

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 626
HOUSE BILL 1005

AN ACT TO INCORPORATE THE TOWN OF MESIC IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The following provisions of law shall constitute the Charter of the Town of Mesic in Pamlico County.

"THE CHARTER OF THE TOWN OF MESIC

"ARTICLE 1. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate under the name of the 'Town of Mesic', and shall be vested with all property which may be acquired by the Town, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Town Board and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. 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 herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Mesic shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES

"Section 2.1. Corporate Boundaries. The corporate boundaries of the Town of Mesic, until changed in accordance with law are as follows: BEGINNING at a point in the centerline of Highway #304 at a concrete culvert in a branch of Vandemere Creek, the southwest corner of Melinda Ollison's farm tract, and running thence northerly along the centerline of a ditch, Melinda Ollison's southwest line, 500 feet; thence

northeastwardly to a point 500 feet north of the centerline of the right-angle turn in the Swamp Road (Secondary Road #1222) , said turn in said road being about 250 feet west of the northwest corner of the Nancy Carawan farm; thence northeastwardly to a point 500 feet northward of the centerline of the intersection of the Abbott Farm Road and the field road between the Abbott Farm and the Henries land; thence northeastwardly to the northern end of the Jesse Morris Road (Secondary Road #1223) at the edge of the woods; thence southeastwardly to a point in the centerline of the Herman Morris Field Road which is intersected by the ditch which marks the north line of Evelyn G. Hill's home lot; thence southeastwardly with the centerline of said ditch to Evelyn G. Hill's eastern corner at Highway #304; thence northeastwardly with the highway about 3,000 feet to the Gales Creek Bridge; thence southeastwardly with Gales Creek to Bay River; thence westwardly with Bay River to the mouth of Vandemere Creek; thence northwardly and westwardly up and with Vandemere Creek to the mouth of the branch first-above referred to; thence northwardly up and with said branch to the point of BEGINNING.

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

"Section 3.1. Temporary Officers. Until the initial election provided for by Section 4.1 of this Charter, Elward Jennette is hereby appointed Mayor, and Hazel Mason, Leo Henries, Holon Gibbs, Rudolph Jones and Warren Credle appointed Commissioners of the Town of Mesic and they shall possess and may exercise the powers granted to the Mayor and Board of Commissioners until their successors are elected and qualify pursuant to this Charter.

"Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Board. When there is an equal division upon any question, or in the appointment of officers, by the Board, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Town Board shall choose one of its members to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

"Section 3.3. Composition of Town Board. The Town Board shall consist of five (5) members to be elected by and from the qualified voters of the Town voting at large in the manner provided by Article IV.

"Section 3.4. Terms; Qualifications; Vacancies.

(a) Except for the terms of office as specified in Section 3.1. and Section 4.1. herein, the Mayor and the members of the Town Board shall serve for terms of two (2) years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as a member of the Town Board, or to serve in such capacity, unless he is a resident and a qualified voter of the Town.

(c) If any elected Commissioner shall refuse to qualify, or if there shall be any vacancy in the office of Commissioner after election and qualification, the remaining members of the Board shall by majority vote appoint some qualified person to serve for the unexpired term. Any Commissioner so appointed shall have the same authority and powers as if regularly elected.

"Section 3.5. Organization of Board; Oaths of Office. The Town Board shall meet, elect the Mayor Pro Tempore and organize for the transaction of business at the first regularly scheduled meeting of the Board following each biennial election. Before entering upon their offices, the Mayor and each Commissioner shall take, subscribe, and have entered upon the minutes of the Board the oath of office required by Article VI, section 7 of the Constitution of North Carolina.

"Section 3.6. Meetings of Board.

(a) The Town Board shall fix by ordinance suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Commissioners, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the Town Board shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Section 3.7. Quorum; Votes.

(a) A majority of the members elected to the Town Board shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance. The number required for a quorum shall not be affected by vacancies.

(b) The affirmative vote of a majority of the members of the Town Board shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Section 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all ordinances shall be: 'Be it ordained by the Town Board of the Town of Mesic'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.

"ARTICLE IV. ELECTION PROCEDURE

"Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year, beginning in 1973. In the regular election in 1973 and biennially thereafter, there shall be elected five

(5) Commissioners. In the regular election in 1973 and biennially thereafter, there shall be elected a Mayor for a term of two (2) years.

"Section 4.2. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Commissioner shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than the eighth Friday nor later than five o'clock p.m. on the third Friday prior to the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars (\$5.00), shall be signed in the presence of the Town Clerk, and shall be substantially in the following form: 'I, _____, do hereby give notice that I am a candidate for election to the office of _____ Town of Mesic, to be voted on at the election to be held on _____, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Mesic, residing at _____.
(Signature) _____ (Date) _____.'

"Section 4.3. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise provided herein.

"ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Section 5.1. Town Clerk. The Town Board may appoint a Town Clerk to keep a journal of the proceedings of the Board and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board may direct.

"Section 5.2. Town Tax Collector. The Town Board may appoint a Tax Collector to collect all taxes, licenses, fees and other monies belonging to the Town subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Section 5.3. Town Accountant. The Town Board may appoint a Town Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

"Section 5.4. Consolidation of Functions. The Town Board may, in its discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Board may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 5.5. Other Employees. The Town Board may create and fill by appointment such other positions as it deems advisable to insure the efficient administration of the Town's affairs, and may, in its discretion, appoint a person to supervise all Town departments and may delegate to such person the power of appointment and removal of department heads and employees, other than the Town Attorney.

"ARTICLE VI. FINANCE

Section 6.1. Custody of Town Money. All monies received by the Town for and 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 Board in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on monies belonging to the Town shall accrue to the benefit of the Town. All monies belonging to the Town shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Section 6.2. Issuance of Bonds. The Town may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

"Section 6.3. Purchases and Contracts. Purchases and apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

"Section 6.4. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Town or of any of its officers. The Town Board shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Town, and may be published if so ordered by the Town Board.

"Section 6.5. Taxation. The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the Town for the fiscal year 1971-72 and subsequent years. The Town may obtain from Pamlico County, and the Pamlico County Tax Supervisor shall provide upon request, a record of property within the corporate limits which was listed for taxation as of January 1, 1971."

Sec. 2. If any provisions of this act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 4. 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 21st day of June, 1971.