

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 232*
Committee Substitute Reported Without Prejudice 6/3/03

Short Title: Incorporate Mills River.

(Local)

Sponsors:

Referred to:

March 5, 2003

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF MILLS RIVER.

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF MILLS RIVER.

"ARTICLE I. INCORPORATION AND CORPORATE BOUNDARIES.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Mills River are a body corporate and politic under the name 'Town of Mills River'. Under that name they shall have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law 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 Mills River are as follows:

Beginning at a point at the Buncombe-Henderson County line on Pennsylvania Road (SR 1348) and traveling South to the Intersection with North Mills River Road (SR 1345). Turning Northwest on North Mills River Road (SR 1345) until the Intersection with Whitaker Lane (SR 1341). Turning South on Whitaker Lane (SR 1341) until the Intersection with South Mills River Road (SR 1338). Continuing South along Henderson County Land Records parcel lines known as 0802005 along the Southern edge; 9933871 along the Southern edge; 0800935 along the Northern and Eastern edges; 9900853 along the Eastern edge; 0801109 along the Eastern edge; 9965467 along the Southeastern edge; 9935627 along the Southeastern edge; 9935626 along the Southern edge; until reaching the Mills River Fire District line. Continuing West along the United States Forest Service property line and the Mills River Fire District line across what is commonly known as "Forge Mountain" to the Transylvania County line. Following the Transylvania County line South to the Mills River Fire District line and then along with the Mills River Fire District line Southeast to Ladson Road. Turning East on Ladson Road (SR 1314) until reaching the Intersection of Schoolhouse Road (SR 1426). Continuing East until the Intersection with Haywood Road (Hwy 191). Turning North

1 on Haywood Road (Hwy 191) until reaching Hooper Lane (SR 1353). Turning East on
2 Hooper Lane (SR 1353), including the property on the Southeast side of the road listed
3 with the Henderson County Land Records as: 0803205 along the Eastern edge; 9945652
4 along the Eastern and Northern edges; and rejoining Hooper Lane (SR 1353). Following
5 Hooper Lane (SR 1353) until reaching Jeffress Road (SR 1345). Turning North along
6 Jeffress Road (SR 1345) until its Intersection with Butler Bridge Road (SR 1352).
7 Following Butler Bridge Road (SR 1352) Northeast until reaching the Mills River Fire
8 District line. Following the Mills River Fire District line North and Northwest back to
9 the Buncombe-Henderson County line on Pennsylvania Road (SR 1348).

10 "ARTICLE III. GOVERNING BODY.

11 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing
12 body of the Town of Mills River is the Town Council, which shall have five members.

13 "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial
14 election in 2003 provided for by Section 4.1 of this Charter, Roger D. Snyder, Lois M.
15 Pryor, Wayne S. Carland, James R. Cowan, and Linda F. Brittain are appointed
16 members of the Town Council of the Town of Mills River, and they shall possess and
17 exercise the powers granted to the governing body until their successors are elected or
18 appointed and qualified pursuant to this Charter. If any person named in this section is
19 unable to serve, the remaining temporary officers shall, by majority vote, appoint a
20 person to serve until the initial municipal election is held in 2003.

21 "Section 3.3. **Manner of Electing Town Council; Terms of Office.** Two of the
22 Council members shall be elected at large from the residents of the Town and three shall
23 be elected from each of Districts 1, 2, and 3 respectively, as provided in Article IV of
24 this Charter. The qualified voters of the entire Town shall elect all the members of the
25 Town Council, and, except as provided in this section, they shall serve four-year terms.
26 In 2003, two Council members shall be elected at large and they shall serve for
27 four-year terms, and one Council member shall be elected from each of Districts 1, 2,
28 and 3, respectively and they shall serve for two-year terms. In 2005, and quadrennially
29 thereafter, one Council member shall be elected from each of Districts 1, 2, and 3
30 respectively and they shall serve for four-year terms. In 2007, and quadrennially
31 thereafter, two members shall be elected at large and they shall serve for four-year
32 terms.

33 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** At the
34 organizational meeting following each municipal election, the Town Council shall elect
35 one of its members as Mayor, and the Mayor shall serve at the pleasure of the Town
36 Council. The Mayor shall be the official head of Town government and shall preside at
37 all meetings of the Town Council. The Mayor shall exercise such powers and duties as
38 conferred by the general laws of this State and this Charter and as directed by the Town
39 Council. In the case of a vacancy in the office of Mayor, the remaining members of the
40 Town Council shall choose from their membership a person to serve as Mayor for the
41 unexpired term.

42 "Section 3.5. **Vacancies.** Notwithstanding the provisions of G.S. 160A-63, a person
43 appointed by the Town Council to fill a vacancy on the Council shall serve for the
44 remainder of the unexpired term.

1 "ARTICLE IV. ELECTIONS.

2 "Section 4.1. **Conduct of Town Elections.** Town elections shall be conducted on a
3 nonpartisan basis and the results determined by plurality, as provided in G.S. 163-292.
4 Elections shall be conducted by the Henderson County Board of Elections in accordance
5 with general law, except as may be modified by this Charter.

6 "Section 4.2. **Regular Municipal Elections; District Boundaries.** Regular
7 municipal elections shall be held in each odd-numbered year in accordance with the
8 uniform municipal election laws of North Carolina. For purpose of the election of Town
9 Council members, the Town is divided into three geographical subdivisions, known as
10 districts, and all qualified voters of the Town may cast a vote for each seat. A written
11 description or map showing the current boundaries of the three election districts shall be
12 maintained in the office of the Town Clerk and shall be available for public inspection.
13 The district boundaries may be amended periodically pursuant to the provisions of
14 general law. Whenever areas are hereafter annexed and made part of the Town, the
15 Town Council shall, by ordinance, redefine and rearrange the three election districts so
16 as to include the annexed areas. The ordinance shall be adopted at least seven days prior
17 to the opening of candidate filing for the municipal election next succeeding the date of
18 any annexation and shall provide for three election districts of approximately equal
19 population. In redefining and rearranging the election district lines, the Town Council
20 shall follow as nearly as practical existing district lines.

21 "Section 4.3. **Residency Required.** Candidates for election to district seats on the
22 Town Council shall reside in and represent their respective districts, but all candidates
23 for Town Council shall be nominated and elected by all the voters of the Town.

24 "ARTICLE V. ADMINISTRATION.

25 "Section 5.1 . **Town to Operate Under Council-Manager Plan.** The Town shall
26 operate under the Council-Manager form of government as provided in Part 2 of Article
27 7 of Chapter 160A of the General Statutes.

28 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

29 "Section 6.1. **Commencement of Tax Collection.** From and after the effective date
30 of this act, the citizens and property in the Town of Mills River shall be subject to
31 municipal taxes levied for the year beginning July 1, 2003, and for that purpose the
32 Town shall obtain from Henderson County a record of property in the area herein
33 incorporated which was listed for property taxes as of January 1, 2003.

34 "Section 6.2. **Budget.** The Town may adopt a budget ordinance for fiscal year
35 2003-2004 without following the timetable in the Local Government Budget and Fiscal
36 Control Act but shall follow the sequence of actions in the spirit of the act insofar as is
37 practical. For fiscal year 2003-2004, ad valorem taxes may be paid at par or face
38 amount within 90 days of adoption of the budget ordinance and thereafter in accordance
39 with the schedule in G.S. 105-360. If the effective date of the incorporation is prior to
40 July 1, 2003, the Town may adopt a budget ordinance for fiscal year 2002-2003 without
41 following the timetable in the Local Government Budget and Fiscal Control Act but
42 shall follow the sequence of actions in the spirit of the act insofar as practical. No ad
43 valorem taxes may be levied for the 2002-2003 fiscal year.

44 "ARTICLE VII. ORDINANCES.

1 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town
2 of Mills River is authorized to adopt such ordinances as the Town Council deems
3 necessary to the governance of the Town.

4 "ARTICLE VIII. MISCELLANEOUS PROVISIONS.

5 "Section 8.1. **Expenses.** The entities sponsoring incorporation shall be entitled to
6 recover from the Town expenses of sponsoring incorporation in the amount of five
7 hundred dollars (\$500.00) or greater, provided that the entities seeking recovery shall
8 submit written requests for reimbursement and shall be subject to annual audit. The
9 Town Council may reimburse expenses after the first full fiscal year. To receive
10 reimbursement, all requests must be submitted prior to the end of the second fiscal
11 year."

12 **SECTION 2.** The temporary officers of the Town of Mills River shall, at
13 least seven days prior to the opening of candidate filing for the initial municipal
14 elections, adopt a plan to divide the Town into three districts for the purpose of
15 municipal elections as provided in Article IV of this Charter. The plan shall
16 immediately be transmitted to the Henderson County Board of Elections.

17 **SECTION 3.** Notwithstanding G.S. 163-294.2, the filing period for the
18 Town Council for the 2003 municipal election shall open at 12:00 noon on the first
19 Monday in August and shall close at 12:00 noon on the first Friday in August.

20 **SECTION 4.** This act is effective when it becomes law.