

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE BILL 76
Finance Committee Substitute Adopted 5/27/03
House Committee Substitute Favorable 6/11/03**

Short Title: Incorporate Misenheimer.

(Local)

Sponsors:

Referred to:

February 18, 2003

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE VILLAGE OF MISENHEIMER.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Village of Misenheimer is enacted to read:

"CHARTER OF THE VILLAGE OF MISENHEIMER.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Village of Misenheimer are a body corporate and politic under the name 'Village of Misenheimer'. The Village of Misenheimer has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Village Boundaries.** Until modified in accordance with law, the boundaries of the Village of Misenheimer are as follows:

Beginning at a point, the intersection of the extended center line of Wesley Chapel Road and the southern right-of-way of NC 49 Highway, thence from said point of beginning in a southwesterly direction with the southern right-of-way of NC 49 Highway approximately 623 feet to the intersection of the southern right-of-way of NC 49 Highway with the extended southern boundary of PIN 661202680112, thence in a northwesterly direction to the southwestern corner of PIN 661202680112, thence following the western boundary of the aforementioned parcel in a northerly direction to the southwestern corner of PIN 661202594073, thence in a northwesterly direction following the western boundary of PIN 661202594073 to the southern right-of-way of Mattons Grove Church Road, thence in a northwesterly direction to the southwestern corner of PIN 661201497564, thence in a northerly direction along the western boundary of PIN 661201497564 to the southwest corner of PIN 661304501502, thence in a northwesterly direction along the western boundary of the aforementioned parcel to its common corner with PIN 661303426162, thence continuing in a northwesterly direction along the western boundary of the aforementioned parcel approximately 75

1 feet to a corner, thence in a northeasterly direction along the western boundary of the
2 aforementioned parcel approximately 128 feet to a corner, thence in a northwesterly
3 direction along the western boundary of the aforementioned parcel approximately 223
4 feet to a corner, thence in a northwesterly direction along the western boundary of the
5 aforementioned parcel approximately 245 feet to a corner, thence in a southwesterly
6 direction along the western boundary of the aforementioned parcel approximately 765
7 feet to a corner, thence in a northwesterly direction along the western boundary of the
8 aforementioned parcel approximately 415 feet to a corner, thence in a northeasterly
9 direction along the western boundary of the aforementioned parcel approximately 977
10 feet to the northeast corner of PIN 661303116744, thence in a northwesterly direction
11 along the western boundary of PIN 661303426162 approximately 775 feet to the
12 southeast corner of PIN 661303240441, thence in a northeasterly direction along the
13 western boundary of PIN 661303426162 approximately 1,720 feet to the southeastern
14 corner of PIN 661303249399, thence in a northwesterly direction along the southern
15 boundary of the aforementioned parcel approximately 322 feet to the southwest corner
16 of the aforementioned parcel, thence in a northeasterly direction along the western
17 boundary of PIN 661303249399, approximately 466 feet to the southern right-of-way of
18 Glenmore Road, thence in a northwesterly direction along the southern right-of-way of
19 Glenmore Road approximately 420 feet to the intersection of the southern right-of-way
20 of Glenmore Road and the extended western boundary of PIN 661301258186, thence in
21 a northeasterly direction along the western boundary of the aforementioned parcel
22 approximately 800 feet to the intersection of the extended western boundary of the
23 aforementioned parcel and the northeastern right-of-way of US 52 Highway, thence in a
24 southeasterly direction along the northern right-of-way of US 52 Highway
25 approximately 1,855 feet to the southwestern corner of PIN 661303448640, thence in a
26 northeasterly direction along the western boundary of the aforementioned parcel to its
27 northernmost corner, thence in a generally southerly direction, following the eastern
28 boundary of the aforementioned parcel to its easternmost corner, said corner also being
29 a common corner with PIN 661304543342, thence in a northwesterly direction along
30 the northern boundary of PIN 661304543342 approximately 145 feet to the
31 northwestern corner of the aforementioned parcel thence in a southerly direction along
32 the western boundary of the aforementioned parcel to the northern right-of-way of US
33 52 Highway. Thence in a southeasterly direction along the northern right-of-way of US
34 52 Highway approximately 1,050 feet to the southwestern corner of PIN
35 661304643049, thence in a northerly direction along the western boundaries of PINs
36 661304643049, 661304643361, 661304643497, 661304644611, and 661304644846 to
37 the northwest corner of PIN 661304644846, thence in a northerly direction
38 approximately 60 feet to the southwest corner of PIN 661302655348, thence in a
39 northerly direction along the western boundaries of PINs 661302655348 and
40 661302655544 to the northernmost corner of PIN 661302655544, thence in a
41 southeasterly direction along the northern boundary of the aforementioned parcel
42 approximately 200 feet to the northeastern corner of the aforementioned parcel, thence
43 in a southerly direction approximately 620 feet to the southernmost corner of PIN
44 661302596350, said point being located in the northwestern right-of-way of Reeves

1 Island Road, thence along the northwestern right-of-way of Reeves Island Road in a
2 northeasterly direction approximately 350 feet, to the intersection of the northwestern
3 right-of-way of Reeves Island Road and the northwesterly extended northern boundary
4 of PIN 661302752445, thence in a southerly direction along the northern boundary of
5 the aforementioned parcel approximately 300 feet to the southeast corner of PIN
6 661302596350, thence in a northerly direction crossing the right-of-way of Reeves
7 Island Road approximately 544 feet to the southwest corner of PIN 661302882512,
8 thence in an easterly direction crossing the right-of-way of Reeves Island Road along
9 the northern boundary of PIN 661304847498 and continuing in an easterly direction
10 along the northern boundary of the aforementioned parcel and then in a southerly
11 direction along the eastern boundary of the aforementioned parcel to the southeastern
12 corner of PIN 661304847498, said point also being the northeastern corner of PIN
13 662303100762, thence in a westerly direction along the southern boundary of PIN
14 661304847498 approximately 1,235 feet, crossing the right-of-way of US 52 Highway
15 to the southeast corner of PIN 661304914577, thence in a westerly direction along the
16 southern boundary of the aforementioned parcel approximately 570 feet to the
17 southwest corner of the aforementioned parcel, thence in a northwesterly direction along
18 the southwestern boundaries of PINs 661304914577, 661304911763, 661304911954,
19 and 661304920059, to the easternmost corner of PIN 661304825379, thence in a
20 southwesterly direction along the southeastern boundaries of the aforementioned parcel
21 and PINs 661304825234, 661304812626, 661304814927, and 661304712926 to the
22 southeast corner of the aforementioned parcel, thence in an easterly direction along the
23 northern boundary of PIN 661304702603 approximately 1,150 feet to the northeast
24 corner of the aforementioned parcel, thence in a southerly direction along the eastern
25 boundary of the aforementioned parcel approximately 495 feet to a corner, thence in a
26 westerly direction along the boundary of the aforementioned parcel approximately 780
27 feet to a corner, thence in a southerly direction along the boundary of the
28 aforementioned parcel approximately 780 feet to the southeast corner of PIN
29 661304702603, thence in a westerly direction along the southern boundary of PIN
30 661304702603 approximately 1,475 feet to the northeast corner of PIN 661202686946,
31 thence in a southerly direction along the eastern boundary of the aforementioned parcel
32 approximately 820 feet to the northwest corner of PIN 661202780863, thence in a
33 northeasterly direction with the northern boundary of the aforementioned parcel
34 approximately 290 feet to the northeast corner of the aforementioned parcel, thence in a
35 southerly direction with the eastern boundary of the aforementioned parcel
36 approximately 563 feet to the southeastern corner of the aforementioned parcel, thence
37 in an easterly direction approximately 35 feet to the northeast corner of PIN
38 661202688269, thence in a southerly direction with the eastern boundary of the
39 aforementioned parcel for an approximate distance of 470 feet to the southeast corner of
40 the aforementioned parcel, thence continuing in the same direction to the southern
41 right-of-way of NC 49 Highway, thence in a westerly direction along the southern
42 right-of-way of NC 49 Highway to the point of beginning.

43 "ARTICLE III. GOVERNING BODY.

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

4 "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial
5 election in 2004 provided for by Section 4.1 of this Charter, Chuck Ambrose, Peter
6 Edquist, Maria Fisher, Michael Herron, and Beth Huber are appointed members of the
7 Village Council of the Village of Misenheimer, and they shall possess and exercise the
8 powers granted to the governing body until their successors are elected or appointed and
9 qualified pursuant to this Charter. The temporary officers shall elect a person from
10 among the members of the temporary governing body to serve as interim mayor. If any
11 person named in this section is unable to serve, the remaining temporary officers shall,
12 by majority vote, appoint a person to serve until the initial municipal election is held in
13 2004.

14 "Section 3.3. **Manner of Electing Village Council; Term of Office.** The qualified
15 voters of the entire Village shall elect the members of the Village Council, and, except
16 as provided in this section, they shall serve four-year terms. In 2004, the three
17 candidates receiving the highest numbers of votes shall be elected to four-year terms,
18 and the two candidates receiving the next highest numbers of votes shall be elected to
19 two-year terms. In 2006, and quadrennially thereafter, two members shall be elected to
20 four-year terms. In 2008, and quadrennially thereafter, three members shall be elected to
21 four-year terms.

22 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** At the
23 organizational meeting following each municipal election, the Village Council shall
24 elect one of its members as Mayor, and the Mayor shall serve at the pleasure of the
25 Village Council. The Mayor shall be the official head of Village government and shall
26 preside at all meetings of the Village Council. The Mayor shall exercise such powers
27 and duties as conferred by the general laws of this State and this Charter and as directed
28 by the Village Council. In the case of a vacancy in the office of Mayor, the remaining
29 members of the Village Council shall choose from their membership a person to serve
30 as Mayor for the unexpired term.

31 "Section 3.5. **Residency Required.** Members of the governing body of the Village
32 of Misenheimer, whether elected or appointed, must be qualified voters who reside
33 within the corporate limits of the Village in order to qualify to take, hold, and continue
34 in such office.

35 "ARTICLE IV. ELECTIONS.

36 "Section 4.1. **Conduct of Village Elections.** Village officers shall be nominated and
37 elected on a nonpartisan basis as provided in G.S. 163-294.

38 "ARTICLE V. ADMINISTRATION.

39 "Section 5.1. **Village to Operate Under Mayor-Council Plan.** The Village shall
40 operate under the Mayor-Council form of government as provided in Part 3 of Article 7
41 of Chapter 160A of the General Statutes.

42 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

43 "Section 6.1. **Commencement of Tax Collection.** From and after the effective date
44 of this act, the citizens and property in the Village of Misenheimer shall be subject to

1 municipal taxes levied for the year beginning July 1, 2003, and for that purpose the
2 Village shall obtain from Stanly County a record of property in the area herein
3 incorporated which was listed for property taxes as of January 1, 2003.

4 "Section 6.2. **Budget.** The Village may adopt a budget ordinance for fiscal year
5 2003-2004 without following the timetable in the Local Government Budget and Fiscal
6 Control Act but shall follow the sequence of actions in the spirit of the act insofar as is
7 practical. For fiscal year 2003-2004, ad valorem taxes may be paid at par or face
8 amount within 90 days of adoption of the budget ordinance and thereafter in accordance
9 with the schedule in G.S. 105-360. If the effective date of the incorporation is prior to
10 July 1, 2003, the Village may adopt a budget ordinance for fiscal year 2002-2003
11 without following the timetable in the Local Government Budget and Fiscal Control Act
12 but shall follow the sequence of actions in the spirit of the act insofar as practical. No ad
13 valorem taxes may be levied for the 2002-2003 fiscal year."

14 **SECTION 2.** This act is effective when it becomes law.