four
18 years thereafter for a four-year term.

19 **"CHAPTER IV.**

20 **"ELECTIONS.**

21 "Sec. 4-1. Conduct of Town elections.

22 (a) Elections shall be conducted in accordance with the general election laws
23 pertaining to municipal elections.

24 (b) Town officers shall be elected on a nonpartisan basis and the results
25 determined by a majority of votes cast, with a runoff election if necessary, as provided
26 by G.S. 163-293.

27 **"CHAPTER V.**

28 **"ADMINISTRATION.**

29 "Sec. 5-1. Mayor-council form of government.

30 (a) The Town shall adopt the mayor-council form of government and shall
31 operate under the mayor-council form of government in accordance with Part 3 of
32 Article 7 of Chapter 160A of the General Statutes and any charter provisions not in
33 conflict therewith.

34 (b) The Town Council may appoint a treasurer, a tax collector, an accountant, a
35 town attorney, a chief of police, a fire chief, and such other officers and employees as
36 may be necessary, none of whom need be a resident of the Town at the time of
37 appointment. Such employees or officers shall serve at the pleasure of the Town
38 Council. The Town Council shall fix all salaries, prescribe bonds and require such
39 oaths as they may deem necessary.

40 (c) The Town Council shall choose a town clerk. The town clerk shall keep the
41 records of the Town Council and perform such other duties as may be required by law
42 or the Town Council.

43 (d) The Town Council may designate the holder of any office listed under this
44 section to hold ex officio any of the other offices listed under this section."

1 Sec. 2. (a) Until the organizational meeting after the 1989 regular Town
2 election, the following persons shall be members of the Town Council:

3 (b) Until the organizational meeting after the 1989 regular Town election,
4 _____ shall be Mayor.

5 Sec. 3. From and after July 1, 1989, the citizens and property in the Town of
6 Kingston shall be subject to municipal taxes levied for the year beginning July 1, 1989,
7 and for that purpose the Town shall obtain from Cleveland County a record of property
8 in the area herein incorporated which was listed for taxes as of January 1, 1989, and the
9 businesses in the Town shall be liable for privilege license tax from the effective date of
10 the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal
11 year 1989-90 without following the timetable in the Local Government Budget and
12 Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act
13 insofar as is practical. The Town may not levy an ad valorem tax for fiscal year 1988-
14 89.

15 Sec. 4. This act is effective upon ratification.