

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION
RATIFIED BILL

CHAPTER 426
HOUSE BILL 576

AN ACT TO INCORPORATE THE TOWN OF SUMMERFIELD, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF SUMMERFIELD.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

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

"Sec. 1.2. **Map.** An official map of the Town, showing the current boundaries, is maintained permanently in the office of the Town Clerk and is available for public inspection. A true copy of such shall be filed in the office of the Guilford County Register of Deeds.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. **Town Boundaries.** Until modified in accordance with law the boundaries of the Town of Summerfield are as follows:
BEGINNING at the intersection of the middle of United States Highway 220 and the southern bank of the Haw River: Thence in a generally western direction following the middle of the Haw River To the Bruce Township Line.
Thence south along the Bruce Township Line to the intersection with the corner of Guilford County Tax Map ACL-10-654, Block 1038, Lot 4.
Thence in a generally eastern direction along the northern boundary of Lot 4.
Thence in a generally southern direction along the eastern line of Lots 4 and 54, and Guilford County Tax Map ACL-10-654, Block 1037, Lots 14 and 15 to the intersection of the northern boundary of Lot 2.
Thence in a generally eastern direction along the northern boundary of Lot 2, and Guilford county Tax Map ACL-10-654, Block 984, Lot 6 and Lot 4 until reaching a point in the middle of Belford Road.
Thence in a generally northern direction along the center line of Belford Road to the intersection of the southern corner of Guilford County Tax Map ACL-10-654, Block 983, Lot 33.
Thence in generally northern direction following the southern and eastern boundaries of Lot 33 to the southern most line of Lot 18.
Thence in a generally eastern direction along the southern boundaries of Guilford County Tax Map ACL-10-654, Block 983, Lots 18, 17, and 4.

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Thence in a generally southern direction along the western boundary of Guilford County Tax Map ACL-10-654, Block 983, Lot 2.

Thence in a generally eastern direction along the southern boundaries of Guilford County Tax Map 10-654, Block 983, Lots 2, 31, 21, and 36.

Thence generally north along the eastern boundary of Lot 36 until reaching a point on the southern edge of Highway 150.

Thence east following the southern edge of Highway 150 to the intersection of Guilford County Tax Map 10-654 Block 972, Lot 1.

Thence generally south then east and then north following the boundaries of Lot 1.

Thence east following Highway 150 to the western boundary of Guilford County Tax Map 10-654, Block 972, Lot 15.

Thence south along the western boundaries of Lots 15 and 21.

Thence east along the southern boundary of Lot 21.

Thence south along the western boundary of Lot 18.

Thence generally east following the southern boundary of Lots 18, 17, and 20.

Thence generally north along the eastern boundary of Lots 20 and 11 until the intersection with the southern boundary of Lot 3.

Thence generally north east along the southern boundary of Lot 3 and generally east along the southern boundary of Lot 13 until reaching a point in the center of Brookbank Road.

Thence generally north following the center of Brookbank Road until a point on the southern edge of Highway 150,

Thence generally east along the southern edge of Highway 150 to the intersection of the western corner of Guilford County Tax Map ACL-1-37, Block 917, Lot 66.

Thence generally southeast, then northeast and then northwest along the boundaries of Lot 66 to a point on the southern side of Highway 150.

Thence generally east along the southern edge of Highway 150 to the western corner of Guilford County Tax Map ACL-1-37, Block 917, Lot 35.

Thence generally south along the western boundary of Lot 35.

Thence generally east along the southern boundary of Lots 35, 16, and 14 to the western boundary of Lot 32.

Thence south along the western boundary of Lot 32.

Thence generally east along the southern boundaries of Lots 32, 33, and 6 to a point on the eastern edge of Trinity Church Road at the western intersection of Lots 55 and 15.

Thence generally south along the western boundary of Lot 15; thence east on the southern boundary of Lot 15, thence south on the western boundary of Lots 34 & 59.

Thence generally east along the southern boundary of Lot 59.

Thence generally south along the eastern boundary of Lot 13 until reaching the northern most edge of Centerfield Road.

Thence generally east until the intersection of State Road 2120.

Thence generally southwest along State Road 2120 to the intersection of Greenlawn Drive.

Thence along Greenlawn Drive to the intersection of the G.S. Miles Subdivision line.

Thence west on northern boundary of G.S. Miles and south along the western boundary following the western boundary of the G.S. Miles Subdivision until reaching the northern boundary of Guilford County Tax Map ACL-1-35, Block 905, Lot 10.

Thence west following the northern boundary of Lot 10 and then generally south following the western boundaries of Lots 10, 9, 82, 41, 11, and 46.

Thence east along the southern boundary of Lot 46 to the western edge of Pleasant Ridge Road.

Thence south following the western edge of Pleasant Ridge Road until reaching the northern boundary of Lot 44.
Thence generally west along the northern boundary of Lot 44.
Thence south along the western boundaries of Lots 44 and 63.
Thence east along the southern boundary of Lot 63 until reaching the eastern edge of Pleasant Ridge Road.
Thence south along the eastern edge of Pleasant Ridge Road until reaching the southern boundary of the A. J. Norman Subdivision.
Thence east along the southern boundary of the A. J. Norman subdivision and Guilford County Tax Map ACL-1-35, Block 905, Lot 47 to the western boundary of Guilford Tax Map ACL-1-35, Block 905, Lot 21.
Thence south, then east and then north along the boundaries of Lot 21.
Thence east along the southern boundary of Lots 19, 51, 2, and 52 to the center of Summerfield Road.
Thence south along the center line of Summerfield road to the intersection of United States Highway 220.
Thence generally north along the center line of Highway 220 to the southern boundary of Guilford County Tax Map ACL-1-35, Block 852, Lot 21; thence generally east along the southern boundary of Lot 21; thence north along the eastern boundary to the intersection of North Carolina Highway 150.
Thence east along the center line of Highway 150 to the intersection of Stradder road. Thence north along the center line of Stradder road to the intersection of Scalesville road. Thence generally west to the intersection with Highway 220.
Thence generally north along Highway 220 to the intersection of the Haw River and the point of beginning.

"Sec. 2.2. **Annexation.** The Town may not annex under Part 2 of Article 4A of Chapter 160A of the General Statutes without a petition signed by the owners of a majority of the property being annexed. This requirement is in addition to any other requirement of Part 2, and the form for the petition shall be the same as that in G.S. 160A-31 except for the modification to be by the owners of a majority of the property. The Town may also submit any annexation under Part 2 to the qualified voters of the area proposed for annexation for approval. The election shall be called and conducted in accordance with G.S. 163-287 and G.S. 163-288.2.

"CHAPTER III.

"GOVERNING BODY.

"Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Summerfield is the Town Council, which has six members.

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

"Sec. 3.3. **Term of Office of Council Members.** Members of the Council are elected to two-year terms in 1997 and biennially thereafter.

"Sec. 3.4. **Vacancies.** Notwithstanding G.S. 160A-63, persons appointed by the Town Council to fill vacancies on the Council serve the remainder of the unexpired term.

"Sec. 3.5. **Selection of Mayor; Term of Office.** The Mayor shall be elected in 1997 by the Council from among its membership at the organizational meeting after each Town election to serve until the organizational meeting after the municipal election in 1999. The Mayor has the right to vote on all matters before the Council. In 1999 and thereafter, the member of the Town Council receiving the highest number of votes in the regular municipal election is mayor for the succeeding term of the Town Council.

"CHAPTER IV.

"ELECTIONS.

"Sec. 4.1. **Conduct of Town Elections.** Town elections shall be conducted on a nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292. Elections shall be conducted by the Guilford County Board of Elections in accordance with general law except as modified by this Charter.

"CHAPTER V.

"ADMINISTRATION.

"Sec. 5.1. **Mayor-Council Plan.** The Town of Summerfield shall operate under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 5.2. **Tax Limitation.** No ad valorem tax may be levied by the Town at a rate in excess of twenty cents (20¢) per one hundred dollars (\$100.00) valuation without the approval of the qualified voters in accordance with the same procedures as specified in G.S. 160A-209(f)."

Sec. 2. (a) From and after the effective date of this act, the citizens and property in the Town of Summerfield shall be subject to municipal taxes levied for the year beginning July 1, 1996, and for that purpose the Town shall obtain from Guilford County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1996; and the businesses in the Town shall be liable for privilege license tax from the effective date of the privilege license tax ordinance.

(b) The Town may adopt a budget ordinance for fiscal year 1995-96 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. No ad valorem taxes shall be levied for fiscal year 1995-96.

(c) The Town may adopt a budget ordinance for fiscal year 1996-97 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 1996-97, 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 as if the taxes had been due and payable on September 1, 1996.

(d) Until the organizational meeting following the 1997 municipal election the following persons are members of the Town Council: Jim Alexander, Joan T. Beeson, Lynn Lengyel, Douglas Parrish, and Bill Peterson. They shall elect from among their membership a mayor to serve until the organizational meeting after the 1997 municipal election.

Sec. 3. At the date of the primary election for county officers in 1996 established under G.S. 163-1, the Guilford County Board of Elections shall conduct a special election for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of the Town of Summerfield the question of whether or not such area shall be incorporated as the Town of Summerfield. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

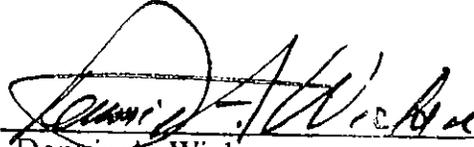
Sec. 4. In the election, the question on the ballot shall be:

"[] FOR [] AGAINST

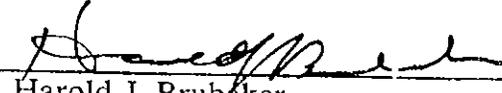
Incorporation of the Town of Summerfield".

Sec. 5. In the election, if a majority of the votes are cast "For incorporation of the Town of Summerfield", Sections 1 and 2 of this act shall become effective on the date that the Guilford County Board of Elections certifies the results of the election. Otherwise, those sections shall have no force and effect.

Sec. 6. This act is effective upon ratification.
In the General Assembly read three times and ratified this the 12th day of
July, 1995.



Dennis A. Wicker
President of the Senate



Harold J. Brubaker
Speaker of the House of Representatives

**ORDINANCE TO AMEND
THE SELECTION OF MAYOR: TERM OF OFFICE
SECTION 3.5 OF THE TOWN CHARTER
SUMMERFIELD, NORTH CAROLINA**

WHEREAS, the Summerfield Town Council desires to amend the Town Charter as to the Mayoral selection process; and

WHEREAS, North Carolina Statute 160.A-102 authorizes the Town Council to amend the City Charter by ordinance under the option set forth by North Carolina Statute 160.A-101(8)(b);

NOW THEREFORE, be it resolved that the Summerfield Town Council hereby amends the Summerfield Town Charter by changing the method the Mayor shall be selected as follows:

SECTION 3.5 SELECTION OF MAYOR; TERM OF OFFICE shall be amended by deleting the last sentence thereof which reads:

“In 1999 and thereafter, the member of the Town Council receiving the highest number of votes in the regular municipal election is Mayor for the succeeding term of the Town Council.”

The new and replacement section amending Section 3.5 shall read as follows:

“In 1999 and thereafter, the Mayor shall be elected by the Town Council from among its membership at the Organizational Meeting After each regular municipal election.”

BE IT FURTHER RESOLVED, in accordance with North Carolina General Statute 160A-102, a Public Hearing on the proposed Charter amendments was held during the regularly scheduled Town Meeting on November 3, 1998, and the Town Council after a second public hearing proposes to adopt an Ordinance amending the Town Charter as above stated at its regularly scheduled meeting December 1, 1998.

ADOPTED: November 3, 1998
Ordinance No. 004



Larry Harvell, Town Clerk (SEAL)



RESOLUTION TO AMEND
TERM OF OFFICE, SECTION 3.3 OF
THE TOWN CHARTER
SUMMERFIELD, NORTH CAROLINA
BY AMENDING TERMS OF OFFICE OF
SUMMERFIELD TOWN COUNCIL MEMBERS

R-2002-010

WHEREAS, the Summerfield Town Council desires to amend the Town Charter as to the terms of office of Council members; and

WHEREAS, North Carolina General Statute § 160.A-102 authorizes the Town Council to amend the Town Charter by ordinance under the option set forth by North Carolina General Statute § 160.A-101(4);

NOW, THEREFORE, be it resolved that the Summerfield Town Council hereby adopts this Resolution to Amend the Summerfield Town Charter by changing the terms of office of the Council members as follows:

SECTION 3.3 TERM OF OFFICE OF COUNCIL MEMBERS shall be amended by deleting this Section in its entirety and substituting a new Section 3.3 therefor. The present 3.3 of the Summerfield Charter presently reads:

TERM OF OFFICE OF COUNCIL MEMBERS. Members of the Council are elected to two year terms in 1997 and bi-annually thereafter.

The new and replacement Section 3.3 shall read as follows:

In the 2003 election year, the three highest vote getting candidates shall be elected to four year terms; candidates with the fourth, fifth and sixth position in vote getting will serve two year terms.

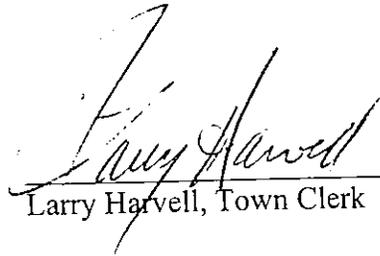
In the 2005 election year, the previous seats serving two year terms will be elected to four year terms with the previous three highest vote getters serving four year terms holding over to the 2007 election year.

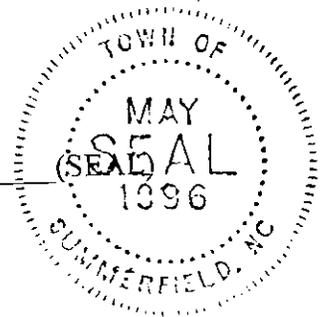
In the 2007 election year, three seats will be open for four year terms; thereafter Council members will run for staggered four year terms with three Council members running in each general election.

BE IT FURTHER RESOLVED, in accordance with North Carolina General Statute §160A-102, a Public Hearing on the proposed Charter amendment shall be advertised and a Hearing on this proposed Resolution shall be heard on July 2, 2002. The Town Council after a second Public Hearing proposes to adopt an ordinance amending the Town Charter as above stated at its regularly scheduled meeting August 6, 2002.

BE IT FINALLY RESOLVED, that pursuant to North Carolina General Statute §160A-102, the Town Council has determined to make this Ordinance adoption effective only if approved by a vote of the people expressed on a ballot in a Referendum added for the November, 2002 election held by the Guilford County Board of Elections.

RESOLUTION ADOPTED THIS THE 2ND DAY OF JULY, 2002


Larry Harvell, Town Clerk



**ORDINANCE TO AMEND THE SUMMERFIELD TOWN CHARTER
AFTER A SPECIAL ELECTION ON MAY 17, 2005
TO REQUIRE THE TOWN OF SUMMERFIELD HOLD MAYORAL ELECTIONS
EVERY TWO YEARS ALLOWING VOTERS TO ELECT THE TOWN MAYOR AND
TO CHANGE THE RIGHT OF THE MAYOR TO VOTE ONLY TO BREAK A TIE VOTE**

WHEREAS, pursuant to North Carolina General Statute § 160-A-104, town citizens initiated a referendum on proposed charter amendment to require the election of a mayor every two years and to change the right of the Mayor once elected and qualified to vote only to break a tie vote; and

WHEREAS, pursuant to North Carolina General Statute 160A-104, Guilford County Board of Elections found and certified 1,000 names of qualified registered voters affixed to the initiative petition for a charter amendment which exceeds the required ten percent of the number of registered voters in the Town of Summerfield now certified by the State Board of Elections as 5815 registered voters; and

WHEREAS, the valid initiative petition was received by the Summerfield Town Council; and

WHEREAS, pursuant to North Carolina General Statute 160A-104, Town Council, upon receipt of the valid initiative petition was required to call a special election on the question of adopting the charter amendments proposed by the initiative petition; and

WHEREAS, such special election was held by the Guilford County Board of Elections on May 17, 2005, at which time a majority of the votes cast in the special election were in favor of the proposed initiative Petition changes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SUMMERFIELD that pursuant to North Carolina General Statute § 160A-104, the Charter for the Town of Summerfield be amended by this Ordinance to require the Town of Summerfield to elect the Town Mayor by holding mayoral elections every two years and to change the right of the Mayor to vote only to break a tie vote.

BE IT FURTHER ORDAINED that pursuant to the vote in favor of the proposed Town Charter changes the Summerfield voters shall elect the Town Mayor by making one of the existing six council member seats the mayor seat; (a) at the next regular election in 2005, one mayor and two council members shall be elected. The person receiving the highest number of votes for the mayor seat will be elected mayor for a two year term. The two persons receiving the highest number of votes for the council member seats shall each be elected to Town Council for a four-year term; after election to office, the Mayor will not have the right to vote on any matter before the Council except to break a tie vote.

BE IT FURTHER ORDAINED that a copy of this Ordinance be filed with the North Carolina Secretary of State, and the Legislative Library.

Adopted this 5st day of July, 2005.

ATTEST AND SEAL

TOWN OF SUMMERFIELD

By: *Dianne Laughlin*
Dianne Laughlin, Town Clerk
Town Clerk

By: *Dena Barnes*
Dena Barnes, Mayor

**ORDINANCE AMENDING CHAPTER 5 SECTION 5.1
OF THE TOWN CHARTER OF SUMMERFIELD**

TO A COUNCIL MANAGER FORM OF GOVERNMENT

WHEREAS the Summerfield Town Council, pursuant to N.C.G.S. § 160A-102 placed before the voters a Resolution of Intent to consider an Ordinance Amending the Town Charter of the Town of Summerfield, North Carolina at the general election on November 6, 2007 and to change the form of government from Mayor/Council to Council/Manager.

WHEREAS N.C.G. S. 160A-102 authorizes the Town Council to amend the City Charter and;

WHEREAS the voters of the Town of Summerfield passed the proposed amendment in the form to the form of administration of the Town of Summerfield;

NOW THEREFORE be it resolved that the Town of Summerfield hereby amends the Summerfield Town Charter by changing Chapter V administration, Section 5.1 "Mayor Council Plan" to the following: Section 5.1 "Council Manager Plan". The Town of Summerfield shall operate under the Council Manager Plan as provided in part II of Article 7 of Chapter 160A of the North Carolina General Statutes;

BE IT NOW ORDAINED that pursuant to a vote of the people as set forth in the Resolution of Intent adopted July 10, 2007 and put in place by a vote of the general election November 6, 2007 that the Town Charter of the Town of Summerfield is hereby amended by this ordinance to read as set forth herein above, and shall take effect 1/1/08.

BE IT FURTHER ORDAINED that this Ordinance shall be filed with the North Carolina Secretary of State in the Legislative Library.

Adopted this the 8th day of January 2008.

Valarie Halvorsen
Town Clerk

Mark E. New
Town Mayor