

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 564
HOUSE BILL 616

AN ACT TO INCORPORATE THE TOWN OF LELAND, SUBJECT TO A
REFERENDUM.

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF LELAND.

"Chapter I.

"Incorporation and Corporate Powers.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Leland are a body corporate and politic under the name 'Town of Leland'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed upon cities by the general law of North Carolina.

"Chapter II.

"Corporate Boundaries.

"Sec. 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Leland are as follows:

Lying and being in Brunswick County and beginning at a point of the confluence of Sturgeon Creek and the Brunswick River, said beginning point being located in Northwest Township, Brunswick County, North Carolina, and thence from said beginning point in a general Westerly direction with the run of Sturgeon Creek to the confluence of Sturgeon Creek and Mill Creek, thence in a general Westerly direction and continuing with the run of Sturgeon Creek to its intersection with the Southern right-of-way line of the new four lane U. S. Highway 74-76, thence in a Southeasterly direction with the Southern right-of-way line of the new U. S. Highway 74-76 to the interchange of said highway with U. S. Highway 17, and thence continuing with an extension of the Southern right-of-way line of the new four lane U. S. Highway 74-76 as it would proceed through the interchange without alteration to the point where such extension would intersect with the Southern right-of-way line the new U. S. Highway 74-76 East of said interchange and thence continuing with said Southern right-of-way line of the new U. S. Highway 74-76 in a Northeasterly direction to a point in the center of the Brunswick River, thence in a general Northerly direction along the center of the Brunswick River to the point of confluence of the Brunswick River and Sturgeon Creek, said point being the point of beginning.

"Chapter III.

"Governing Body.

"Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Leland is the Town Council and the Mayor. The Town Council has four members.

"Sec. 3.2. **Manner of Electing Board.** The qualified voters of the entire Town elect the members of the Council.

"Sec. 3.3. **Term of Office of Council Members.** In 1989, four members of the Council shall be elected. The two persons receiving the highest numbers of votes are elected for four-year terms, and the two persons receiving the next highest numbers of votes shall be elected for two-year terms. In 1991 and biennially thereafter, two members of the Council shall be elected for four-year terms.

"Sec. 3.4. **Selection of Mayor; Term of Office.** The qualified voters of the entire Town elect the Mayor. A Mayor shall be elected in 1989 and biennially thereafter for a two-year term. The Mayor has the same voting rights and privileges and is subject to the same voting limitations and requirements as are Council members under the general law. In determining a quorum, a majority vote of the Council, or in being excused from voting, the Mayor is treated as a member of the Council. The Mayor, after participating with Council members in a vote that results in a tie, may not vote a second time to break that tie.

"Chapter IV.

"Elections.

"Sec. 4.1. **Conduct of Town Elections.** The Town Council shall be elected on a nonpartisan basis and the results determined by the plurality method as provided by G.S. 163-292.

"Chapter V.

"Administration.

"Sec. 5.1. **Mayor-Council Plan.** The Town of Leland operates under the Mayor-Council plan as provided by Part 3 of Article 7 of Chapter 160A of the General Statutes."

Sec. 2. Until members of the Town Council are elected in 1989 in accordance with the Town Charter and the law of North Carolina, the Leland Charter Commission shall serve as the interim governing body. The Chairman of the Leland Charter Commission shall be interim Mayor and the other members of the Commission serve as interim Council members from the time that the results of the election are certified until noon on Thursday, December 7, 1989, when their successors shall take office as provided by this Charter. Vacancies in the interim Council shall be filled by appointment made by the remaining members. A vacancy in the office of interim Mayor is filled by appointment made by the interim governing board.

Sec. 3. From and after July 1, 1989, the citizens and property in the Town of Leland shall be subject to municipal taxes levied for the year beginning July 1, 1989, and for that purpose the Town shall obtain from Brunswick County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1989, and the businesses in the Town shall be liable for privilege license tax from the effective date of the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal

year 1989-90 without following the timetable in the Local Government Budget and Fiscal Control Act.

Sec. 4. (a) The Brunswick County Board of Elections shall conduct an election on a date set by it, to be not less than 60 nor more than 120 days after the date of ratification of this act, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of Leland, the question of whether or not such area shall be incorporated as Leland. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(b) In the election, the question on the ballot shall be:

FOR Incorporation of Leland

AGAINST Incorporation of Leland."

Sec. 5. In such election, if a majority of the votes cast are not cast "FOR Incorporation of Leland", then Sections 1 through 3 of this act shall have no force and effect.

Sec. 6. In such election, if a majority of the votes cast shall be cast "FOR Incorporation of Leland", then Sections 1 through 3 of this act shall become effective on the date that the Brunswick County Board of Elections determines the result of the election. The Brunswick County Board of Elections shall provide a special filing period for candidates for the 1989 regular Town municipal election if the date this act becomes effective is after the opening date for filing provided by G.S. 163-294.2.

Sec. 7. Notwithstanding the description of corporate boundaries set out in Sec. 2.1 of the Charter of Leland, any area within those corporate boundaries which is annexed by another municipality by an annexation ordinance adopted pursuant to any provision of Article 4A of Chapter 160A of the General Statutes prior to a favorable vote on incorporation as provided for in Sections 4, 5, and 6 of this act shall be excluded from the corporate boundaries of the Town of Leland.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 4th day of July, 1989.