AN ACT TO INCORPORATE THE TOWN OF SPENCER MOUNTAIN IN GASTON COUNTY, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The inhabitants of the Town of Spencer Mountain in Gaston County, within the boundaries hereinafter established in Section 2 of this Charter or as hereafter established in the manner provided by law, are hereby incorporated under the name of the Town of Spencer Mountain, and the same is hereby created a body politic and corporate and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina and other general laws of the State relating to cities and towns, and all such provisions that are not inconsistent with this Act are hereby made a part of the same.

Sec. 2. The boundaries and corporate limits of said Town of Spencer Mountain shall be as follows:

Beginning at an iron stake and monument in the East bank of Big Long Creek, situate under bridge crossing said creek on Spencer Mountain-Dallas Road, and running thence from the point of beginning, with the East bank of Big Long Creek in a northeasterly direction 1353 feet to a monument; thence North 82 degrees 20 minutes East, 4650 feet to a monument; thence South 2 degrees 25 minutes East, 1500 feet to a monument; thence South 63 degrees 10 minutes West, 510 feet to a monument on the South bank of the South Fork River; thence with the South bank of South Fork River, in a westerly direction, 680 feet to a monument; thence South 4 degrees 40 minutes East, 1975 feet to a monument, common corner of Pharr Yarns and S. W. May property; thence with Jim May and S. W. May property lines, South 60 degrees West, 1600 feet to an old iron post corner; thence with line of tract conveyed to Southern Broadcasting Company, North 59 degrees 20 minutes West, 1419 feet to an iron stake in Spencer Mountain-Ranlo Road; thence with said road, South 89 degrees 00 minutes West, 255.7, feet to corner in road; thence South 73 degrees 30 minutes West, 231 feet to corner in road; thence South 61 degrees 00 minutes West, 627 feet to corner in road; thence South 30 degrees 30 minutes West, 297 feet to an iron and monument; thence leaving said Ranlo Road, North 60 degrees 00 minutes West, 375.3 feet to concrete monument; thence North 30 degrees 00 minutes East, 1122 feet to monument in division line of T. F. Butler property and Pharr Yarns; thence North 30 degrees 00 minutes West, 528 feet to monument; thence North 25 degrees 30 minutes East, 387.7 feet to monument; thence North 10 degrees 45 minutes East, 297 feet to monument at
Big Long Creek; thence with East bank of Big Long Creek, in northeasterly direction, 397 feet to the stake at bridge, the point of beginning, as shown by plat made by Joe F. Robinson, R. S., January 8, 1963, entitled "Town Limits of Spencer Mountain, Gastonia and Riverbend Townships, Gaston County, North Carolina", and containing 250 acres, more or less. Being bounded on the North by lands of Pharr Yarns, Inc.; on East by lands of Pharr Yarns, Inc. and Ben Rome, et al.; on South by S. W. May, Jim May and Southern Broadcasting Company property (formerly); and on West by T. F. Butler property and Big Long Creek.

Sec. 3. The officers of the Town of Spencer Mountain shall consist of a mayor and three (3) commissioners, who shall constitute the governing body of said municipality. The following members of the governing body are hereby appointed to serve from the effective date of this Act until their successors are duly elected and qualified as hereinafter provided: Glenn G. Hall, Mayor, and Wilburn A. Starr, Nathan W. Holt, and George R. Hoffman, Commissioners.

Sec. 4. As a body politic and corporate by the name of Spencer Mountain, Gaston County, North Carolina, said municipality shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without said boundary lines for any municipal purpose, in fee simple or lesser estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interest may require, and except as may be prohibited by the Constitution of the State of North Carolina or the general municipal laws of North Carolina, the Town of Spencer Mountain shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature, whatsoever, as provided under Chapter 160 of the General Statutes, including the following:

1. To levy, assess and collect taxes when and if necessary, and to borrow money within the limits and regulations prescribed by the general municipal and fiscal laws of North Carolina and the Constitution thereof; to levy and collect special assessments for benefits conferred.

2. To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire by condemnation or otherwise, within or without corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for protection of other communities; and to grant local public utility

3. To make local public improvements and to acquire, by condemnation or otherwise, property necessary.

4. The Board of Commissioners of the Town of Spencer Mountain is authorized and empowered to exercise any and all powers of planning and zoning conferred upon municipal corporations by the General Statutes of North Carolina.

5. To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with the general laws.

6. To issue bonds for the purposes and in the manner prescribed by the general laws of the State of North Carolina for the issuance of bonds by municipalities.

7. Enumeration of powers above shall not be deemed exclusive, but it is intended that the Town of Spencer Mountain shall have, and may exercise, all powers
which, under the Constitution of the State of North Carolina and the general laws of North Carolina, it would be competent for this Charter to enumerate.

Sec. 5. Governing Board. The powers of the town shall be vested in a board of commissioners of three members and a mayor nominated and elected from the town at large in the manner hereinafter provided. Term of office shall be for a period of two (2) years and until their successors are elected and qualified, except that the initial board herein appointed shall serve from effective date of this Act, upon taking required oath hereinafter provided, until the next regular municipal election. Vacancy in office of mayor or commissioner shall be filled by the board of commissioners for the unexpired term. The mayor and each member of the board of commissioners shall receive such salary as prescribed by ordinance.

Sec. 6. Meetings of Board of Commissioners. The first meeting of the board of commissioners shall be held no later than thirty (30) days after the effective date of this Act, at which time all members shall take the oath of office hereinafter prescribed. Thereafter, they shall meet at such regular times as may be prescribed by ordinance. The board shall determine in what manner and upon what notice special meetings may be called. On the day following the next regular municipal election in May, 1965, those elected as mayor and as members of the board of commissioners shall meet at 12:00 o'clock Noon, take oath of office and assume their duties. This shall be the regular procedure after each regular municipal election thereafter. All subsequent meetings shall be held in accordance with this Section.

Sec. 7. Duties, Powers and Quorum. (1) The mayor shall preside at meetings of the board of commissioners and shall exercise such powers and perform such duties as may be conferred and imposed upon him by the general laws of North Carolina, this Charter and the ordinances adopted, and as generally associated with the office of mayor. In times of prolonged illness or disability of the mayor, the board of commissioners may elect one of its number to act as mayor during such absence on account of illness and/or disability.

(2) The board of commissioners shall determine its own rules and order of business and keep a journal or minute book of its proceedings.

(3) Quorum shall be a majority of the members elected to board of commissioners present and voting. Affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt ordinances, resolutions, orders, or other matters of business.

Sec. 8. Ordinances. Ordinances and resolutions shall be introduced by the board of commissioners in writing or printed form. The yeas and nays shall be taken upon passage of all ordinances and resolutions and entered upon the journal or official minute book kept of all proceedings. All ordinances, including annual tax levy, appropriations, assessments for local improvements and emergency measures shall take effect as indicated therein except as may be otherwise required by the General Statutes of North Carolina. All ordinances and resolutions, as finally adopted, shall be authenticated by signatures of the mayor and town clerk in the minutes and as otherwise needed.
Sec. 9. Municipal Elections. (1) The first regular election for choice of mayor and members of the board of commissioners shall be held on the first Tuesday after the first Monday in May, 1965, and on the first Tuesday after the first Monday in May of each odd-numbered year thereafter. Special elections shall be set and conducted by and under resolution of the board of commissioners.

(2) All elections shall be conducted in accordance with the General Statutes of North Carolina relating to municipal elections (Chapter 160, Article 3), except as further modified and provided by this Act.

(3) Any person desiring to become a candidate for election to the office of mayor or the board of commissioners of the Town of Spencer Mountain shall, at least fifteen (15) days prior to said election, file with the town clerk a statement of such candidacy in substantially the following form:

"State of North Carolina:
County of Gaston:

I, .................................., I hereby give notice that I reside within the corporate limits of the Town of Spencer Mountain, County of Gaston, State of North Carolina, that I am a candidate for election to the office of..................................... to be voted on at the general municipal election to be held on the............................. day of May, 19 ......, and I hereby request that my name be printed upon the official ballot to be voted in said election.

(Signed) ..................................................
(Candidate)

(Date)

.............................................."

At the time of filing such notice of candidacy, each candidate so filing shall pay the town clerk a filing fee of five dollars ($5.00). Proceeds of said filing fees shall be used to defray costs of printing ballots and other election costs. Any candidate may withdraw his notice up to the last day for filing by doing so in writing, but the filing fee shall be forfeited.

(4) All qualified electors in order to be able to vote in a municipal election must be registered in the Town of Spencer Mountain. Registration books shall be open for registration of voters during the fourth, third and second weeks immediately prior to the election, ending on the second Saturday immediately prior to the election. The last Saturday immediately prior to the election shall be Challenge Day. The registrar shall be at the polling place on the Saturdays of each week above specified from 9:00 o'clock A. M. until sunset. The general election laws concerning age, residence and other qualifications shall apply.

(5) On April 1, 1965, and biennially thereafter (except on Monday following should April 1st fall on Sunday), the mayor and board of commissioners shall cause notice of the election to be posted in three (3) public places in the corporate limits of the Town of Spencer Mountain, and such notice shall state substantially:

(a) The date and polling place.
(b) The names of the registrar and judges.
(c) The date and time for opening and closing of the registration books.
(d) Requirements for registration.

(e) Requirements as to filing notice of candidacy.

(6) All properly registered persons shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of commissioners. All candidates up to the number to be elected who receive the largest number of votes shall be declared elected. The registrar and judges shall certify the results of each election and the same shall be entered in the official minute book of the Town of Spencer Mountain by the town clerk.

(7) On the day following each municipal election, those elected to office of mayor and commissioners shall meet at the town hall at 12:00 o'clock Noon, and there before a notary public or other official authorized to administer oaths, take and subscribe to the oath of office hereinafter set out, before assuming their duties.

Sec. 10. Organization. (1) Upon assuming their duties the board of commissioners may appoint a town clerk, a treasurer, a tax collector, town attorney, a chief of police, a fire chief, street and water superintendent, and such other officers, employees and personnel as may be necessary, and residence within the corporate limits of the Town of Spencer Mountain shall not be necessary unless so ordered by the board of commissioners. Provided, that the board of commissioners may appoint one person to fill any two or more positions (when not contrary to constitutional provision against double-office holding). Such officers and employees shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they deem necessary.

(2) All monies received by any department or agency of the town shall be put promptly into the town depository as designated by ordinance adopted by the board of commissioners. The board shall designate personnel to receive and handle monies. Disbursement of money shall be only on vouchers signed by the mayor, or the town treasurer, or by other officers as designated by the board.

(3) Purchases for the town shall be by personnel so authorized, and in the manner authorized by the board of commissioners. All expenditures for supplies, materials and equipment involving more than one thousand dollars ($1,000.00) shall be made on a written contract and after bids have been received, opened and awarded as prescribed by the board.

(4) Fiscal year shall run from July 1st through succeeding June 30th. As soon as practicable after the close of each fiscal year, the board of commissioners shall have an audit of the town accounts by a qualified public accountant and audit report published upon completion in some newspaper of general circulation in Gaston County, North Carolina.

(5) Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept with the records of the town:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina; that I will, in all respects,
observe the provisions of the Charter and ordinances of the Town of Spencer Mountain and will faithfully discharge the duties of the office of ..................... ."

Sec. 11. If any Section, clause or sentence of this Act shall be declared invalid, no other Section, clause or part of this Act shall be affected thereby.

Sec. 12. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 13. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1963.