

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-37
SENATE BILL 1852**

AN ACT TO INCORPORATE THE TOWN OF MIDWAY.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Midway is enacted to read:
"CHARTER OF THE TOWN OF MIDWAY.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Midway are a body corporate and politic under the name 'Town of Midway'. The Town of Midway 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. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Midway are as follows:

Beginning at a point in the centerline intersection of Secondary Road # 1509 (Follansbee Road) and running thence in an easterly direction following the Forsyth County/Davidson County line to the southwest corner of PIN#6842-03-10-0045; thence in an easterly and northerly direction along the western boundary and in an easterly direction along the northern boundary of PIN#6842-03-10-0045; thence in an easterly direction along the northern boundary of PIN#6842-03-10-2004; thence in an easterly direction along the northern boundary of PIN#6842-03-10-4023; thence in an easterly direction across Secondary Road #3022 (Briarcreek Drive); thence in an easterly direction along the northern boundary of the following 3 parcels, (1) PIN#6841-01-19-7907, (2) PIN#6841-01-19-8699, (3) PIN#6841-01-29-1926; thence in an easterly direction across Secondary Road # 1975 (Hayes Road); thence in an easterly direction along the northern boundary of the following 3 parcels, (1) PIN#6841-01-29-6811, (2) PIN#6841-01-29-8897, (3) PIN#6841-01-29-9888; thence in a northerly direction along the western boundary and in an easterly direction along the northern boundary of PIN#6842-03-302304; thence in an easterly direction along the northern boundary of the following 8 parcels, (1) PIN#6842-03-30-3899, (2) PIN#6842-03-30-4898, (3) PIN#6842-03-30-6827, (4) PIN#6842-03-30-7817, (5) PIN#6842-03-30-7886, (6) PIN#6842-03-30-8886, (7) PIN# 6842-03-30-9896, (8) FIIM#6842-U3-4U-U8ys; thence in an easterly direction along the northern boundary of PIN#6842-03-40-2846 to the southwest corner of PIN#6842-03-41-3070; thence in a northerly direction along the western boundary and in an easterly direction along the northern boundary of PIN#6842-03-41-3070 to the centerline of Secondary Road #1706 (Old Lexington Road); thence continuing on from the centerline intersection of Old Lexington Road in a southerly direction along the eastern boundary of the following 10 parcels, (1) PIN#6842-03-40-4932, (2) PIN#6842-03-40-4769, (3) PIN#6842-03-40-5576, (4) PIN#6842-03-40-9411, (5) PIN#6842-03-40-7215, (6) PIN#6842-03-40-7143, (7) PIN#6842-03-40-7074, (8) PIN#6841-01-49-8923, (9) PIN#6841-01-49-8865, (10) PIN#6841-01-49-8793 to the centerline intersection of Secondary Road #1711 (Gumtree Road); thence continuing on from the centerline intersection of Gumtree Road in a westerly direction along the southern boundary of the following 3 parcels, (1) PIN#6841-01-49-8793, (2) PIN#6841-01-49-6962, (3) PIN#6841-01-49-6651 to the centerline intersection of Secondary Road #2962

(Ridgeview Drive); thence continuing on from the centerline intersection of Ridgeview Drive in a southerly direction along the eastern boundary of the following 7 parcels, (1) PIN#6841-01-49-5277, (2) PIN#6841-01-49-5140, (3) PIN#6841 -01 48-5977, (4) PIN#6841-01-48-5 894, (5) PIN#6841-01-48-6722, (6) PIN#6841-01-48-6631, (7) PIN#6841-01-48-6560; to the northeast corner of PIN#6841-01-48-8108; thence in a southerly direction along the eastern boundary of PIN#6841-01-48-8108 to the northern boundary of PIN#6841-01-47-8793; thence in an easterly and southerly direction along the northern and eastern boundary of PIN#6841-01-47-8793 to the northern boundary of PIN#6841-01-46-8 846; thence in an easterly, southerly and westerly direction along the boundary Of PIN#6841-01-46-8846 to the northeast corner of PIN#6841-01-46-9114; thence in a southerly direction along the eastern boundary of PIN#6841-01-46-9114 to the northern boundary of PIN#6841-02-55-2265; thence in an easterly direction along the northern boundary of the following 3 parcels, (1) PIN#6841-02-55-2265, (2) PIN#6841-02-55-5263, (3) PIN#6841-02-55-6253; thence in an easterly direction across Secondary Road #2917 (Laura Drive); thence in an easterly direction along the northern boundary and in a southerly direction along the eastern boundary of PIN#6841-02-55-8267; thence in a southerly direction along the eastern boundary of PIN#6841-02-55-8168 and PIN#6841-02-55-8069; thence in a southerly direction along the eastern boundary of PIN#6841-04-54-8865 to the northwest corner of PIN#6841-04-64-0811; thence in an easterly direction along the northern boundary of the following 7 parcels, (1) PIN#6841-0464-0811, (2) PIN#6841-04-64-1821, (3) PIN#6841-04-64-2831, (4) PIN#6841-04-64-3 841, (5) PIN#6841-04-64-6800, (6) PIN#6841-04-64-8704, (7) PIN#6841-04-74-0789 to the centerline' intersection of Secondary Road #1776 (Old Thomasville Road); thence continuing on from the centerline intersection of Old Thomasville Road in a southerly direction along the eastern boundary of PIN#6841-04-74-0789 and PIN#6841-04-74-2509 to the centerline intersection of Secondary Road # 1719 (Tom Livengood Road); thence continuing on from the centerline intersection of Tom Livengood Road in a southwesterly direction along the eastern boundary of the following 10 parcels, (1) PIN#6841-04-74-2355, (2) PIN#6841-04-74-2117, (3) PIN#6841-04-74-1049, (4) PIN#6841-04-74-1025, (5) PIN#6841-04-73-0979,(6) PIN#6841-04-73-0912, (7) PIN#6841-04-63-9739, (8) PIN#6841-04-63-8656, (9) PIN#6841-04-63-7561, (10) PIN#6841-04-63-5289; thence across Secondary Road (Brookdale Drive) and continuing on from the centerline intersection of Tom Livengood Road in a southwesterly direction along the eastern boundary of the following 18 parcels, (1) PIN#6841-04-63-5037, (2) PIN#6841-04-62-5 83 7, (3) PIN#6841-04-62-5735, (4) PIN#6841-04-62-5 623, (5) PIN#6841-04-62-5501, (6) PIN#6841-04-62-4400, (7) PIN#6841-04-52-823 0, (8) PIN#6841-04-61-3700, (9) PIN#6841-04-61-2589, (10) PIN#6841-04-61-2456, (11) PIN#6841-04-61-2324, (12) PIN#6841-04-61-2201, (13) PIN#6841-04-52-8230, (14) PIN#6841-04-50-7908, (15) PIN#6841-04-50-5992, (16) PIN#6841-04-50-4876, (17) PIN#6841-04-50-3 862, (18) PIN#6841-04-50-1777 to the centerline intersection of Secondary Road # 1715 (Norman Shoaf Road); thence continuing on from the centerline intersection of Norman Shoaf Road in a southeasterly direction along the western boundary of PIN#6841-04-50-63 83; thence continuing on from the center line intersection of Norman Shoaf Road in a southeasterly direction intersecting PIN#6840-02-79-0248 and continuing in an easterly direction along the southern boundary of PIN#6 840-02-790248 to the northwest corner of PIN#6840-02-77-5742; thence in a southerly, westerly, and easterly direction along the western and southern boundary of PIN#6840-02-77-5742 to the western corner of PIN#6840-02-77-5455; thence in a easterly direction along the northern boundary of PIN#6840-02-77-5455; thence in a southerly direction along the eastern boundary of PIN#6840-02-77-7311; thence in a southerly direction along the eastern boundary of PIN#6840-02-76-7881 to the centerline intersection of Secondary Road #1720 (Spry Road); thence continuing on from the centerline intersection of Spry Road in a westerly direction along the northern boundary of PIN#6840-02-76-9255; thence in a southerly direction along the western

boundary of PIN#6840-02-76-9255; thence in a southerly direction along the western boundary of PIN#6840-02-75-9770; thence in a southerly direction along the western boundary of PIN#6840-02-85-8453 to the northeast corner of PIN#6840-04-64-8862; thence in a westerly direction along the northern boundary of PIN#6840-04-64-8862 to the centerline intersection of Secondary Road # 1715 (Norman Shoaf Road); thence continuing on from the centerline intersection of Norman Shoaf Road in a southerly direction along the western boundary of PIN#6840-04-64-8862 and PIN#6840-04-64-6336 to the centerline intersection of Secondary Road # 1802 (Midway School Road); thence continuing on from the centerline intersection of Midway School Road in a westerly direction along the southern boundary of the following 16 parcels, (1) PIN#6840-04-64-2222, (2) PIN#6840-04-64-0223, (3) PIN#6840-04-54-8188, (4) PIN#6840-04-54-7111, (5) PIN#6840-04-54-5038, (6) PIN#6840-04-54-2564, (7) PIN#6840-04-54-1150, (8) PIN#6840-03-44-8062, (9) PIN#6840-03-43-5929, (10) PIN#6840-03-43-4765, (11) PIN#6840-03-43-2782, (12) PIN#6840-03-43-1648, (13) PIN#6840-03-43-0622, (14) PIN#6840-03-33-9549, (15) PIN#6840-03-33-8556, (16) PIN# 6840-03-33-7552; thence in a westerly direction across Secondary Road # 1945 (Gardner Court); thence continuing on from the centerline intersection of Midway School Road in a westerly direction along the southern boundary of the following 10 parcels, (1) PIN#6840-03-33-4454, (2) PIN#6840-03-33-4454, (3) PIN#6840-03-33-3258, (4) PIN#6840-03-33-2244, (5) PIN#6840-03-33-1251, (6) PIN#6840-03-33-0473, (7) PIN#6840-03-23-9075, (8) PIN#6840-03-23-9018, (9) PIN#6840-03-23-7072, (10) PIN#6840-03-23-4099; thence in a westerly direction across PIN#6840-03-22-0626; thence in a westerly direction across Secondary Road # 18 03 (Ralph Craver Road); thence in a westerly direction across PIN#6840-03-22-0626; thence continuing on from the centerline intersection of Midway School Road in a westerly direction along the southern boundary of the following 7 parcels, (1) PIN#6840-03-13-8251, (2) PIN#6840-03-13-6851, (3) PIN#6840-03-13-5553, (4) PIN#6840-03-13-4662, (5) PIN#6840-03-13-6851, (6) PIN#6840-03-14-2040, (7) PIN#684003-14-1037 to the northeast corner of PIN#6840-03-03-6652; thence in a southerly, westerly, and northerly direction along the eastern, southern, and western boundary of PIN#6840-03-03-6652 to the southeast corner of PIN#6840-03-03-2805; thence in a westerly and northerly direction along the southern and western boundary of PIN#6840-03-03-2805 to the southeast corner of PIN#6830-04-93-9938; thence in a westerly direction along the southern boundary of PIN#6830-04-93-9938; thence in a westerly direction along the southern boundary of PIN#6830-04-93-6968 to the centerline intersection of Secondary Road #2932 (Old US Hwy 52); thence continuing on from the centerline intersection of Old US Hwy 52 in a southerly direction along the eastern boundary of the following 10 parcels, (1) PIN#6830-04-94-3101, (2) PIN#6830-04-94-2062, (3) PIN#6830-04-93-2940, (4) PIN#6830-04-93-2735, (5) PIN#6830-04-93-1645, (6) PIN#6830-04-93-1515, (7) PIN#6830-04-83-8240, (8) PIN#6830-04-82-8747, (9) PIN#6830-04-82-7695, (10) PIN#6830-04-82-7590; thence in a southerly direction across Secondary Road # 1523 (Ralph Miller Road); thence continuing on from the centerline intersection of Old US Hwy 52 in a southerly direction along the eastern boundary of PIN#6830-04-81-3918; thence in a westerly direction along the southern boundary of PIN#6830-04-81-3918; thence in a westerly direction along the southern boundary of the following 12 parcels, (1) PIN#6830-04-81-0812, (2) PIN#6830-04-81-3918, (3) PIN#6830-04-72-6182, (4) PIN#6830-04-72-4305, (5) PIN#6830-04-72-0268, (6) PIN#6830-04-62-9264, (7) PIN#6830-04-62-8149, (8) PIN#6830-04-62-7149, (9) PIN#6830-04-62-6126, (10) PIN#6830-04-62-3192, (11) PIN#6830-04-62-0134, (12) PIN#6830-04-52-7075; thence in a northerly direction along the western boundary of the following 6 parcels, (1) PIN#6830-04-52-7075, (2) PIN#6830-04-52-8118, (3) PIN#6830-04-52-7267, (4) PIN#6830-04-52-7359, (5) PIN#6830-04-52-6499, (6) PIN#6830-04-52-6682; thence in a westerly direction across Secondary Road (Old Oak Court) to the southwest corner of PIN#6830-04-53-6120; thence in a northerly direction along the western boundary of

the following 4 parcels, (1) PIN#6830-04-53-6120, (2) PIN#6830-04-53-8234, (3) PIN#6830-04-53-7556, (4) PIN#6830-04-53-7813; thence in an easterly direction along the northern boundary of the following 3 parcels, (1) PIN#6830-04-53-9934, (2) PIN#6830-04-63-1833, (3) PIN#6830-04-63-4616; thence in an easterly and northerly direction along the northern and western boundary of PIN#6830-04-73-4213; thence in an easterly direction along the northern boundary of PIN#6830-04-73-4213 and PIN#6830-04-74-6129 to the southeast corner of PIN#6830-04-74-2712; thence in a northerly, easterly, and westerly direction along the eastern and northern boundary of PIN#6830-04-74-2712 to the northeast corner of PIN#6830-02-65-9329; thence to the centerline intersection of Secondary Road # 15 06 (Eller Road); thence continuing on from the centerline intersection of Eller Road in a westerly direction along the southern boundary of PIN#6830-02-66-7211 and PIN#6830-02-66-1859; thence in a westerly direction across US Hwy 52; thence continuing on from the centerline intersection of Eller Road in a westerly direction along the southern boundary of PIN#6830-01-46-8112; thence in a westerly direction across Secondary Road #1507 (David Smith Road); thence continuing on from the centerline intersection of Eller Road in a westerly direction along the southern boundary of the following 6 parcels, (1) PIN#6830-01-45-3888, (2) PIN#6830-01-45-2913, (3) PIN#6830-01-45-1903, (4) PIN#6830-01-45-0914, (5) PIN#6830-01-35-9914, (6) PIN#6830-01-35-8916; thence continuing on from the centerline intersection of Eller Road in a westerly direction across PIN#6830-03-34-1105; thence continuing on from the centerline intersection of Eller Road in a westerly direction along the southern boundary of the following 5 parcels, (1) PIN#6830-01-35-2729, (2) PIN#6830-01-35-0880, (3) PIN#6830-01-25-8894, (4) PIN#6830-01-26-6274, (5) PIN#6830-01-26-0321; thence continuing on from the centerline intersection of Eller Road in a westerly direction across PIN#6830-01-16-7699; thence continuing on from the centerline intersection of Eller Road in a westerly direction along the southern boundary of PIN#6830-01-16-3314 and PIN#6830-01-16-2324; thence continuing on from the centerline intersection of Eller Road in a westerly direction across Secondary Road #3229 (Woodfield Drive); thence continuing on from the centerline intersection of Eller Road in a westerly direction along the southern boundary and in a northerly direction along the western boundary of PIN#6830-01-16-0327; thence in a northerly direction along the western boundary of the following 4 parcels, (1) PIN#6830-01-16-0524, (2) PIN#6830-01-16-0634, (3) PIN#6830-01-16-0735, (4) PIN#6830-01-16-0835; thence in a northerly direction across Secondary Road #3230 (Woodwind Drive); thence in a northerly direction along the western boundary of the following 2 parcels, (1) PIN#6830-01-07-9199, (2) PIN#6830-01-17-0404; thence in a northerly direction across Secondary Road #3225 (Meadolee Lane); thence in a northerly direction along the western boundary of PIN#6830-01-17-0708; thence in a northerly and easterly direction along the western and northern boundary of PIN#6830-01-18-2180 to the southwest corner of PIN#6830-01-18-6453; thence in a northerly and easterly direction along the western and northern boundary of PIN#6830-01-18-6453 to the northwest corner of PIN#6830-01-18-8356; thence in an easterly direction along the northern boundary of the following 2 parcels, (1) PIN#6830-01-18-8356, (2) PIN#6830-01-18-9356; thence in an easterly direction across Secondary Road #3202 (Laurel Court); thence in an easterly direction along the northern boundary of the following 24 parcels, (1) PIN#6830-01-28-1306, (2) PIN#6830-01-28-2306, (3) PIN#6830-01-28-3314, (4) PIN#6830-01-28-4313, (5) PIN#6830-01-28-5313, (6) PIN#6830-01-28-6312, (7) PIN#6830-01-28-7312, (8) PIN#6830-01-28-8311, (9) PIN#6830-01-28-9311, (10) PIN#6830-01-38-0301, (11) PIN#6830-01-38-1310, (12) PIN#6830-01-38-2310, (13) PIN#6830-01-38-3219, (14) PIN#6830-01-38-4219, (15) PIN#6830-01-38-5219, (16) PIN#6830-01-38-6331, (17) PIN#6830-01-38-7380, (18) PIN#6830-01-38-9269, (19) PIN#6830-01-48-1227, (20) PIN#6830-01-48-2217, (21) PIN#6830-01-48-3217, (22) PIN#6830-01-48-4320, (23) PIN#6830-01-48-5320, (24) PIN#6830-01-48-6331; thence to the centerline intersection of Secondary Road #1507 (David Smith Road); thence

continuing on from the centerline Intersection of David Smith Road in a northerly direction along the western boundary of the following 6 parcels, (1) PIN#6830-01-48-83 87, (2) PIN#6830-02-58-1504, (3) PIN#6830-01-48-9824, (4) PIN#6830-01 -49-9027, (5) PIN#6830-01-49-9324, (6) PIN#6830-01-49-9028; thence in a northerly direction across Secondary Road #1583 (Pin Oak Drive); thence continuing on from the centerline intersection of David Smith Road in a northerly direction along the western boundary of the following 3 parcels, (1) PIN#6831-04-50-2112, (2) PIN#6831-04-50-2475, (3) PIN#6831-04-50-2762 to the centerline intersection of Secondary Road #1508 (Hickory Tree Road); thence continuing on from the centerline intersection of Hickory Tree Road in a Northwesterly direction along the northeast boundary of PIN#6831-03-40-8970; thence Continuing on from the centerline intersection of Hickory Tree Road to the centerline intersection of Secondary Road # 1511 (Hartman Road); thence continuing on from the centerline intersection of Hartman Road in a westerly direction along the southern boundary of the following 8 parcels, (1) PIN#6831-03-31-3765, (2) PIN#6831-03-21-9893, (3) PIN#6831-03-21-7878, (4) PIN#6831-03-21-6970, (5) PIN#6831-03-20-1695, (6) PIN#6831-03-21-0993, (7) PIN#6831-03-22-6885, (8) PIN#6831-03-11-8939; thence continuing on from the centerline intersection of Hartman Road in a southerly direction to the northeast corner of PIN#6831-03-11-7756; thence in a southerly direction along the eastern boundary of PIN#6831-03-11-7756; thence in a southerly direction along the eastern boundary of PIN#6831-03-11-7655; thence in a southerly direction along the eastern boundary and in a westerly direction along the southern boundary of PIN#6831-03-11-7542 to the centerline intersection of Secondary Road (Midpines Drive); thence continuing on from the centerline intersection of Midpines Drive in a southerly direction along the eastern boundary of the following 3 parcels, (1) PIN#6831-03-11-5411, (2) PIN#6831-03-11-5300, (3) PIN#6831-03-11-4197; thence across Secondary Road (Sinkland Drive); thence continuing on from the centerline intersection of Midpines Drive in a southerly direction along the eastern boundary and in a westerly direction along the southern boundary of PIN#6831-03-10-5913; thence in a westerly direction along the southern boundary of the following 3 parcels, (1) PIN#6831-03-10-3983, (2). PIN#6831-03-10-2943, (3) PIN#6831-03-10-0993; thence in a westerly direction along the southern boundary and in a northerly direction along the western boundary of PIN#6831-03-00-9915; thence across Sinkland Drive to the southeast corner of PIN#6831-03-01-6275; thence in a westerly direction along the southern boundary of PIN#6831-03-01-6275 to the centerline intersection of Secondary Road #1505 (Payne Road); thence continuing on from the centerline intersection of Payne Road in a northerly direction along the western boundary of the following 5 parcels, (1) PIN#6831-03-01-6275, (2) PIN#6831-03-01-7418, (3) PIN#6831-03-01-7614, (4) PIN#6831-03-01-7726, (5) PIN#6831-03-02-7030 to the centerline intersection of Secondary Road # 1511 (Hartman Road); thence continuing on from the centerline intersection of Hartman Road in a westerly direction along the southern boundary of PIN#6831-03-02-6411 to the centerline intersection of Secondary Road #15 10 (North Payne Road); thence continuing on from the centerline intersection of North Payne Road in a northerly direction along the western boundary of the following 6 parcels, (1) PIN#6831-03-02-6411, (2) PIN#6831-03-13-1651, (3) PIN#6831-03-03-6348, (4) PIN#6831-03-13-1651, (5) PIN#6831-03-04-8802, (6) PIN#6831-03-04-8901; thence across Secondary Road (Havenwood Drive); thence continuing on from the centerline intersection of North Payne Road in a northerly direction along the western boundary of the following 4 parcels, (1) PIN#6831-01-05-8017, (2) PIN#6831-01-05-8117, (3) PIN#6831-01-05-8227, (4) PIN#6831-01-05-8336; thence across Secondary Road (Cale Bradley Court); thence continuing on from the centerline intersection of North Payne Road in a northerly direction along the western boundary of the following 6 parcels, (1) PIN#6831-01-05-8541, (2) PIN#6831-01-05-8641, (3) PIN#6831-01-05-8741, (4) PIN#6831-01-05-8851, (5) PIN#6831-01-05-8951, (6) PIN#6831-01-06-8073; thence in an easterly direction along the northern boundary of PIN#6831-01-06-8073; thence

across Secondary Road #1508 (Hickory Tree Road) to the southern corner of PIN#6831-01-06-9382; thence in a northerly direction along the eastern boundary of PIN#6831-01-06-9382; thence in a northerly and easterly direction along the southern and eastern boundary of PIN#6831-01-17-4633 to the southwest corner of PIN#6831-01-48-3804; thence in an easterly direction along the southern boundary of PIN#6831-01-48-3804 to the centerline intersection of US Hwy 52; thence continuing on from the centerline intersection of US Hwy 52 in a northerly direction along the western boundary of the following 7 parcels, (1) PIN#6831-01-48-3804, (2) PIN#6831-01-49-3076, (3) PIN#6831-01-38-1662, (4) PIN#6831-01-49-2319, (5) PIN#6831-01-49-1574, (6) PIN#6831-01-49-1626, (7) PIN#6831-01-49-0891 to the centerline intersection of Secondary Road #1509 (Follansbee Road), which is the beginning.

All references to the PIN # herein are references to Davidson county tax map system as of April 11, 2005. A copy shall be maintained in the records of the Town of Midway.

"Section 2.2. **Annexation.** (a) The Town of Midway shall not extend its boundaries into Forsyth County by annexation pursuant to Article 4A of Chapter 160A of the General Statutes.

(b) The Town of Midway shall not extend its boundaries into Davidson County by annexation to the west of Line B or to the north of Line C as shown on the map dated March 24, 2005, entitled "Proposed Midway Incorporation," as prepared by the City of Winston-Salem, unless the annexation is undertaken pursuant to an annexation agreement between the Town of Midway and the City of Winston-Salem.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Midway is the Mayor and Town Council, which shall have five members.

"Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial election in 2007 provided for by Section 4.1 of this Charter, Norman Wilkes is hereby appointed Mayor and Larry Jenkins, Betty Nifong, Steve Stokes, Barbara Temple, and Carl Tuttle are appointed Council Members of the Town of Midway, and they shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter. If any person named in this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint a person to serve until the initial municipal election is held in 2007.

"Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified voters of the entire Town shall elect the members of the Town Council and, except as provided in this section, they shall serve four-year terms. In 2007, the two candidates receiving the highest numbers of votes shall be elected to four-year terms and the three candidates receiving the next highest numbers of votes shall be elected to two-year terms. In 2009, and quadrennially thereafter, three members shall be elected to four-year terms. In 2011, and quadrennially thereafter, two members shall be elected to four-year terms.

"Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified voters of the entire Town shall elect the Mayor. In 2007, and quadrennially thereafter, the Mayor shall be elected for a term of four years. The Mayor shall be the official head of Town government and shall preside at all meetings of the Council, shall have the right to vote only when there is an equal division on any question or matter before the Council, and shall exercise the powers and duties conferred by law or as directed by the Council.

"ARTICLE IV. ELECTIONS.

"Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

"ARTICLE V. ADMINISTRATION.

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

"Section 5.2. **Town Attorney.** The Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town officials, and perform other duties as required by law or as directed by the Town Council. The Town Attorney shall serve at the pleasure of the Town Council.

"Section 5.3. **Town Clerk.** The Council shall appoint a Town Clerk who shall perform duties as required by law or as directed by the Town Council. The Town Clerk shall serve at the pleasure of the Council.

"ARTICLE VI. TAXES AND BUDGET ORDINANCE.

"Section 6.1. **Commencement of Tax Collection.** From and after the effective date of this act, the citizens and property in the Town of Midway shall be subject to municipal taxes levied for the year beginning July 1, 2006, and for that purpose the Town shall obtain from Davidson County a record of property in the area herein incorporated which was listed for property taxes as of January 1, 2006.

"Section 6.2. **Budget.** The Town may adopt a budget ordinance for fiscal year 2006-2007 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. For fiscal year 2006-2007, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360. If the effective date of the incorporation is prior to July 1, 2006, the Town may adopt a budget ordinance for fiscal year 2005-2006 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 practical. No ad valorem taxes may be levied for the 2005-2006 fiscal year.

"Section 6.3. **Ad Valorem Taxes.** The Town Council shall not increase the ad valorem tax rate more than \$0.10/\$100.00 valuation in each fiscal year without the vote or consent of a majority of the qualified voters of the Town of Midway. The election on the question of increasing the ad valorem tax rate shall be conducted in accordance with G.S. 160A-209."

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

In the General Assembly read three times and ratified this the 29th day of June, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives