

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 100
SENATE BILL 335

AN ACT TO INCORPORATE THE TOWN OF NORTH TOPSAIL BEACH,
SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. The Town of North Topsail Beach, as described in Section 2 of this act is incorporated.

Sec. 2. A Charter for the Town of North Topsail Beach is enacted to read: "Charter of the Town of North Topsail Beach".

"CHAPTER 1.

"INCORPORATION AND CORPORATE POWERS.

"Sec. 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of North Topsail Beach are a body corporate and politic under the name 'Town of North Topsail Beach'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed upon Towns by the General Law of North Carolina.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. **Town Boundary.** Until modified in accordance with law, the boundaries of the town of North Topsail Beach are as follows:

Beginning at a point near the northern limit of Surf City and in the Intracoastal Waterway having N. C. Grid coordinates of North 260,907 East 2,445,050, thence along the Intracoastal Waterway North 47 degrees 04 minutes 23 seconds East 6015.6 feet, thence North 65 degrees 26 minutes 28 seconds East 44,583.2 feet, thence North 26 degrees 49 minutes 19 seconds East 7278.0 feet, thence North 08 degrees 08 minutes 23 seconds East 5021.5 feet, thence North 58 degrees 53 minutes 00 seconds East 7008.4 feet to a point in New River Inlet, thence leaving said Intracoastal Waterway and along New River Inlet South 00 degrees 00 minutes 00 seconds East 12,621.8 feet to a point in the Atlantic Ocean 1200 feet offshore, thence running parallel to the shoreline South 58 degrees 52 minutes 39 seconds West 59,111.2 feet to a point in the Atlantic Ocean 700 feet offshore and lying near the northern limit of Surf City, thence along the Surf City line North 38 degrees 31 minutes 30 seconds West 6,978.8 feet to the point and place of beginning, containing 8,900 acres more or less and being all of Topsail Island which lies North of the current city limits of Surf City.

"CHAPTER III.

"GOVERNING BODY.

"Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of North Topsail Beach is the Board of Aldermen which has five members and the Mayor.

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

"Sec. 3.3. **The Term of Office of Board of Aldermen Members; Four Year Terms.** At the regular municipal election to be held in 1989, the three candidates who receive the highest number of votes shall be elected for four-year terms, while the two candidates who receive the next highest number of votes shall be elected for two-year terms. Beginning at the regular municipal election to be held in 1991, and every four years thereafter, two members of the Board of Aldermen shall be elected to serve for four-year terms. Beginning at the regular municipal election to be held in 1993, and every four years thereafter, three members of the Board of Aldermen shall be elected to serve 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 every two years thereafter for a two-year term.

"Sec. 3.5. **Appointment of Initial Board of Aldermen and Mayor.** Weldon Hall, William Keister, Nathan McDaniels, Leland Newsome and Charlotte Tippet are hereby appointed members of the Board of Aldermen to serve until their successors are elected in the 1989 election. Rodney Knowles is appointed Mayor to serve until his successor is elected in the 1989 election.

"CHAPTER IV.

"ELECTIONS.

"Sec. 4.1. **Conduct of Town Elections.** The Board of Aldermen 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. **Council-Manager Plan.** The town of North Topsail Beach operates under the Council-Manager Plan as provided by Part 2 of Article 7 of Chapter 160A of the General Statutes."

Sec. 3. From and after July 1, 1989, the citizens and property in the Town of North Topsail Beach shall be subject to municipal taxes levied for the year beginning July 1, 1989, and for that purpose the Town shall obtain from Onslow 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, but shall follow the sequence of actions in the spirit of the act insofar as is practical.

Sec. 4. (a) The Onslow 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 North Topsail Beach, the question of whether or not such area shall be incorporated as North Topsail Beach. 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 North Topsail Beach

AGAINST Incorporation of North Topsail Beach".

Sec. 5. In such election, if a majority of the votes cast are not cast "FOR Incorporation of North Topsail Beach", 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 North Topsail Beach" then Sections 1 through 3 of this act shall become effective on the date that the Onslow County Board of Elections determines the result of the election.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 11th day of May, 1989.