

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 674
Committee Substitute Favorable 5/7/91

Short Title: Jonesville/Arlington Merged.

(Local)

Sponsors:

Referred to:

April 10, 1991

A BILL TO BE ENTITLED

AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON IN
YADKIN COUNTY, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. (a) The Yadkin County Board of Elections shall conduct an election on
August 13, 1991, for the purpose of submission to the qualified voters of the area
described in Section 2.1 of the Charter of Jonesville contained in Section 2 of this act,
the question of whether or not the Towns of Jonesville and Arlington shall be merged.
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 merger of Arlington and Jonesville.

AGAINST merger of Arlington and Jonesville."

(c) In the election, if a majority of the votes cast in each of the respective towns
of Jonesville and Arlington are "FOR merger of Arlington and Jonesville" then the
remainder of this act becomes effective as set forth in Section 9 of this act.

Sec. 2. The following constitutes the Charter of the Town of Jonesville,
having merged with the Town of Arlington:

"CHARTER OF THE TOWN OF JONESVILLE.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and General Powers.** The inhabitants of the Town of
Jonesville and the inhabitants of the former Town of Arlington are a body corporate and
politic under the name of 'The Town of Jonesville' (also referred to as the 'Town') until
that name is changed pursuant to general law. Under that name they have all powers,

1 duties, rights, privileges and immunities conferred and imposed upon municipal
2 corporations by the general law of the State.

3 **"ARTICLE II. CORPORATE BOUNDARIES.**

4 "Sec. 2.1. Effective on the date of ratification of this Charter, the corporate limits of
5 the Town of Jonesville consist of all of the territory that was within the corporate limits
6 of the Town of Arlington and all of the territory that is within the corporate limits of the
7 Town of Jonesville at the time of ratification. An official map of the Town, showing the
8 current boundaries, as they may be changed from time to time in accordance with law,
9 is maintained permanently in the office of the Town Clerk and is available for public
10 inspection. Immediately upon alteration of the corporate limits made pursuant to law,
11 the appropriate changes to the official map shall be made and copies shall be filed in the
12 office of the Secretary of State, the Yadkin County Register of Deeds and the
13 appropriate boards of elections.

14 **"ARTICLE III. GOVERNING BODY.**

15 "Sec. 3.1. **Mayor and Town Council.** The Mayor and the Town Council constitute
16 the governing body of the Town.

17 "Sec. 3.2. **Town Council; Composition; Terms of Office.** The Council is
18 composed of six members who reside in the respective districts as provided in Article
19 IV of this Charter but who are elected by all the qualified voters of the Town for terms
20 of four years or until their successors are elected and qualified.

21 "Sec. 3.3. **Mayor; Term of Office; Duties.** The Mayor is elected by all the
22 qualified voters of the Town for a term of two years or until a successor is elected and
23 qualified.

24 **"ARTICLE IV. ELECTIONS.**

25 "Sec. 4.1. **Conduct of Town Elections.** Regular municipal elections shall be held
26 in each odd-numbered year in accordance with the uniform municipal election laws of
27 the State. Elections are conducted on a nonpartisan basis and the results determined
28 using the nonpartisan plurality method as provided in G.S. 163-292.

29 "Sec. 4.2. **Election of Town Council.** For purposes of electing members of the
30 Town Council, the Town is divided into two districts, one district on each side of
31 Highway 21. Three Council members shall be elected from each district. Council
32 members shall reside in the district from which they are elected. All members shall be
33 elected to serve staggered four-year terms.

34 **"ARTICLE V. ADMINISTRATION.**

35 "Sec. 5.1. **Town to Operate Under Council-Manager Plan.** The Town operates
36 under the council-manager form of government in accordance with Part 2 of Article 7
37 of Chapter 160A of the General Statutes."

38 Sec. 3. (a) Filing for election of officials of the Towns of Arlington and
39 Jonesville for the 1991 regular municipal election shall take place as required by law. If
40 the referendum provided for in Section 1 of this act results in merger of the two Towns,
41 then the 1991 election for the two Towns is cancelled, and any terms of office of the
42 elected officials of the two Towns that would have expired are extended until June 30,
43 1992. There shall be a special filing period commencing upon certification of the
44 election results and ending at 5:00 p.m. on the tenth business day after the date of

1 certification, for candidacies for Mayor and the governing board of the merged Town
2 for an election to be held in November of 1991. Six council members shall be elected.
3 For purposes of the election, the Town is divided into two districts, one on each side of
4 Highway 21. Three Council members shall be elected from each district. The three
5 highest vote getters shall be elected to four-year terms and the next three highest vote
6 getters shall be elected to two-year terms. G.S. 163-125 does not apply in the case of
7 any officer of either Town seeking office in the merged Town.

8 (b) The governing body of the merged Town, if elected as set forth in subsection
9 (a) of this section shall have its first organizational meeting on June 30, 1992, which is
10 the effective date of the merger provided for in this act. Between the date that the
11 officers are elected and qualified and June 30, 1992, the governing bodies of the two
12 Towns may meet to discuss town business and take necessary action on town matters,
13 including preparation of a budget for fiscal year 1992-93, provided that meetings of the
14 governing body during this period are subject to all applicable notice and meeting
15 procedures required by general law.

16 Sec. 4. The governing body of the merged Town, if elected as set forth in
17 Section 3 of this act shall, at its first organizational meeting on June 30, 1992, amend
18 the Charter of the Town of Jonesville to change the name of the Town to "the Town of
19 Jonesville-Arlington" pursuant to the procedure set forth in Part 4 of Article 5 of
20 Chapter 160A of the General Statutes.

21 Sec. 5. (a) All property, real, personal and mixed, including accounts
22 receivable, belonging to the Town of Arlington shall vest in, belong to, and be the
23 property of the Town of Jonesville. The governing body of the Town of Jonesville is
24 authorized and directed to take such actions and to execute such documents as will carry
25 into effect the provisions and the intent of this section.

26 (b) All judgments, liens, rights of liens, and causes of action of any nature in
27 favor of the Town of Arlington shall vest in and remain and inure to the benefit of the
28 Town of Jonesville.

29 (c) All taxes, assessments, water or sewer charges, and any other charges or fees,
30 owing to the Town of Arlington shall be owed to and collected by the Town of
31 Jonesville.

32 (d) All actions, suits, and proceedings pending against or having been instituted
33 by the Town of Arlington shall not be abated by this act or by the merger provided
34 herein, but shall be continued and completed in the same manner as if merger had not
35 occurred, and the Town of Jonesville shall be a party to all such actions, suits, and
36 proceedings in the place and stead of the Town of Arlington and shall pay or cause to be
37 paid any judgments rendered against the Town of Arlington in any such actions, suits,
38 or proceedings. No new process need be served in any such action, suit, or proceeding.

39 (e) All obligations of the Town of Arlington, including outstanding
40 indebtedness, shall be assumed by the Town of Jonesville, and all such obligations and
41 outstanding indebtedness are hereby constituted obligations and indebtedness of the
42 Town of Jonesville, and the full faith and credit of the Town of Jonesville shall be
43 deemed to be pledged for the punctual payment of the principal of and interest on all
44 general obligation bonds and bond anticipation notes of the Town of Arlington, and all

1 the taxable property formerly located in the Town of Arlington shall be subject to
2 taxation by the Town of Jonesville for such payment.

3 (f) All ordinances of the former Town of Arlington and the Town of
4 Jonesville shall continue in full force and effect within the area to which they apply at
5 the time of ratification of this act as ordinances of the Town of Jonesville until June 30,
6 1993, unless otherwise provided by the governing body of the Town of Jonesville.

7 (g) All franchises heretofore granted by the Town of Arlington that are still
8 in force shall continue as valid franchises of the Town of Jonesville for the purposes
9 granted within the area formerly comprising the Town of Arlington, but shall not hereby
10 be constituted valid franchises for any other portion of the corporate limits of the Town
11 of Jonesville.

12 (h) No person employed by either the Town of Jonesville or the former Town
13 of Arlington shall be terminated solely due to the merger provided for in this act.

14 (i) The Town of Arlington is hereby abolished.

15 Sec. 6. Chapter 365 of the 1901 Session Laws, being the Charter of
16 Jonesville, and the Charter of Arlington as adopted by the Municipal Board of Control,
17 having served the purposes for which they were enacted, or having been consolidated
18 into this act are repealed.

19 Sec. 7. This act does not repeal, modify, or in any manner affect any acts
20 validating, confirming, approving, or legalizing official proceedings, actions, contracts,
21 or obligations of any kind of the Town of Jonesville or of the Town of Arlington.

22 Sec. 8. If any provision of this act is held invalid, such invalidity shall not
23 affect other provisions or applications of this act which can be given effect without the
24 invalid provision or application, and to this end the provisions of this act are declared to
25 be severable.

26 Sec. 9. Subject to the outcome of the election required by Section 1 of this
27 act and the provisions of Section 1(c) of this act, Sections 2 and 4 through 7 of this act
28 become effective June 30, 1992. The remainder of this act is effective upon ratification.