

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1771\*

Short Title: Midland Incorporation.

(Local)

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Sponsors: Representatives Tallent, Barbee, and Sossamon.

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Referred to: Rules, Calendar, and Operations of the House.

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May 25, 2000

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCORPORATE THE TOWN OF MIDLAND, SUBJECT TO A  
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

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

6 "CHARTER OF THE TOWN OF MIDLAND.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

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

13 "CHAPTER II.

14 "CORPORATE BOUNDARIES.

15 "Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the  
16 corporate boundaries of the Town of Midland are as follows:

17 "CHAPTER III.

18 "GOVERNING BODY.

1 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing  
2 body of the Town of Midland shall be the Town Council, which shall have four members,  
3 and the Mayor.

4 "Section 3.2. **Manner of Electing Town Council; Term of Office.** The qualified  
5 voters of the entire Town shall elect the members of the Town Council and, except as  
6 provided in this section, they shall serve four-year terms. In 2001, the two candidates  
7 receiving the highest number of votes shall be elected to four- year terms and the two  
8 candidates receiving the next highest number of votes shall be elected to two-year terms.  
9 In 2003 and biennially thereafter, two members shall be elected to four-year terms.

10 "Section 3.3. **Manner of Electing Mayor; Term of Office.** The qualified voters of  
11 the entire Town shall elect the Mayor. In 2001 and quadrennially thereafter, the Mayor  
12 shall be elected for a term of four years.

13 "Section 3.4. **Initial Council.** Until the organizational meeting after the initial  
14 regular municipal election of 2001, L.W. 'Bunk' Whitley, Joyce Beatty, and Dan Short  
15 are hereby appointed as members of the Town Council. Until that time, the Council shall  
16 consist of three members. [Until the organizational meeting after the initial regular  
17 municipal election of 2001, the Town Council shall choose from among its members one  
18 person to serve as Mayor.]

#### 19 "CHAPTER IV.

#### 20 "ELECTIONS.

21 "Section 4.1. **Conduct of Town Elections.** Regular municipal elections shall be held  
22 in each odd-numbered year in accordance with the uniform municipal election laws of  
23 North Carolina. Elections shall be conducted on a nonpartisan basis and results  
24 determined by a plurality as provided in G.S. 163-292.

#### 25 "CHAPTER V.

#### 26 "ADMINISTRATION.

27 "Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town of Midland  
28 shall operate under the Mayor-Council form of government as provided in Part 3 of  
29 Article 7 of Chapter 160A of the General Statutes."

30 Section 2. From and after the effective date of this act, the citizens and  
31 property in the Town of Midland shall be subject to municipal taxes levied for the year  
32 beginning July 1, 2000. For that purpose the Town shall obtain from Cabarrus County a  
33 record of property in the area herein incorporated which was listed for taxes as of January  
34 1, 2000. The Town may adopt a budget ordinance for fiscal year 2000-2001 without  
35 following the timetable in the Local Government Budget and Fiscal Control Act, but shall  
36 follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal  
37 year 2000-2001, ad valorem taxes may be paid at par or face amount within 90 days of  
38 adoption of the budget ordinance and thereafter in accordance with the schedule in G.S.  
39 105-360.

40 Section 3. The Cabarrus County Board of Elections shall conduct an election  
41 on November 7, 2000, for the purpose of submission to the qualified voters of the area  
42 described in Section 2.1 of the Charter of the Town of Midland the question of whether

1 or not the area shall be incorporated as the Town of Midland. Registration for the  
2 election shall be conducted in accordance with G.S. 163-288.2.

3 Section 4. In the election, the question on the ballot shall be:

4 **"[ ]FOR [ ]AGAINST**

5 **INCORPORATION OF THE TOWN OF MIDLAND."**

6 Section 5. In the election, if a majority of the votes are cast "For incorporation  
7 of the Town of Midland", Sections 1 through 2 of this act shall become effective on the  
8 date that the Cabarrus County Board of Elections certifies the results of the election.

9 Otherwise, those sections shall have no force and effect.

10 Section 6. This act is effective when it becomes law.