

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-329
SENATE BILL 15**

AN ACT TO INCORPORATE THE TOWN OF HAMPSTEAD.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Hampstead is enacted to read:
"CHARTER OF THE TOWN OF HAMPSTEAD.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Hampstead are a body corporate and politic under the name 'Town of Hampstead.' The Town of Hampstead has 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 law, the boundaries of the Town of Hampstead are as follows:

Pender County: Precinct Topsail Lower: Tract 9802: Block Group 2: Block 2097, Block 2098, Block 2109, Block 2110, Block 2111, Block 2112, Block 2113; Block Group 5: Block 5008, Block 5009, Block 5010, Block 5011, Block 5013, Block 5014, Block 5015, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5026, Block 5027, Block 5028, Block 5029, Block 5030, Block 5031, Block 5032, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041, Block 5042, Block 5043, Block 5044, Block 5045, Block 5046, Block 5047, Block 5048, Block 5049, Block 5050, Block 5051, Block 5052, Block 5053, Block 5054, Block 5055, Block 5056, Block 5057, Block 5058, Block 5059, Block 5060, Block 5061, Block 5996, Block 5997, Block 5998; Precinct Topsail Upper: Tract 9801: Block Group 1: Block 1078, Block 1996; Tract 9802: Block Group 4, Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5012, Block 5016, Block 5062, Block 5063, Block 5064, Block 5065, Block 5066, Block 5067, Block 5068, Block 5069, Block 5070, Block 5071, Block 5072, Block 5073, Block 5074, Block 5075, Block 5999, and Pender County Tax Parcels: 3281-08-9797-0000, 3281-09-9499-0000, 3281-18-1827-0000, 3281-18-1995-0000, 3281-18-8879-0000, 3281-19-0526-0000, 3281-19-0624-0000, 3281-19-2053-0000, 3281-19-2436-0000, 3281-19-2519-0000, 3281-19-2785-0000, 3281-19-3121-0000, 3281-19-3218-0000, 3281-19-3906-0000, 3281-19-4134-0000, 3281-19-4202-0000, 3281-19-4331-0000, 3281-19-4612-000I, 3281-19-4612-000L, 3281-19-4910-0000, 3281-19-5342-0000, 3281-19-5461-0000, 3281-19-5499-0000, 3281-19-7513-0000, 3281-19-7859-0000, 3281-19-8097-0000, 3281-19-9270-0000, 3281-19-9924-0000, 3281-28-7365-0000, 3281-28-8182-0000, 3281-28-8634-0000, 3281-29-0236-0000, 3281-29-0393-0000, 3281-29-3232-0000, 3281-29-4277-0000, 3281-29-9256-0000, 3281-37-1934-0000, 3281-38-0964-0000, 3281-38-2487-0000, 3281-38-6558-0000, 3281-38-9801-0000, 3281-39-3461-0000, 3281-39-5112-0000, 3281-39-5694-0000, 3281-39-8202-0000, 3281-39-8570-0000, 3281-39-8835-0000, 3281-46-7779-0000, 3281-47-1321-0000, 3281-47-4074-0000, 3281-47-4653-0000, 3281-47-6960-0000, 3281-48-6273-0000, 3281-48-8488-0000, 3281-48-8764-0000, 3281-49-1676-0000, 3281-49-2013-0000, 3281-49-4344-0000, 3281-49-7003-0000, 3281-55-8865-0000, 3281-56-0599-0000, 3281-56-3297-0000, 3281-56-4738-0000,

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 4204-21-9305-0000, 4204-31-3648-0000, 4204-42-0146-0000, 4204-42-6632-0000, and
 4204-42-8736-0000.

All roads within or abutted on two or more sides by the boundaries are included in the town boundaries. As used in this section, census descriptions are from the 2000 decennial federal census, and tax parcels are from the Pender County tax records as of July 1, 2007.

"Section 2.2. **Annexation.** (a) An annexation ordinance under G.S. 160A-37 or G.S. 160A-49 shall become effective only if approved by the voters of the area to be annexed in a referendum conducted as provided in subsection (b) of this section.

(b) The Town Council shall order the Pender County Board of Elections to call an election to determine whether or not the proposed territory shall be annexed to the Town. Within 100 days after receiving the order from the Town, the board of elections shall proceed to hold an election on the question.

The election shall be called by a resolution or resolutions of the board of elections which shall:

- (1) Describe the territory proposed to be annexed to the Town as set out in the order of the Town.
- (2) Provide that the matter of annexation of the territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed.
- (3) Provide for registration of voters in the territory proposed to be annexed for the election in accordance with G.S. 163-288.2.

The resolution shall be published in one or more newspapers of Pender County once a week for 30 days prior to the closing of the registration books. All costs of holding the election shall be paid by the Town. Except as herein provided, the election shall be held under the same statutes, rules, and regulations as are applicable to elections in the Town.

In the election, the question on the ballot shall be:

[] FOR [] AGAINST
Annexation.'

If a majority of the votes cast from the area proposed for annexation shall be 'For Annexation,' the annexation ordinance shall become effective as provided by this section and general law.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Hampstead shall be the Town Council which shall have five members.

"Section 3.2. **Temporary Officers.** Until the initial election of 2009 provided for by Article IV of this Charter, John K. Swann, Gary Poirier, Joseph K. Kimil, and Ellery Lee Murphy are appointed to the Town Council of the Town of Hampstead. The temporary officers shall appoint a qualified person to fill the remaining seat on the Council, and, after the appointment, the temporary officers shall elect from among their members a person to serve as Interim Mayor and a person to serve as Interim Mayor Pro

Tempore. If any person named in this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint a person to serve until the initial election is held. In addition to exercising the duties granted to the Town Council in this Charter and by general law, the temporary officers shall adopt an ordinance establishing the electoral districts for the Town as provided in Section 4.4 of this Charter. The ordinance establishing the electoral districts shall be adopted at least 30 days prior to the opening of candidate filing for the 2009 election and shall provide for three election districts of approximately equal population.

"Section 3.3. **Manner of Electing Council; Term of Office.** Two of the Council members shall be elected at large from the residents of the Town, and three shall be elected from each of Districts 1, 2, and 3 respectively, as provided in Article IV of this Charter. The qualified voters of the entire Town shall elect all the members of the Town Council, and, except as provided in this section, they shall serve four-year terms. In 2009, two Council members shall be elected at large, and one council member shall be elected from District 1, and they shall serve for four-year terms, and one Council member shall be elected from each of Districts 2 and 3 respectively, and they shall serve for two-year terms. In 2011, and quadrennially thereafter, one Council member shall be elected from each of Districts 2 and 3 respectively, and they shall serve for four-year terms. In 2013, and quadrennially thereafter, two members shall be elected at large, and one member shall be elected from District 1, and they shall serve for four-year terms. Vacancies on the Town Council shall be filled in accordance with G.S. 160A-63.

"Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The Mayor shall be elected from among the members of the Town Council at the organizational meeting after the initial election in November 2009 and shall serve for a term of one year. Any member of the Town Council is eligible to serve successive one-year terms as Mayor, and the member shall be elected in the same manner in which the member was initially elected. The Mayor shall attend and preside over meetings of the Town Council, shall advise the Town Council from time to time as to matters involving the Town of Hampstead, and shall have the right to vote as a member of the Town Council on all matters before the Council. In the case of a vacancy in the office of Mayor, the remaining members of the Town Council shall choose from their own number a successor for the unexpired term.

"Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.** The Mayor Pro Tempore shall be elected from among the members of the Town Council at the organizational meeting after the initial election in November 2009 and shall serve for a term of one year. Any member of the Town Council is eligible to serve successive one-year terms as Mayor Pro Tempore, and the member shall be elected in the same manner in which the member was initially elected. The Mayor Pro Tempore shall act in the absence or disability of the Mayor. If the Mayor and Mayor Pro Tempore are both absent from a meeting of the Town Council, the members of the Town Council present may elect a temporary chairman to preside in the absence. The Mayor Pro Tempore shall have the right to vote on all matters before the Town Council and shall be considered a member of the Town Council for all purposes.

"ARTICLE IV. ELECTIONS.

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

"Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter 163 of the General Statutes, with the first regular municipal election to be held in 2009.

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

"Section 4.4. **Regular Municipal Elections; District Boundaries.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. For purpose of the election of Town

Council members, the Town is divided into three geographical subdivisions, known as districts, and all qualified voters of the Town may cast a vote for each seat. A written description or map showing the current boundaries of the three election districts shall be maintained in the office of the Town Clerk and shall be available for public inspection. The district boundaries may be amended periodically pursuant to the provisions of general law. Whenever areas are hereafter annexed and made part of the Town, the Town Council shall, by ordinance, redefine and rearrange the three election districts so as to include the annexed areas. The ordinance shall be adopted at least seven days prior to the opening of candidate filing for the municipal election next succeeding the date of any annexation and shall provide for three election districts of approximately equal population. In redefining and rearranging the election district lines, the Town Council shall follow as nearly as practical existing district lines.

"Section 4.5. **Residency Required.** Candidates for election to district seats on the Town Council shall reside in and represent their respective districts, but all candidates for Town Council shall be nominated and elected by all voters of the Town. Candidates for election to at-large seats on the Town Council shall reside within the corporate limits of the Town in order to qualify to take, hold, and continue in the office.

"ARTICLE V. ORGANIZATION AND ADMINISTRATION.

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

"Section 5.2. **Town Attorney.** The Town Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town officials, and perform other duties required by law or as the Town Council may direct.

"Section 5.3. **Town Clerk.** The Town Council shall appoint a Town Clerk to keep a journal of the proceedings of the Town Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Town Council may direct.

"Section 5.4. **Other Administrative Officers and Employees.** The Town Council may authorize other offices and positions and appoint persons to fill the offices and positions. The Town Council may organize the Town government as deemed appropriate, subject to the requirements of general law.

"Section 5.5. **Consolidation of Functions.** Where positions are not incompatible, the Town Council may combine in one person the powers and duties of two or more officers created or authorized by this Charter.

"Section 5.6. **Compensation of Mayor and Town Council; Temporary Officers.** The Mayor and members of the Town Council shall be reimbursed for ordinary and necessary expenses and may receive salary and honoraria only upon a majority vote of the qualified voters of the Town who vote on the question in a special referendum. The Temporary Officers, as described in Section 3.2 of this Charter, shall not receive a salary.

"ARTICLE VI. TAXES AND BUDGET ORDINANCE.

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

"Section 6.2. **Budget.** From and after July 1, 2007, the citizens and property in the Town of Hampstead shall be subject to municipal taxes levied for the fiscal year beginning July 1, 2007, and, for that purpose, the Town shall obtain from Pender County a record of property in the area herein incorporated that was listed for taxes as of January 1, 2007. The Town may adopt a budget ordinance for fiscal year 2007-2008 without following the timetable in the Local Government Budget and Fiscal Control Act but shall follow the sequence of actions in the spirit of the Act insofar as is practical. For fiscal year 2007-2008, ad valorem taxes may be paid at par or face amount within

90 days of adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 2007.

"Section 6.3. **Ad Valorem Taxes.** The ad valorem tax rate for the Town shall be \$0.11/\$100.00 valuation and shall not be increased by the Temporary Officers, which are described in Section 3.2 of this Charter. The Town Council shall not increase the ad valorem tax rate more than ten percent (10%) above the ad valorem tax rate initially established after incorporation of the Town of Hampstead without the vote or consent of a majority of the qualified voters of the Town of Hampstead. The procedures of G.S. 160A-209 shall be followed for any such election.

"ARTICLE VII. ORDINANCES.

"Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of Hampstead is authorized to adopt such ordinances as the Town Council deems necessary for the governance of the Town.

"ARTICLE VIII. SPECIAL PROVISIONS.

"Section 8.1. **Fire Protection.** The Town of Hampstead may contract with the Sloop Point Volunteer Fire Department and the Hampstead Volunteer Fire Department to provide fire protection for the Town. The contract terms and the amount paid by the Town of Hampstead to the Sloop Point Volunteer Fire Department and the Hampstead Volunteer Fire Department shall be mutually agreed upon and annually renewed by the Board of Directors for the Sloop Point Volunteer Fire Department and the Town Council and the Board of Directors for the Hampstead Volunteer Fire Department and the Town Council.

"Section 8.2. **Fire Protection District; Town Removed.** Effective June 30, 2008, the Town of Hampstead is removed from the Hampstead Fire Protection District and the Sloop Point Fire Protection District."

SECTION 2. The Pender County Board of Elections shall conduct an election on November 6, 2007, for the purpose of submission to the qualified voters for the area described in Section 2.1 of the Charter of the Town of Hampstead the question of whether or not the area shall be incorporated as the Town of Hampstead. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

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

"[] FOR [] AGAINST

Incorporation of the Town of Hampstead."

SECTION 4. In the election, if a majority of the votes are cast "For the Incorporation of the Town of Hampstead," Section 1 of this act shall become effective on the date that the Pender County Board of Elections certifies the results of the election. Otherwise, Section 1 of this act shall have no force and effect.

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2nd day of August, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives