AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF HIGH POINT AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of High Point is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF HIGH POINT.
"ARTICLE I.
"INCORPORATION, POWERS AND BOUNDARIES.

"Sec. 1.1. Incorporation. The City of High Point, North Carolina lying in the counties of Guilford, Randolph and Davidson, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'City of High Point'.

"Sec. 1.2. Powers. The City of High Point shall have and may exercise all of the powers, duties, rights, privileges and immunities, which are now or hereafter may be conferred, either expressly or by implication, upon the City of High Point specifically or upon municipal corporations generally, by this charter, by the State Constitution, or by general or special statute. Provided further that the City of High Point shall be authorized to participate in all Federal programs not contrary to the Constitution of the State of North Carolina and not explicitly denied to municipalities by the General Statutes.

"Sec. 1.3. Corporate limits. The corporate limits of the City of High Point shall be those existing at the time of the ratification of this charter, as the same are set forth on the official map and written description of the city, and as the same may be altered from time to time in accordance with law. The official map and written description of the city, showing the current city boundaries, shall be maintained permanently in the office of the city clerk, and shall be available for public inspection. Upon alteration of the corporate limits pursuant to law, the council shall cause to be made the appropriate changes to the official map and written description.
"Sec. 1.4. Form of government. The government of the city provided by this charter shall be the 'Council-Manager Form of Government' as provided by Part 2, Article 7, Chapter 160A of the General Statutes.

"ARTICLE II.
"MAYOR AND COUNCIL.

"Sec. 2.1. Governing body.
"Sec. 2.2. Council; number; terms of office.
"Sec. 2.3. Mayor; term of office; duties.
"Sec. 2.4. Mayor pro tempore.
"Sec. 2.5. Organization; meetings; rules; quorum; voting.

"Sec. 2.1. Governing body. The mayor and council shall be the governing body of the city. On behalf of the city, and in conformity with applicable laws, the mayor and council shall provide for the exercise of all municipal powers, and shall be charged with the general government of the city.

"Sec. 2.2. Council; number; terms of office. The council shall be composed of eight (8) members, each of whom shall be elected by the qualified voters of the city to serve for a term of two (2) years in the manner provided by Article III of this charter.

"Sec. 2.3. Mayor; term of office; duties. (a) The mayor shall be elected by the qualified voters of the city to serve for a term of two (2) years, in the manner provided by Article III of this charter.

(b) The mayor shall preside at meetings of the council and shall have the power to vote on all questions before the council. The mayor shall be the official head and spokesman of the city in all acts of ceremony and shall represent the city in matters of governmental affairs.

"Sec. 2.4. Mayor pro tempore. At its organizational meeting, the council shall elect from its membership a mayor pro tempore to exercise the functions of mayor whenever the mayor is absent, disabled or unable to discharge the duties of the office of mayor.

"Sec. 2.5. Organization; meetings; rules; quorum; voting. (a) The council shall meet for organization in the council chamber on the date and at the time of the first regular meeting in December after the results of the election have been certified, or if such day is a legal holiday, on the next following day not a legal holiday. At that meeting, the mayor and each member of the council shall take and subscribe the oath prescribed in Article VI, Sec. 7 of the Constitution of North Carolina.

(b) The council shall by ordinance adopt and publish rules to govern its proceedings and transaction of business, including the time and place of holding regular meetings.

(c) Any five (5) council members, or any four (4) council members and the mayor shall constitute a quorum for the transaction of business in any matter before the council. A majority vote of the quorum shall control, except that in the matter of ordinances and resolutions a majority of the members of the council shall be required for passage of an ordinance or resolution.

"ARTICLE III.
"ELECTIONS.

"Sec. 3.1. Method of election.
"Sec. 3.1. Method of election. Regular municipal elections shall be held in the City biennially in odd-numbered years, and shall be conducted in accordance with State law governing municipal elections. The mayor and members of the council shall be elected by the partisan primary election and method provided for in G.S. 163-291.

"Sec. 3.2. Time of elections; regular and primary. The regular city election shall be held on Tuesday after the first Monday in November, biennially in odd-numbered years. The first primary shall be held on the sixth Tuesday before the regular city election, and the second primary, if required, shall be held on the third Tuesday before the regular city election.

"Sec. 3.3. Ward boundaries. The boundaries of wards from which members of the council are elected shall be defined by ordinance.

"Sec. 3.4. Qualification of voters; candidates. (a) All persons entitled to vote for members of the General Assembly, and who have been residents of the city and ward in which they offer to vote for 30 days next preceding the date of the regular city election, and who shall have registered and qualified as provided in the General Laws of North Carolina relative to municipal elections, shall be allowed to vote for mayor and council members from each of the four (4) wards of the city, and no person not a resident of the city and ward from which the person offers to vote shall be an elector of the city. If any duly qualified elector shall have moved from one (1) ward of the city to another within 30 days next preceding the date of the regular city election, the person shall be entitled to vote in the election in the ward from which he shall have moved. (b) Any qualified elector of the city shall be eligible for election to the office of mayor. Any qualified elector of the city who is a resident of the ward from which the person offers to vote shall be eligible for election to the office of council member.

"Sec. 3.5. Manner of holding elections; tabulation of votes; declaration of results. At the times of election as provided in Section 3.2, the following procedures shall govern the election of the mayor and members of the council:

(1) There shall be held in the several precincts of the city a primary election for the purpose of nominating one (1) candidate of each political party for mayor and eight (8) candidates of each political party for council members. The nominees of each political party for council members shall be selected in the following manner: The candidate from each of the four (4) wards receiving the highest number of votes of any candidate residing in the same ward shall be declared the first four nominees of their respective party for the offices of council member. The next four (4) candidates receiving the highest number of votes, regardless of the ward in which they reside, shall be declared the remaining four (4) nominees of their respective party for the offices of council member. The candidate of each political party for mayor receiving the highest
number of votes shall be declared the nominee of his respective political party for such office to be elected at the regular city election.

(2) If not more than eight (8) names from each political party be filed with the Guilford County Board of Elections as candidates for council member, the board shall declare such persons to be the duly nominated candidates of such political party for such office; and if not more than one (1) name from each political party for the nomination of candidate for mayor be filed with the Guilford County Board of Elections, then such person shall be declared the candidate of such political party for mayor. If there be more than eight (8) candidates of any one political party for council member or if there be more than one (1) candidate of any one political party for mayor, then the primary shall be held as to such candidates only.

(3) If not more than one (1) name from each ward and four (4) additional names, regardless of the ward in which they reside, of any political party, be filed with the Guilford County Board of Elections for nomination as candidates for council member, and one (1) name from each political party as candidate for mayor, then the board shall declare such persons to be the duly nominated candidates of such political party for such offices for the election to be held at the regular city election.

(4) At the regular city election, the candidate for mayor receiving the highest number of votes shall be elected, and the candidate in each of the four (4) wards receiving the highest number of votes of any candidate in the ward in which he resides shall be declared a duly elected council member from the ward and the next four (4) candidates receiving the highest number of votes, regardless of the ward in which they reside, shall be the duly elected four (4) council members at large.

(5) The Guilford County Board of Elections shall meet immediately after the Board of Canvassers shall have completed their canvass and tabulate the votes and certify to the Council of the City of High Point the results of the election, setting forth the names of the candidates elected, the respective offices to which they have been elected and the term of office for which each has been elected. The result as tabulated shall be certified by the Guilford County Board of Elections and shall be filed with the Council of the City of High Point on the date on which the canvass is made by the Board of Canvassers. The council shall set out in the minutes of the council the report of the Board of Canvassers as certified by the Guilford County Board of Elections. Upon qualifying, the candidates so elected shall take office as provided in Section 2.5 of this charter.

"Sec. 3.6. Vacancies in office; manner of filling. (a) A vacancy in the office of mayor or membership of the council shall exist when a duly elected person fails to qualify, or when the mayor or a member who has been duly elected and qualified either dies, resigns, moves from the city or from the ward which the person represents, or becomes disabled for any cause.

(b) In the event of a vacancy in the office of the mayor, the council shall by majority vote of its membership, choose one (1) of its members to fill the office of mayor and serve the balance of the unexpired term of this office.

(c) In the event of a vacancy in the office of council member, council may choose a member from among the qualified voters to fill the vacancy and to serve until
the next regular municipal election when such vacancy shall be filled by a vote of the people as provided in this Article; provided that removal from the ward in which the member resided at the time of the election shall not disqualify the person from serving as council member if there remains in the ward after removal at least one (1) other member of the council residing in that ward. If a vacancy occurs leaving no remaining member of the council residing in the ward in which the vacancy occurred, the council shall fill the vacancy from among the qualified voters in the ward from which the vacancy occurred.

"Sec. 3.7. Absentee voting. The provisions of Articles 20 and 21 of Chapter 163 of the General Statutes shall be applicable to all municipal elections and primaries in the City of High Point; provided that absentee ballots shall not be permitted in a second primary or runoff election. The Guilford County Board of Elections shall administer the absentee voting laws for all municipal elections in the City of High Point and is hereby authorized to adopt rules and regulations which may be necessary to adapt the procedures of Articles 20 and 21 of Chapter 163 to municipal elections.

"ARTICLE IV.
"ADMINISTRATION.
"CHAPTER 1.
"CITY MANAGER.

"Sec. 4.1. Appointment; qualifications; term and compensation. (a) The council shall appoint the city manager who shall be the administrative head of the city government. He shall be chosen by the city council without regard to his political opinions and solely upon the basis of his character, training, experience and administrative qualifications and need not be a resident of the city or State when appointed. No member of the council, during the term for which elected, shall be appointed as city manager. The city manager shall receive such compensation as shall be provided by the city council. He shall give such bond as may be required by the council. He shall be appointed for an indefinite period and hold office during the pleasure of the council.

"Sec. 4.2. Powers and duties. The city manager shall:

(1) be administrative head of the city government, shall, except as specifically otherwise provided for herein, subject to the approval of the city council, organize the administrative functions and affairs of the city into various departments, and through such departments efficiently administer the functions and affairs of the city as provided for in this section or as authorized by law or by the city council;

(2) see that within the jurisdiction of the city the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed;

(3) attend all meetings of the council with the right to take part in the discussion but with no vote, and recommend for adoption such measures as he shall deem expedient;
(4) make reports to the council from time to time upon the affairs of the city, and keep the council fully informed and advised of the city's financial condition and its present and future financial needs;

(5) have power and authority, pending action by the council to revoke licenses issued subject to revocation;

(6) have the sole power to appoint and remove all heads of departments and all subordinate officers and employees of the city, unless otherwise provided in this charter.

"Sec. 4.3. Other duties and procedures. (a) Except for the purpose of inquiry, the council and its members shall deal with the administrative service of the city through the city manager. No member of the council shall give orders to or attempt to influence the action of any subordinate of the city manager either publicly or privately. Where this charter gives to the city manager the power to appoint or to employ persons in the administrative service of the city, neither the council nor any of its members shall attempt to in any manner influence the city manager in the appointment or employment of any such person or persons, but the city manager shall be left free to exercise his own judgment in appointing such person or persons and he shall have the power to suspend and dismiss any person appointed and his action in every case shall be final.

(b) The city manager shall, except when clearly inconsistent with the provisions of this charter, exercise supervision and control over all departments and divisions of the city. He shall prepare and submit to the city council for its consideration and action a proposed annual budget and shall keep the council at all times advised as to the conditions and efficiency of the various departments of the city under his direction and control and of the needs and condition of the city. He shall perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the council.

(c) The city manager shall not engage in electioneering nor take an active part in political campaigns nor attempt to influence the result of State, county or city elections except by exercising his right as a citizen to hold his own political views and to cast his own vote. Electioneering or improper political activities by the city manager or attempts to influence the results of election or primaries shall be cause for his immediate suspension or removal from office, either by the council or by any judge of the superior court having jurisdiction upon mandamus or other appropriate proceedings instituted by any taxpayer of said city.

"CHAPTER 2.
"CITY CLERK.

"Sec. 4.1. Appointment; term; compensation.

"Sec. 4.2. Duties.

"Sec. 4.1. Appointment; term; compensation. The council shall appoint a city clerk, who shall serve at the pleasure of the council. The compensation of the city clerk shall be as fixed by the council.

"Sec. 4.2. Duties. The city clerk shall keep a journal of the proceedings of the council, maintain in a safe place all records and documents pertaining to the affairs of the city and perform such other duties as may be required by law or as the council or city manager may direct.
"ARTICLE V.
CAREER SERVICE COMMISSION.

"Sec. 5.1. Composition of commission.
"Sec. 5.2. Employee representation on the commission.
"Sec. 5.3. Function of commission.
"Sec. 5.4. Amendments to personnel ordinance.

"Sec. 5.1. Composition of commission. There shall be established a Career Service Commission which shall consist of five (5) members. The members shall be appointed by the Council of the City of High Point. One (1) member shall be appointed to a term of one (1) year. Two (2) members shall be appointed for a term of two (2) years. Two (2) members shall be appointed for a term of three (3) years. Thereafter, members shall be appointed for three-year terms. A chairman and other officers deemed necessary shall be selected annually by the members of the commission. A member shall not be able to succeed himself more than one (1) time unless the appointment is for less than a complete term. A member can be removed by the council prior to the expiration of his term only for cause. Membership of the Career Service Commission shall consist of qualified voters of the City of High Point.

"Sec. 5.2. Employee representation on the commission. The Career Service Commission shall provide for two (2) employee members in any event in which the commission shall assume the role of an administrative, fact-finding advisory hearing board as defined in Section 5.3(1). Employees shall be selected in an objective and impartial manner by the members of the commission to the extent that any appellant shall have peer representation on the hearing board, and that no member of the appellant's department shall sit on the hearing board at the time the appellants' hearing is being conducted. The employee peer representative shall not be more than one (1) salary range above or below the salary range of the appellant. Assistant division heads and above shall not be eligible to serve on the appeals board except as a peer representative of the appellant.

"Sec. 5.3. Function of commission. The Career Service Commission shall serve in a fact-finding and advisory capacity to the city manager in matters relating to personnel administration of the city. The personnel director shall provide staff assistance as needed. The Career Service Commission shall make recommendations to the personnel director and city manager in the following areas of personnel administration:

(1) shall serve as an administrative advisory and fact-finding hearing board in the event any permanent employee who has completed his/her initial probationary period is suspended, demoted or dismissed from the city service. The commission shall act as a hearing board only at the request of the suspended, demoted or dismissed employee. Any suspended, demoted or dismissed employee shall have the right to appeal directly to the city manager, provided such appeal shall be requested in writing and further that such request shall waive the right to appeal to the Career Service Commission. Hearings shall be administrative in nature and shall be conducted in closed session, unless an open session is requested by the employee. Both the employee and the appointing authority may have any person of his choice available to represent him. In the event such person is an attorney, the attorney will be permitted only to represent his client, not
plead his case as in a court of law. In this capacity, the hearing board shall gather facts through written and oral testimony from the appellant and the department head and/or witnesses for the appellant and the department head; determine facts derived from such written and oral testimony and submit recommendations and finding of facts in writing to the city manager and the employee. Final action shall be taken by the city manager within 10 days from the time such recommendations and finding of facts are received from the commission (10 working days). Final action taken by the city manager shall be in writing with copies to the appellant, the department head, all members of the hearing board and the personnel file of the appellant;

(2) shall advise in methods used for recruitment and selection of candidates for appointment and promotion in city employment;

(3) shall serve as an oral interview board for designated classes of positions;

(4) shall advise on matters pertaining to the maintenance of the city's classification plan;

(5) shall advise on matters relating to affirmative action and equal employment opportunity in city employment;

(6) shall advise on matters pertaining to the job performance appraisal system of the city;

(7) shall advise on policies and procedures governing the city's fringe benefit programs;

(8) shall advise concerning methods of improving employee-employer relations;

(9) shall advise on matters pertaining to training and safety programs for city employees;

(10) shall advise on any other personnel matters as requested by the city manager.

"Sec. 5.4. Amendments to personnel ordinance. Amendments to the Personnel Ordinance of the City of High Point shall be made only after notice and a public hearing. Such notice shall be published at least twice in a newspaper having general circulation in the City of High Point. The first notice shall be published not less than 20 days prior to the public hearing and the second notice shall be published not more than three (3) days prior to the public hearing. After the public hearing, if the amendment as originally proposed or as thereafter revised, be approved by the council, it shall become effective as otherwise provided by law.

"ARTICLE VI.

"ALCOHOLIC BEVERAGE CONTROL.

"Sec. 6.1. Membership; term of office; appointment; vacancy.

"Sec. 6.2. Powers and duties.

"Sec. 6.3. Distribution of profit.

"Sec. 6.1. Membership; term of office; appointment; vacancy. The City of High Point Board of Alcoholic Control shall be composed of a chairman and two (2) other members who shall be well known for their character, ability, and business acumen. The chairman and two (2) other members of the Board shall serve for terms of three (3) years each on a staggered basis, with the term of one (1) member expiring each year. All appointments to the Board, including appointments to fill vacancies, shall be made by the Mayor and City Council of High Point. Compensation of the members of the board
of alcoholic control shall be fixed by the council. Any member appointed to the board must be a resident of the City of High Point and in the event any member, during the term of his appointment, shall move out of the corporate limits of the City of High Point it shall be the duty of the council to appoint a person to fill the vacancy.

"Sec. 6.2. Powers and duties. The Board shall have all the powers and duties imposed by State law on county boards of alcoholic control, shall be subject to the authority of the State Board of Alcoholic Control to the same extent as are county boards of alcoholic control, and shall operate all city alcoholic beverage control stores in accordance with State laws regulating the operation of county alcoholic beverage control stores. The Council of the City of High Point shall, upon its request, have the right to review any action taken by said Alcoholic Beverage Control Board and to either approve or disapprove the action.

"Sec. 6.3. Distribution of profit. The City of High Point Board of Alcoholic Control shall at the end of each quarterly period following the establishment of liquor control stores deduct the necessary expenses of the operation of such stores, and shall expend for law enforcement, education and rehabilitation purposes not less than five percent (5%) nor more than fifteen percent (15%) of the total profits, and shall retain a sufficient and proper working capital, the amount to be determined by the board; and the entire net profits derived from the operation of liquor control stores in the City of High Point shall be paid as follows:

a. Twenty percent (20%) of the net profits shall be apportioned and paid into the General Fund of Guilford County.

b. Eighty percent (80%) of the net profits shall be paid to the city collector of the City of High Point and may be used by the City of High Point for any public purposes.

"ARTICLE VII.

"EMINENT DOMAIN.

"Sec. 7.1. Condemnation procedure; interest acquired.
"Sec. 7.2. Effort to purchase not required.
"Sec. 7.3. Resolution proposing condemnation.
"Sec. 7.4. Service of resolution proposing condemnation.
"Sec. 7.5. Failure of owners to appoint appraiser.
"Sec. 7.6. Appointment of third appraiser; oath.
"Sec. 7.7. First meeting of appraisers.
"Sec. 7.8. Subsequent meetings; when notice required.
"Sec. 7.9. Determination of damages and benefits; report.
"Sec. 7.10. Action of council on report.
"Sec. 7.11. Vesting of title in city.
"Sec. 7.12. Appeal to superior court.
"Sec. 7.13. Record upon appeal.
"Sec. 7.14. Condemnation before determination of compensation.
"Sec. 7.15. Registration of condemnation proceedings.
"Sec. 7.16. Sale or other disposition of land condemned.
"Sec. 7.17. Removal by city of structures on condemned land; lien.
"Sec. 7.18. Procedure not exclusive.

"Sec. 7.1. Condemnation procedure; interest acquired. The City of High Point shall possess the power of eminent domain, and may acquire, either by purchase or condemnation, any land, right of access, right of way, water right, privilege, easement, or any other interest in or relating to land or water, either within or beyond the city limits, including and limited to a right of way in and across land owned or held as right of way by a railroad or other public utility company (provided that the operation of such railroad or other public utility company may not be impaired unreasonably thereby), for any lawful public use or purpose. Unless otherwise expressly provided in the condemnation resolution, a fee simple title shall pass to the city upon the condemnation of any such interest. In any case where the owner of land to be condemned or of any interest therein is a minor, an insane person, or otherwise under any disability, any notice hereinafter required by this Article to be served upon such owner shall be served upon his guardian, and service upon such guardian shall be sufficient without service on the minor, insane person, or person under disability. Thereafter such guardian may exercise on behalf of his ward with respect to such condemnation proceeding all the powers conferred upon such person as owner. Water rights or other interests relating to water may be condemned under the procedure set forth in this Article for the condemnation of land and interests therein.

If the City of High Point acquires, by purchase, condemnation, or otherwise, interests in or relating to land or water for a lawful public use or purpose, it may convey or lease the air rights over any public facility or facilities constructed on the property so acquired. The city may convey or lease these air rights pursuant to G.S. 160A-273 or pursuant to any other procedure authorized to it by this charter or other local act.

"Sec. 7.2. Effort to purchase not required. It shall not be necessary to the condemnation by the city of any land or interest therein, whether pursuant to this Article or otherwise, that the City shall have attempted to acquire the needed land by grant or purchase prior to the commencement of condemnation proceedings.

"Sec. 7.3. Resolution proposing condemnation. (a) When any land required by the city for any purpose allowed by this charter or the general law of the State is proposed to be condemned under the specific provisions of this charter, the council shall adopt a resolution which shall contain substantially the following provisions:

(1) a description of the land proposed to be condemned in fee, or the interest or easement proposed to be condemned;

(2) if there is any building or other property situated wholly or partly upon the land to be condemned, the determination of the city council as to whether the owner shall be allowed to remove such property or whether the same shall be condemned;

(3) a statement of the purpose for which the land or easement is proposed to be condemned;

(4) the name and address of the owner or owners of the land and of any other person or persons interested therein whom it is necessary to make a party to the proceeding;
(5) the name of a disinterested freeholder of the city appointed as appraiser by the council;

(6) a notice that the owner or owners of the land, or interest therein, or a majority in interest of the owners, may, within five days after service of the resolution upon all of them, appoint one appraiser (who shall be a disinterested freeholder of the city) to represent them, the name of which appraiser shall be reported in writing to the city clerk within said five days;

(7) a notice that the appraiser appointed by the city and the appraiser appointed by the owner or owners, or if the owner or owners fail to appoint, then the two appraisers appointed by the city, shall appoint a third appraiser, and that the three thus appointed shall constitute a board of appraisers, whose duty it shall be to determine the damages and benefits which will result from the condemnation of said land or easement or interest therein;

(8) a notice of the time fixed for the first meeting of the appraisers, and that the meeting will be held upon the premises to be condemned.

(b) It shall not be necessary to institute separate condemnation proceedings against the several owners of tracts or parcels of land affected by proposed local improvements.

"Sec. 7.4. Service of resolution proposing condemnation. A copy of the resolution proposing condemnation shall be personally served upon each of the owners of the land proposed to be condemned; provided, that if the resolution cannot be personally served upon any of the owners, then it may be served by publication once a week for two successive weeks in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three public places in the city.

"Sec. 7.5. Failure of owners to appoint appraiser. If within five days after service of the resolution upon all of the owners, they or a majority in interest of them fail to appoint an appraiser and to report his name to the city clerk, the council shall appoint a disinterested freeholder of the city to represent them.

"Sec. 7.6. Appointment of third appraiser; oath. The appraiser appointed by the council, and the appraiser appointed by the owner or owners, or if the owner or owners fail to appoint, then the two appraisers appointed by the council, shall appoint a third appraiser, who shall be a disinterested freeholder of the city, and shall report his name to the city clerk. Each appraiser shall take an oath or affirmation that he will fairly and impartially discharge his duties as an appraiser.

"Sec. 7.7. First meeting of appraisers. At the time fixed by the resolution of condemnation, the appraisers shall meet on the premises proposed to be condemned. If for any reason a meeting cannot be held at the time fixed by the council, then a meeting shall be held at another time fixed by the appraisers, in which case notice of the time and place of the meeting shall be personally served upon each of the owners of the land or easement proposed to be condemned, or if the notice cannot be personally served, it may be served by publication once a week for two (2) successive weeks in some
newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three (3) public places in the city. The notice, whether given personally, by publication, or by posting, shall be served not less than five (5) days prior to the date of the hearing. At the first meeting the appraisers shall view the premises affected by the proposed condemnation; and shall hear, but need not reduce to writing, any evidence as to damages and benefits that will result from the proposed condemnation presented by the owners or by the city. The appraisers may make their report at or after the hearing or they may, in their discretion, hold subsequent meetings.

"Sec. 7.8. Subsequent meetings; when notice required. Subsequent meetings of the appraisers shall be held at such times and places as may be determined by them. Of such meetings no notice need be given either to the owners or to the city unless the meetings are to be public and for the purpose of hearing evidence. If held for such purpose, then unless the meeting is held at a time and place to which a former meeting of which the parties had lawful notice was adjourned, notice of the meeting shall be personally served upon all the parties, or, if such notice cannot be personally served, it may be served by publication once a week for two (2) successive weeks in a newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper by posting in three (3) public places in the city. The notice shall be served or publication or posting thereof completed not less than five (5) days prior to the time fixed for the meeting.

"Sec. 7.9. Determination of damages and benefits; report. In determining the compensation to be paid by the city for the land or easement condemned, the appraisers shall take into consideration both the loss or damage which will result to the owners from the condemnation of the land or easement and the benefits that will result to any remainder of such land from the improvement for which the land or easement is to be condemned, the benefits to include both benefits or advantages special to the land and the benefits or advantages to the land in common with other lands affected by the improvement. The appraisers shall also take into consideration the value of any building or other property situated on the land proposed to be condemned if the owner is to be allowed to remove the building or other property, and the value thereof shall not be included in the compensation award. Having determined damages and benefits, the appraisers shall make their report to the council, in which report the appraisers shall show separately the amount of damages, the amount of benefits, and the amount which shall be paid by the city if it finally condemns the land or easement. In the event the property condemned is subject to a recorded lease or leases, the appraisers shall apportion the award between or among the person or persons owning the fee or fees and the person or persons owning the leasehold interest or interests; but in no event shall the total of the amounts so apportioned exceed the value of the property were it not subject to a recorded lease or leases. The report shall be sufficient if it is concurred in by two (2) of three (3) appraisers. In the event that no two (2) of the three (3) appraisers can agree upon an appraisal, three new appraisers may be appointed in the same manner as the original appraisers, and the new appraisal board shall follow the same procedure as required of the original appraisal board.
"Sec. 7.10. Action of council on report. Within 30 days after the report of the appraisers is submitted to the council, the council shall determine what action it will take thereon. If the council determines to abandon the proposed condemnation, it shall adopt a resolution to the effect; but the abandonment of the condemnation shall not prevent the council from thereafter instituting a proceeding to condemn the same land or easement. If the council determines to condemn the land or easement, it shall adopt a resolution which shall contain substantially the following:

1. a recital that a board of appraisers has been appointed to determine the compensation to be paid for the land or easement, as provided by this charter, and that the appraisers have submitted their report to the council;
2. a statement of the amount of damages and benefits as fixed by the appraisers and of the compensation to be paid by the city for the land or easement condemned as fixed by the appraisers;
3. the determination of the council as to the condemnation of the land or easement;
4. a description of the land condemned in fee or of the easement condemned;
5. a statement of the purpose for which the land or easement is condemned;
6. the name of the owner or owners of the land and of other persons interested therein who were made parties to the proceeding;
7. the determination of the council as to the time when the city will take possession of the land or easement condemned, and the direction that such premises shall be vacated by such time, and, in case the owner is allowed to remove any building or part thereof or any other property on the premises, a direction that such property shall be removed before said date and that if the owner fails to remove the same within said time, the council will have the same removed and the cost thereof shall be a lien upon the remainder of the property.

"Sec. 7.11. Vesting of title in city. The adoption by the city council of a final resolution of condemnation, as provided in the preceding section, shall have the effect of a judgment against the City of High Point for the amount of compensation fixed by the appraisers and shall vest in the city title to the land or easement condemned.

"Sec. 7.12. Appeal to superior court. If upon the adoption by the council of a final resolution of condemnation, either the owner of the land or easement condemned or the city council itself is dissatisfied with the amount of the compensation to be paid for such land or easement as fixed by the appraisers, such owner or the city or both may, within 10 days from the date of adoption of such resolution, appeal to the General Court of Justice, High Point Superior Court Division. The party or parties appealing shall, within 10 days, give notice of appeal to the other party by personal service if practicable and, if not, by publication of a notice one time in a newspaper published in the city which is qualified to carry legal notices. The appeal or appeals shall not interfere with the vesting in the city of the title to the land or easement condemned or hinder the city in any way from proceeding with the improvements for which such land or easement was condemned, except that if the land or interest therein is owned by another public or quasi-public body, or by a railroad or public utility company, the vesting of title in the city shall not become effective until the court has rendered final judgment on the
question of whether the condemnation by the city is in the public interest, and has
determined the amount of compensation to be awarded for the condemnation, in which
case the court may, in its discretion, reduce the amount of land or interest therein which
it shall allow to be condemned.

"Sec. 7.13. Record upon appeal. Upon an appeal taken by either party, the city clerk
shall certify a copy of the record in the condemnation proceeding to the General Court
of Justice, High Point Superior Court Division, and such appeal shall be tried as other
actions at law. The record upon appeal shall be composed of the preliminary resolution
of condemnation, the oath of appraisers, the report of appraisers, the final resolution of
condemnation, and the notice or notices of appeal. The record upon appeal, or any part
thereof, shall be competent as evidence upon the trial of an appeal.

"Sec. 7.14. Condemnation before determination of compensation. When, in the
judgment of the council, the public interest requires that the city enter into immediate
possession of any land, it shall adopt a resolution stating such necessity and the reason
therefor, and condemning the required land or easement, and providing for the
determination of the compensation to be paid by the city for the land or easement. The
procedure therefor with respect to determination of such compensation shall follow as
closely as practicable the provisions of this Article, or of the provisions of Article 11,
Chapter 160A of the General Laws of North Carolina concerning 'Eminent Domain.'
This section shall not apply to land, or interests therein, owned by another public or
quasi-public body, or railroad or public utility company.

"Sec. 7.15. Registration of condemnation proceedings. In any case where any land or
any easement therein has been or may hereafter be condemned by the council, a copy of
so much of the condemnation proceeding as may be necessary to show the land or
easement therein condemned and the condemnation thereof shall be certified by the city
clerk and the same, upon being probated by the Clerk of the Superior Court, or other
person authorized by law to probate instruments for registration, shall be registered in
the office of the Register of Deeds of Guilford County.

"Sec. 7.16. Sale or other disposition of land condemned. When any land condemned
in fee by the city is no longer needed for the purpose for which it was condemned, the
same may be used by the city for any other public purpose or may be sold or otherwise
disposed of.

"Sec. 7.17. Removal by city of structures on condemned land; lien. When property
upon which any building or other structure is wholly or partly located is condemned by
the city under the provisions of this charter or any other law, and the owner is allowed
to remove such building or structure or part thereof, the council may, after the report of
the appraisers has been made, name the time within which the owner may remove the
building or structure, or part thereof, and if the owner fails to remove the same within
said time, the council may remove the same and the cost thereof shall be a lien upon the
remainder of said land, or such cost may be recovered by the city in any court of
competent jurisdiction.

"Sec. 7.18. Procedure not exclusive. The condemnation procedure set forth in this
Article shall not be exclusive, but shall be in addition to any other procedure provided
by law. Provided, however, that the provisions of this section shall not apply with
regard to properties owned by public service corporations as defined in G.S. 160A-243(c) unless the exercise of such power of eminent domain is either consented to by the owner of the property, to be acquired by the city or, otherwise, first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation.

"ARTICLE VIII.
"LOCAL IMPROVEMENTS.

"Sec. 8.1. General purpose.
"Sec. 8.2. Procedure herein prescribed complete but not exclusive.
"Sec. 8.3. Definition of terms.
"Sec. 8.4. Local improvements authorized.
"Sec. 8.5. Power to make local improvements embraced in this Article.
"Sec. 8.6. Petition may embrace any one or more local improvements to which this Article is applicable.
"Sec. 8.7. The petition; certificate of sufficiency of petition. "Sec. 8.8. When petition unnecessary.
"Sec. 8.9. Preliminary resolution.
"Sec. 8.10. Public hearing on preliminary resolution.
"Sec. 8.11. Contents of resolution ordering improvement; publication.
"Sec. 8.12. Governing body to determine details of construction; power with respect to contracts for construction.
"Sec. 8.13. Governing body to determine cost of improvement.
"Sec. 8.15. Preliminary assessment roll.
"Sec. 8.16. Filing of preliminary assessment roll; publication of notice of hearing thereon.
"Sec. 8.17. Hearing; revision; confirmation; lien.
"Sec. 8.18. Appeal to Superior Court.
"Sec. 8.19. Power to correct error in assessment.
"Sec. 8.20. Reassessment.
"Sec. 8.21. Publication of notice of confirmation of assessment roll.
"Sec. 8.22. Payment of assessments in cash or by installments.
"Sec. 8.23. Enforcement of payment of assessments.
"Sec. 8.25. Annual assessment of cost of maintenance and operation of lighting improvement.
"Sec. 8.27. No change of ownership affects proceedings.
"Sec. 8.28. Lands subject to assessment.
"Sec. 8.29. Proceedings in rem.
"Sec. 8.30. Street utility assessments.
"Sec. 8.31. Sidewalk; paving, maintenance and repair.
"Sec. 8.1. General purpose. It is the purpose of this Article to provide a method whereby one or more local improvements of the kind specified in Section 8.4 of this Article and the assessments therefor may be made on or in one (1) or more streets in a single proceeding by the city.

"Sec. 8.2. Procedure herein prescribed complete but not exclusive. This Article is intended to prescribe the complete procedure for the making of those local improvements referred to in the Article and for assessing and collecting such portion of the cost thereof as is hereinafter provided; but the method hereby provided is not intended to be exclusive, and the city may proceed with respect to such local improvements either as prescribed by this Article or as is now or may hereafter be prescribed by the charter of the city or by other general laws of the State.

"Sec. 8.3. Definition of terms. In this Article certain words and phrases will be used with the following meaning, unless some other meaning is plainly intended:

(1) The word 'city' shall mean the City of High Point, North Carolina.
(2) 'Governing body' means the City Council of the City of High Point.
(3) A 'local improvement' is an improvement defined by this Article and made under the provisions hereof.
(4) A 'street' is a public way embracing a street, boulevard, avenue, lane, alley, parkway, court and terrace, but not embracing sidewalks.
(5) A 'sidewalk' is a path for pedestrians along a street.
(6) A 'storm sewer' is a conduit above or below ground for the passage of storm water, and may embrace a pumping station and outlet where deemed necessary; and may also embrace the building of culverts over or the enclosing of streams where necessary or advisable to carry off storm water.
(7) A 'sanitary sewer' is an underground conduit for the passage of sewage, and may embrace a pumping station and outlet where deemed necessary.
(8) A 'water main' is a pipe for the passage of city water for public hydrants and private and public use and consumption.
(9) A 'lateral' is a pipe connecting a storm or sanitary sewer or water main with the line of adjacent property or the curb line, as the governing body may prescribe, being either a sewer lateral or a water lateral, but does not include a building connection, that is a pipe extending from a lateral at the property line or curb line to the house or plumbing fixtures on the property to be served.
(10) The word 'sewer' includes both sanitary and storm sewers unless a contrary intention is shown.

"Sec. 8.4. Local improvements authorized. Improvements authorized to be made under the provisions of this Article are divided into eight classes, as follows:

(1) Water main improvements, which include the laying or construction of water mains, the relaying where necessary of parts of paved streets and sidewalks torn up or damaged incident to the laying or construction of such mains, and in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the governing body so directs, the laying of water laterals.
(2) Storm sewer improvements, which include the laying or construction of storm sewers, the relaying, where necessary, of parts of paved streets and sidewalks torn up or damaged incident to the laying or construction of such sewers, and in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the governing body so directs, the laying of storm sewer laterals.

(3) Sanitary sewer improvements, which include the laying or construction of sanitary sewers, the relaying, where necessary, of parts of streets and sidewalks torn up or damaged incident to the laying or construction of such sewers, and in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the governing body so directs, the laying of sanitary sewer laterals.

(4) Street paving improvements, which include the grading, regrading, paving, repaving, macadamizing and remacadamizing of streets, with necessary drainage, sewer inlets, manholes and catch basins and the construction or reconstruction of retaining walls made necessary by any change of grade incident to such improvement, and in any case where the improvement is made upon petition if the petition so requests, or in any case where the improvement is made without petition if the governing body so directs, it may include the construction or reconstruction of curbs, gutters and drains.

(5) Sidewalk improvements, which include the grading, regrading, construction and reconstruction of paved or otherwise improved sidewalks, the construction or reconstruction of retaining walls made necessary by and incident to such improvement, and in any case where the improvement is made upon petition, if the petition so requests, or in any case where the improvement is made without petition if the governing body so directs, it may include the construction or reconstruction of curbs, gutters and drains.

(6) Grass plot improvements, which include the grading and planting of grass plots in a street or along one or both sides of a street.

(7) Lighting improvements, which include the construction of street lighting systems, consisting of ornamental lights or of lights of greater strength, or lights placed at more frequent intervals, or both, than is ordinarily provided by the city for streets of such character at public expense.

(8) Water front improvements, which embrace the construction of boardwalks, bulkheads, seawalls and other retaining walls along a bay, river, canal or lake, with necessary fills and dredging, and may embrace the acquisition by purchase, condemnation or otherwise of land, rights and easements therefor.

"Sec. 8.5. Power to make local improvements embraced in this Article. The power of the city to make the local improvements embraced in this Article shall be exercised only upon petition as set out in Section 8.7 of this Article, except in those cases covered by Section 8.8 of this Article in which cases such power may be exercised without petition.

"Sec. 8.6. Petition may embrace any one or more local improvements to which this Article is applicable. Any petition to the governing body of the city for the making of the local improvements authorized by this Article may embrace any one (1) or more of the classes of local improvements named in Section 8.4, and may embrace
improvements to be made on or in one (1) or more streets; provided, any improvement to be made on or in more than one (1) street shall be practically uniform in cost and kind throughout the improvement.

"Sec. 8.7. The petition; certificate of sufficiency of petition. The petition for any one (1) or more of such local improvements shall designate by a general description the improvement or improvements proposed, and shall request that the same be made in conformity with the provisions of this Article and that such proportion of the cost of each of such improvements as may be specified in the petition be specially assessed against the property abutting on the street or streets or part thereof in which or on which such improvements are proposed to be made. The petition shall be signed by at least a majority in number of the owners, which majority must own at least a majority of all the lineal feet of frontage, of the lands abutting upon the street or streets or part of a street or streets proposed to be improved, excluding street intersections, and for the purpose of the petition, all the owners of undivided interests in any land shall be deemed and treated as one (1) person and such land shall be sufficiently signed for when the petition is signed by the owner or owners of a majority in amount of such undivided interests; provided, that for the purpose of this section the word 'owners' shall be considered to mean the owners of any life estate, of an estate by entirety, or of the estate of inheritance, and shall not include mortgagees, trustees of a naked trust, trustees under deeds of trust to secure the payment of money, lienholders, or persons having inchoate rights of curtesy or dower. Upon the filing of such petition with the city, the clerk, or other person designated by the governing body thereof, shall investigate the sufficiency of the petition, and if it is found to be sufficient, he shall certify the same to the governing body.

"Sec. 8.8. When petition unnecessary. (a) Whenever in the judgment of the governing body of the city any street or part of a street is unsafe and dangerous, or whenever the paving or repaving of any street or part thereof is necessary in order to connect streets already paved, or whenever the paving of any street is necessary in order to connect any paved portion of the city's streets with a paved highway outside the corporate limits of the city, or whenever the paving of any street or part thereof is necessary to provide a paved approach to any railroad underpass or overpass or other bridge, or whenever any paved street or part thereof has been widened, if in such case, in the opinion of the governing body, public interest requires that said improvement be made, and if, in the opinion of the governing body, the abutting property will be benefited by said improvement to the extent of the part of the cost thereof to be assessed against such abutting property, the governing body may without petition of the property owners order the making of such improvement. Whenever any such improvement is ordered made by authority of this section, the ordering of the paving of any street or part thereof may include the necessary water main and sewer improvements and the necessary water and sewer laterals, and it may, but need not, include the construction of sidewalks on one (1) or both sides of the street.

(b) Whenever in the opinion of the governing body the best interest of the city will be served, and it will be more economical and the interest of the property owners will best be served by constructing either water or sanitary sewer mains, or both,
between the streets rather than in a street, the petition may provide therefor, or in the event the water and sanitary sewer mains may be constructed in a street without petition, they may be constructed between streets without petition, and the cost of the construction of such water or sewer mains and laterals shall be assessed according to the street frontage in the same manner and to the same extent that it would be assessed if the improvements were constructed in a street; provided that the city shall provide the rights-of-way for construction and maintenance of such mains at its own expense and without assessing the costs thereof.

"Sec. 8.9. Preliminary resolution. Upon the finding by the governing body that the petition for a local improvement or improvements is sufficient, or when it is proposed to make without petition any improvement or improvements authorized to be made without petition by Section 8.8 of this Article, the governing body shall adopt a resolution which shall contain substantially the following:

(1) that a sufficient petition has been filed for the making of the improvement or improvements; or, if it is proposed to make the improvement or improvements without petition, a statement of the reasons proposed for the making thereof;

(2) a brief description of the proposed improvement or improvements;

(3) the proportion of the cost of the improvement or improvements to be specially assessed and the terms of payment;

(4) a notice of the time and place, when and where a public hearing will be held on the proposed improvement or improvements. (The time fixed for such public hearing shall be such as to allow for notice being given thereof not less than 10 days prior thereto);

(5) a notice that all objections to the legality of the making of the proposed improvement or improvements shall be made in writing, signed in person or by attorney, and filed with the city clerk of the city at or before the time of such hearing, and that any such objections not so made will be waived.

The resolution shall be published one (1) time in a newspaper published in the city, or if there be no such newspaper, such resolution shall be posted in three (3) public places in the city for at least five (5) days, the date of publication or posting of the resolution to be not less than 10 days prior to the date fixed for the hearing.

"Sec. 8.10. Public hearing on preliminary resolution. At the time for the public hearing, or at some subsequent time to which such hearing shall be adjourned, the governing body shall consider such objections to the legality of the making of the improvement or improvements as have been made in compliance with subsection (5) of the preceding section, together with such objections as may be made to the policy or expediency of the making of the improvement or improvements; and the governing body shall thereafter determine whether it will order the making of said improvement or improvements. Any objection against the legality of the making of the improvement or improvements not made in writing, signed in person or by attorney, and filed with the city clerk of the city at or before the time or adjourned time of such hearing shall be considered as waived; and if any such objection shall be made and shall not be sustained by the governing body, the adoption of the resolution ordering the making of the improvement or improvements as provided in the next following section, shall be the
final adjudication of the issues presented, unless within 10 days after the adoption of such resolution proper steps shall be taken in a court of competent jurisdiction to secure relief.

"Sec. 8.11. Contents of resolution ordering improvement; publication. After such public hearing, if the governing body determines to make the improvement or improvements proposed, the governing body shall adopt a resolution which shall contain:

(1) if the improvement or improvements are to be made by virtue of a petition, a finding by the governing body as to the sufficiency of the petition. (The finding of the governing body as to the sufficiency of the petition shall be final and conclusive.) If the improvement or improvements are to be made without petition by virtue of the authority contained in Section 8.8 of this Article, a finding by the governing body of such facts as are required by said section in order to authorize said governing body to order such improvement or improvements made without petition;

(2) a general description of the improvement or improvements to be made and the designation of the street or streets or parts thereof where the work is to be done;

(3) if the improvement directed to be made is the paving of a street or part thereof wherein a street railway or railroad company has tracks, a direction that said company pave that part of the street occupied by its tracks, such part to include the space between the tracks, the rails of the tracks and 18 inches in width outside such tracks, with such material and in such manner as the governing body may prescribe, and that unless such paving shall be completed on or before a day specified in the resolution, the governing body will cause the same to be done; provided, however, that where any such company shall occupy such street or streets under a franchise or contract which otherwise provides, such franchise or contract shall not be affected by this section, except insofar as may be consistent with the provisions of such franchise or contract;

(4) if the improvement directed to be made includes the construction of water mains or sewers, and in order to provide such mains or sewers in the street or streets to be improved it is necessary to extend the same beyond the limits of such street or streets, the resolution shall contain a provision for the necessary extension of such mains or sewers and a further provision that the cost of such extension shall eventually be assessed against the lots or parcels of land abutting on the street or streets in which such extensions are made but that such assessment shall not be made until such time as the governing body shall thereafter determine;

(5) if the improvement directed to be made is the paving of a street or part thereof, or the construction of sidewalks, the resolution may, but need not, contain a direction that the owner of each lot abutting on the part of the street to be improved, connect his lot by means of laterals with water mains, gas or sewer pipes, or any one (1) or more thereof, located in the street adjacent to his premises in accordance with the requirements of the city governing the laying of such laterals, and that unless such owners cause such laterals to be laid on or before a date specified in the resolution, such date to be not less than 30 days after the date of the resolution, the governing body will cause the same to be laid;
(6) a designation of the proportion of the cost of the improvement or improvements to be assessed against abutting property, and of the number of equal annual installments in which assessments may be paid. Said resolution after its passage shall be published at least once in some newspaper published in the city, or, if there be no such newspaper, such resolution shall be posted in three (3) public places in the city for at least five (5) days.

"Sec. 8.12. Governing body to determine details of construction; power with respect to contracts for construction. The governing body of the city shall have power to determine the character and type of construction and of material to be used and to determine any other details of plan or construction necessary to be determined in making any of the improvements authorized by this Article and to determine whether any work to be done by the city shall be done by contract or by forces of the city. Such governing body shall have power also subject to the provisions of Section 8.11, subsection (5) of this Article, to determine the number of water, sewer and gas laterals that shall be laid to any lot on any street to be improved. If said work or any part thereof is to be done by contract, the city may let all of said work in one (1) contract, or it may divide the same into several contracts, and may let said contracts separately. In any case where part of a street is required to be paved by a street railway or railroad company as provided in the next preceding section, the city may, in the discretion of its governing body, contract with said street railway or railroad company for said paving, or work incidental thereto, or both, and the cost of said paving or work incidental thereto, or both, as fixed by said contract shall constitute a lien on the franchises and other property of such street railway or railroad company.

"Sec. 8.13. Governing body to determine cost of improvement. Upon the completion of the improvement or improvements to be made by said resolution, the governing body of the city shall ascertain the total cost thereof. In addition to other items of cost, there shall be included in such total cost the cost of all necessary legal services, the amount of damages paid or to be paid for injury to property by reason of any change of grade or drainage, including court costs and other expenses incidental to the determination of such damages, and the cost of retaining walls, sidewalks or fences built or altered in lieu of cash payment for such property damage, including the cost of moving or altering any building. In determining the cost of any street lighting improvement, the governing body shall ascertain the excess of cost of construction of said system of lighting over and above the cost of construction of such system of lighting as the city provides at public expense for streets of the same kind, and such excess shall be considered the cost thereof. In determining the cost of any of the improvements authorized by this act, the governing body shall include therein the interest paid on the cost of the improvement during the period of construction. The determination of the governing body as to the total cost of any improvement shall be conclusive.

"Sec. 8.14. Preliminary assessment. Having determined such total cost, the governing body of the city shall thereupon make a preliminary assessment as hereinafter set out in this section. Such preliminary assessment shall, however, be advisory only, and shall be subject to the action of the governing body thereon as hereinafter set out in Section 8.17 of this Article. Said preliminary assessment shall be made on the basis
hereinafter set out in this section for the classes of improvements indicated; provided, that if the petition, or the resolution, in those cases where the improvement was ordered made without petition, specified that there should be specially assessed against the abutting property a smaller proportion of the cost of any improvement than is hereinafter specified in this section, then there shall be assessed against such abutting property only such proportion of the cost of such improvement as was specified in said petition or in said resolution.

(1) Street paving. The total cost of any street paving improvement, exclusive of so much of said cost as is incurred at street intersections and the share of street railways or railroads, shall be specially assessed against the lots and parcels of land abutting directly on the street paved, according to the extent of their respective frontages thereon, by an equal rate per foot of such frontage. The cost of that part of the paving required to be borne by a street railway or railroad, which paving is done by the city after default by said street railway in making the same, as hereinbefore provided in this Article, or which is done by the city by contract with such railway or railroad as provided in Section 8.12 of this Article, shall be assessed against such street railway or railroad, and such assessment shall be a lien on all of the franchises and property of such street railway or railroad company, and may be collected by sale of such property and franchises as is provided in Section 8.23 of this Article.

(2) Sidewalks. The total cost of constructing or reconstructing sidewalks shall be assessed against the lots and parcels of land abutting on that side of the street upon which such improvement is made, according to their respective frontages thereon by an equal rate per foot of such frontage, the lots within a block being deemed to abut upon a sidewalk although the latter extends beyond the lots to the curb line of an intersecting street.

(3) Water mains and sewers. In the case of water mains and storm and sanitary sewers, the cost of not exceeding an eight (8) inch water or sanitary sewer main and of not exceeding a 30 inch storm sewer main and of such portion of said mains as lie within the limits of the street or streets, or part thereof, to be improved as provided in the petition or resolution ordering the same, shall be assessed against the abutting property. Such cost shall be assessed against the lots and parcels of land abutting on said street or streets or parts thereof, according to their respective frontages thereon by an equal rate per foot of such frontage; provided, that in case of a corner lot, used as a single lot, where there is a water main or sewer already laid on the intersecting street on which such lot abuts and by which such lot is or can be served, no assessment shall be made against said lot for the second water main or sewer for any part of the frontage of said lot except that portion in excess of 150 feet if said lot is in a residential section of the city, or in excess of 100 feet if said lot is in a business section of the city, and in such case such portion of said cost as would otherwise be assessed against said lot shall be borne by the city; provided further, that if a water or sanitary sewer main in excess of eight (8) inches in size or a storm sewer main in excess of 30 inches in size is laid in said portion of said street or streets, then the cost of such water or sanitary sewer main in excess of the cost of an eight (8) inch main and the cost of such storm sewer main in excess of a 30 inch main shall be borne by the city; provided further, that if the
resolution ordered the construction of any pumping station, outfall, septic tank or disposal plant, no part of the cost of the same shall be specially assessed. Nothing contained herein shall be construed to limit the right of the city to contract with any property owner or owners for the construction of any pumping station, outfall, septic tank or disposal plant or for the construction of water mains or storm or sanitary sewers and for the assessment of the cost thereof according to the terms of such contract.

(4) Water and sewer laterals. The entire cost of each water and sewer lateral required to be laid by the owner of the property for or in connection with which such lateral is laid, but laid by the city after default by such property owner in making the same as hereinbefore provided, shall be specially charged against the particular lot or parcel of land for or in connection with which it was made.

(5) Grass plots. The entire cost of grading, or otherwise improving, or of planting, the grass plots in any street or part thereof, shall be assessed against the lots and parcels of land abutting on the street or part thereof wherein or whereon such improvements are made by an equal rate per front foot of such frontage; provided, that this subsection shall be construed to mean that when a grass plot in any street is graded or planted or otherwise improved, the cost thereof shall be assessed against all of the property abutting on the street within the block where such grass plot is located.

(6) Lighting improvements. The cost of any lighting improvement, such cost being determined as provided in Section 8.13 of this Article, shall be specially assessed against the lots and parcels of land abutting directly on the street or streets, or part thereof, where such improvement is made, according to their respective frontages thereon by an equal rate per foot of such frontage.

(7) Water front improvements. The cost of any water front improvement shall be specially assessed against the lots and parcels of land abutting on the improvement according to their respective frontages thereon by an equal rate per foot of such frontage.

"Sec. 8.15. Preliminary assessment roll. For the purpose of assessment, the governing body of the city shall cause to be prepared a preliminary assessment roll, on which shall be entered a brief description of each lot or parcel of land assessed, the amount assessed against each such lot as determined under the provisions of the next preceding section, and the name or names of the owner or owners of each such lot, as far as the same can be ascertained; provided, that a general plan map of the improvement or improvements on which is shown the frontage and location of each lot on the street improved, together with the amount assessed against each such lot and the name or names of the owner or owners thereof, as far as the same can be ascertained, shall be a sufficient assessment roll. If the resolution directed the making of more than one improvement, a single preliminary assessment roll for all of the improvements authorized by such resolution shall be sufficient, but the cost of each improvement to each lot affected shall be shown separately.

"Sec. 8.16. Filing of preliminary assessment roll; publication of notice of hearing thereon. After such preliminary assessment roll has been completed, the governing body of the city shall cause it to be filed in the office of the clerk of the city for inspection by parties interested, and shall cause to be published one (1) time, in some newspaper..."
published in the city, or if there be no such newspaper the governing body shall cause to be posted in three (3) public places in the city, a notice of the completion of the assessment roll, setting forth a description in general terms of the local improvement or improvements, and stating the time fixed for the meeting of the governing body for the hearing of objections to the special assessments, such meeting to be not earlier than 10 days after the first publication or from the date of posting of said notice. Any number of assessment rolls may be included in one (1) notice. The governing body shall publish in said notice the amount of each assessment.

"Sec. 8.17. Hearing; revision; confirmation; lien. At the time appointed for that purpose or at some other time to which it may adjourn, the governing body of the city shall hear the objections to the preliminary assessment roll of all persons interested, who may appear and offer proof in relation thereto. Then or thereafter, the governing body shall either annul or sustain or modify in whole or in part the prima facie assessment as indicated on said roll, either by confirming the prima facie assessment against any or all lots or parcels described therein, or by cancelling, increasing or reducing the same, according to the special benefits which said governing body decides each of said lots or parcels has received or will receive on account of such improvement, except that assessments against railroads made because of contract or franchise obligations to pay a portion of cost shall be in accordance with such obligations. If any property which may be chargeable under this Article shall have been omitted from said preliminary roll or if the prima facie assessment has not been made against it, the governing body may place on said roll an apportionment to said property. The governing body may thereupon confirm said roll, but shall not confirm any assessment in excess of the special benefits to the property assessed and the assessments so confirmed shall be in proportion to the special benefits, except as hereinabove provided in the case of franchise obligations of railroads. Whenever the governing body shall confirm an assessment for a local improvement, the city clerk of the city shall enter on the minutes of the governing body and on the assessment roll, the date, hour, and minute of such confirmation, and from the time of such confirmation the assessments embraced in the assessment roll shall be a lien on the property against which the same are assessed of the same nature and to the same extent as county and city taxes and superior to all other liens and encumbrances. After the assessment roll is confirmed a copy of the same shall be delivered to the tax collector of the city.

"Sec. 8.18. Appeal to Superior Court. If the owner of, or any person interested in, any lot or parcel of land against which an assessment is made is dissatisfied with the amount of such assessment he may, within 10 days after the confirmation of the assessment roll, give written notice to the mayor or city clerk of the city that he takes an appeal to the General Court of Justice, High Point Superior Court Division, in which case he shall within 20 days after the confirmation of the assessment roll serve on said mayor or city clerk a statement of facts upon which he bases his appeal. The appeal shall be tried as other actions at law. The remedy herein provided for any person dissatisfied with the amount of the assessment against any property of which he is the owner or in which he is interested shall be exclusive.
"Sec. 8.19. Power to correct error in assessment. If it shall be made to appear to the governing body after confirmation of any assessment roll that any error has been made therein, then the governing body shall cause to be published one (1) time in some newspaper published in the city, or if there be no such newspaper the governing body shall cause to be posted at three (3) public places in the city, a notice referring to the assessment roll in which such error was made, naming the owner or owners of the lot or parcel of land with respect to which such error was made, if the same can be ascertained, and naming the time and place fixed for the meeting of the governing body for the correction of such error, such meeting not to be earlier than 10 days from the publication or from the date of the posting of said notice. At the time fixed in the notice or at some subsequent time to which the governing body may adjourn, said governing body, after giving the owner or owners of the property affected and other persons interested therein an opportunity to be heard, may proceed to correct such error, and the assessment then made shall have the same force and effect as if it had originally been properly made.

"Sec. 8.20. Reassessment. The governing body shall have the power, when in its judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto, to set aside the whole of the local assessment made by it, and thereupon to make a reassessment. In such case there shall be included, as a part of the cost of the public improvement involved, all interest paid or accrued on notes or certificates of indebtedness, or bonds issued by the city to pay the expenses of such improvement. The proceeding shall, as far as practicable, be in all respects as in the case of original assessments, and the reassessment shall have the same force as if it had originally been properly made.

"Sec. 8.21. Publication of notice of confirmation of assessment roll. After the expiration of 20 days from the confirmation of the assessment roll, the tax collector, or such other officer of the city as the governing body may direct so to do, shall cause to be published one (1) time in some newspaper published in the city, or, if there be no such newspaper, shall cause to be posted at three (3) public places in the city, a notice that any assessment contained in the assessment roll, naming and describing it, may be paid to him at any time before the expiration of 30 days from the date of publication or posting of the notice, without interest from the date of confirmation of said assessment roll, but that if such assessment is not paid in full within said time, all installments thereof shall bear interest at the rate of at least six percent (6%) per annum from said date of confirmation of the assessment roll.

"Sec. 8.22. Payment of assessments in cash or by installments. The property owner or street or railway or railroad hereinbefore mentioned in this Article shall have the option and privilege of paying for the improvements hereinbefore provided for in cash as provided in the preceding section or in not less than five (5) nor more than 10 equal annual installments as may have been determined in the original resolution ordering the improvement or improvements. If paid in installments, such installments shall bear interest at the rate of at least six percent (6%) per annum from the date of the confirmation of the assessment roll. If any assessment is not paid in cash, the first installment thereof with interest thereon shall become due and payable 30 days after the
publication or posting of the notice required by the preceding section and one subsequent installment and interest thereon shall be due and payable on the same day of the same month in each successive year until said assessment is paid in full; provided, however, that if the governing body shall so direct such installments shall become due and payable on the same date when property taxes of the city are due and payable. If any installment with interest thereon is not paid when due, it shall be subject to the same penalties as are now prescribed by law for unpaid taxes, in addition to the interest herein provided for. The whole assessment may be paid at any time by the payment of the full amount due with accrued interest.

"Sec. 8.23. Enforcement of payment of assessments. In case of the failure of any property owner or street railway or railroad company to pay any installment when the same shall become due and payable, then and in that event all of the installments remaining unpaid shall immediately become due and payable, and such property and franchises may be sold by the city under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes. Collection of such assessments with interest and penalties, may also be made by the city by proceedings to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State, and it shall be lawful to join in any bill for foreclosure any one or more lots or parcels of land, by whomsoever owned, if assessed for an improvement ordered by the same resolution. After default in the payment of any installment, the payment of said installment, together with interest and penalties due thereon, before the lot or parcel of land, against which the same is a lien, is sold or said lien is foreclosed as hereinbefore provided, shall bar the right of the city to sell said land or to foreclose the lien thereon by reason of said default.

"Sec. 8.24. Assessment of cost of water main and sewer extensions. If the resolution ordering the making of any improvement or improvements included a provision for any necessary extension of a water main or sewer or sewers, as provided in Section 8.11, subsection (4), of this Article, at such time after the completion of said extension or extensions as, in the judgment of the governing body, circumstances justify the assessment of the cost thereof, the governing body shall cause a preliminary assessment to be made as provided in Section 8.14, subsection (3), of this Article, and the procedure thereafter to be followed with respect to such assessment and the force and effect thereof shall be as already prescribed in this Article.

"Sec. 8.25. Annual assessment of cost of maintenance and operation of lighting improvement. After any lighting improvement is made as provided in this Article, the city is hereby authorized, as long as said lighting system shall be maintained, to make an annual assessment against the lands assessed with the original cost of the improvement sufficient to cover the excess of actual cost of maintenance and operation of said lighting system over and above the cost of maintenance and operation of such system of lighting as the city provides at public expense for streets of the same character as that whereon said lighting improvement is made. To that end the governing body of the city shall cause to be prepared a preliminary assessment which shall, as far as practicable, conform to the requirements of Section 8.14, subsection (6), of this Article;
and the procedure thereafter to be followed with respect to such assessment and the force and effect thereof shall be as already prescribed in this Article.

"Sec. 8.26. Apportionment of assessments. When any special assessment has been made against any property for any improvement authorized by this Article, and it is desirable that said assessment be apportioned among subdivisions of said property, the governing body of the city shall have authority, upon petition of the owner of said property, to apportion said assessment fairly among said subdivisions. Thereafter, each of said subdivisions shall be relieved of any part of such original assessment except the part thereof apportioned to said subdivision; and the part of said original assessment apportioned to any such subdivision shall be of the same force and effect as the original assessment.

"Sec. 8.27. No change of ownership affects proceedings. No change of ownership of any property or interest therein after the passage of a resolution ordering the making of any improvement authorized by this Article shall in any manner affect subsequent proceedings, and such improvement may be completed and assessments made therefor as if there had been no change in such ownership.

"Sec. 8.28. Lands subject to assessment. No lands in the city shall be exempt from special assessment as provided in this Article except lands belonging to the United States; and the governing body of the city in whom is vested the right to hold and dispose of real property shall have the right by authority duly given to sign the petition for any local improvement authorized by this Article.

"Sec. 8.29. Proceedings in rem. All proceedings for special assessment under the provisions of this Article shall be regarded as proceedings in rem, and no mistake or omission as to the name of any owner or person interested in any lot or parcel of land affected thereby shall be regarded a substantial mistake or omission.

"Sec. 8.30. Street utility assessments. (a) The governing body of the city, by resolution duly adopted, is hereby authorized to provide that assessments levied against abutting lots or parcels of land for water main improvements or sanitary sewer improvements, when in the opinion of the governing body such improvement or improvements may not presently be used by the owner or owners of the abutting lots or parcels of land, may be held in abeyance without the payment of any interest thereon until such time as the governing body shall, by resolution duly adopted, determine that any such assessment or assessments shall be paid in accordance with the terms set out in the resolution confirming such assessment or assessments; provided, that a part of the assessments, levied for the improvement or improvements herein set out on a street or streets or portion thereof, may be held in abeyance as herein provided without holding all of said assessments in abeyance.

(b) All statutes of limitations, authorized by law are hereby suspended during the time that any assessment or assessments are held in abeyance without the payment of interest, as provided in subsection (a) of this section, and such time shall not be a part of the time limited for the commencement of action for the enforcement of the payment of any such assessment or assessments, and such action may be brought at any time within 10 years from the date of the adoption of a resolution by the governing body
determining that such assessment or assessments shall be paid in accordance with the original resolution confirming such assessments.

"Sec. 8.31. Sidewalk; paving, maintenance and repair. Every owner of a lot abutting on a paved street, if so ordered by the Council of the City of High Point, shall pave, repave, repair and maintain in such manner as the council may direct, the sidewalk as far as it may extend along such lot, with such materials and in such manner as may be required by the council, and all work done under this section shall be under the strict supervision of the city manager, and on failure to do so as directed within 30 days after notice from the city manager or the director of public works of the city to such owner (if the owner be a nonresident, once a week for two (2) successive weeks in a newspaper published in High Point of a notice directed to said owner), calling on the owner to pave, repave, repair and maintain the sidewalk, the Council of the City of High Point may cause the same to be made, and the expense shall be paid by the owner or owners in default, and the expense thereof shall be a lien upon the lot superior and prior to all liens except taxes, and collected in the same manner as provided by law for the collection of taxes.

"ARTICLE IX.
"GENERAL PROVISIONS.

"Sec. 9.1. Removal of weeds, debris, trash; lien for cost of removal.
"Sec. 9.2. Traffic Bureau.
"Sec. 9.3. Public facilities on Deep River.
"Sec. 9.4. Promotion of city.
"Sec. 9.5. Purchasing, contracting, bidding.
"Sec. 9.6. Appointment of park rangers and lake wardens.
"Sec. 9.7. Public library.
"Sec. 9.8. Downtown development projects.

"Sec. 9.1. Removal of weeds, debris, trash; lien for cost of removal. The council is hereby authorized and empowered, in its discretion, to promulgate ordinances, rules and regulations requiring the owner of any property on which there exists any debris, garbage, litter, weeds, undergrowth, trash or other offensive matter or thing to remove the same. If after due notice and an opportunity to be heard, the owner fails or refuses to remove such debris, garbage, litter, weeds, undergrowth, trash or other offensive matter or thing, the City of High Point is hereby authorized and empowered to cause the same to be removed and the cost of removal shall become a lien upon the property from which such removal occurred.

"Sec. 9.2. Traffic Bureau. (a) The Council of the City of High Point may by ordinance provide a traffic bureau to accept a plea of guilty and to otherwise handle the following traffic violations within the city:

Parking over the allowed time
Parking between one a.m. and six a.m.
Parking more than 12 inches from the curb
Parking within 25 feet of a street corner
Parking within 15 feet of a fire hydrant
Parking in a nonparking space
Illegal use of loading zones, bus stops, and taxi stands
Parking at entrance of alley or driveway
Parking left side of curb
Double parking

(b) Any person, firm or corporation receiving citations for the above offenses shall pay through the traffic bureau one dollar ($1.00) as partial payment of the court cost for such violations or such other amounts as fixed from time to time by the council.

(c) Any person, firm or corporation cited by the law enforcement personnel of the City of High Point to appear before the traffic bureau may submit thereto a plea of guilty to such traffic violation or violations and tender the sum or sums provided for in subsection (b) of this section as partial payment of court cost for the violation or violations. In the event the person, firm or corporation so cited shall be unwilling to submit a plea of guilty to the traffic violation or violations, shown in the citation, thereupon a warrant shall be duly issued by the Police Department of the City of High Point and the person so charged with the violation or violations shall be tried upon such warrant in the District Court.

No State tax shall be paid to the State of North Carolina in such cases, except where a warrant is issued and the case is tried in the District Court.

"Sec. 9.3. Public facilities on Deep River. (a) The council is authorized to make rules and regulations for the protection and use of the city's raw water reservoir located on Deep River. Such rules and regulations shall include terms and conditions under which fishing and boating shall be permitted, fix a charge for fishing permits, and provide for a warden or wardens to enforce the rules and regulations.

(b) The council is authorized to make such rules and regulations as it may deem necessary to enforce the provisions of this section, and to carry out its true purpose and intent, for the protection, betterment, administration and use of the city's park and swimming pool located on Deep River just below its water supply lake. Such rules and regulations shall provide for the use of streets, alleys, driveways, and authorize the establishing of parking areas and places in the park, and prohibit the sale and use of beer, wine and whiskey in the park.

(c) All rules and regulations adopted by the council pursuant to this section shall, upon their adoption, have the force and effect of ordinances and shall be enforced by law enforcement personnel of the city.

(d) Any parking regulations adopted pursuant to this section shall also be enforced by police officers of the city. Any police officer of the city who may be injured while enforcing the rules and regulations in the park shall be covered by the provisions of North Carolina Workmen's Compensation Act.

(e) The violation of any of the rules and regulations shall be a misdemeanor and any person found guilty of violation of any one or more of the rules and regulations shall be punished for the violation by a fine of $25.00 and the cost of the court.

"Sec. 9.4. Promotion of city. The council is hereby authorized and empowered to appropriate annually and to expend, in its discretion, a sum not exceeding $10,000 for the purpose of advertising the city or promoting the public interest and general welfare.
of the city; provided, however, that any such appropriation, which is hereby declared to be for a public purpose, shall be from currently available nontax revenue.

"Sec. 9.5. Purchasing, contracting, bidding. (a) Contracts on informal bids. All contracts for construction or repair work or for the purchase of apparatus, supplies, materials or equipment involving expenditure of public funds in the amount of $5,000 or more, but not in excess of $10,000 made by any officer, department, board or commission of the city, when practical, shall be awarded to the lowest responsible bidder taking into consideration quality, performance and the time specified in the proposal for the performance of the contract, after informal bids have been secured; provided, contracts may be awarded upon receipt of one bid in all cases where there is only one (1) source of supply and in all cases where only one (1) bid has been received after efforts have been made in writing to secure more than one (1) bid, and it shall be the duty of such officer, department, board or commission to keep record of all bids submitted, and such records shall be subject to public inspection at any time.

(b) Procedure for letting Public Contracts. No construction or repair work or purchases of apparatus, supplies, materials or equipment requiring estimated expenditure of public money in an amount more than $10,000, except in cases of special emergencies as determined by the council involving health and safety of the people of their property, shall be performed and no contract shall be awarded therefor unless the provisions of this section are complied with.

(c) Advertisement for letting of contracts. Proposals shall be invited by advertisement at least one (1) week before the time specified for opening of such proposals in a newspaper having general circulation in the city. Such advertisement shall state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials, or equipment may be had, and the time and place for opening the proposals and the council shall reserve the right to reject any or all such proposals.

Proposals shall not be rejected for the purpose of evading the provisions of this section and the council shall not assume responsibility for the construction or purchase contracts and shall not guarantee payment of labor or materials therefor. All proposals shall be opened in public and shall be recorded on the minutes of the council and the award shall be made to the lowest responsible bidder, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract; provided, a committee selected by the council may open such proposals in advance of the meeting of council, analyze the bids and make recommendations to the council. In the event the lowest responsible bid is in excess of funds available for such purpose, the council is authorized to enter into negotiations with the lowest responsible bidder and may award such contract to such bidder if such bidder agrees to perform same, without making substantial changes in the plans and specifications, at a sum within the funds available therefor. If the contract cannot be let under the above conditions, the council is authorized to readvertise, as herein provided, the said letting and make such changes in the plans and specifications as may be necessary to bring the cost of the project within funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor. No proposal
shall be considered or accepted by the council unless at the time of its filing the same
shall be accompanied by a deposit with the council of cash or a cashier's check or a
certified check on some bank or trust company insured by the Federal Deposit Insurance
Corporation in an amount equal to not less than five percent (5%) of the proposal. In
lieu of making cash deposit as above provided, such bidder may file a bid bond
executed by a corporate surety licensed under the laws of North Carolina to execute
such bonds, conditioned that the surety will upon demand forthwith make payment to
the obligee upon the bond if the bidder fails to execute the contract in accordance with
the bid bond and upon failure to forthwith make payment the surety shall pay the
obligee an amount equal to double the amount of the bid bond. The deposit shall be
retained if the successful bidder fails to execute the contract within 10 days after the
award or fails to give satisfactory surety as herein required. All contracts to which this
section applies shall be executed in writing, and the council shall require the person to
whom the award of contract is made to furnish bond in some surety company authorized
to do business in North Carolina, or require a deposit of money, certified check or
government securities for the full amount of the contract for faithful performance of the
terms of the contract in connection with awarding contracts covering construction or
repair work only; and no such contract shall be altered except by written agreement of
the contractor, sureties on his bond and the council. Such surety bond or securities
required herein shall be deposited with the city until the contract has been carried out in
all respects.

Nothing in this section shall operate so as to require any public agency to enter into a
contract that will prevent the use of unemployment relief labor paid for in whole or in
part by appropriations or funds furnished by the State or Federal Government.

The council may enter into any contract with the United States of America or any
agency thereof for the purchase, lease or acquisition of any apparatus, supplies,
materials or equipment without regard to the provisions of this section which require:

1. Posting of notice or public advertisement for proposals or bids,
2. Inviting or receiving of competitive bids,
3. Delivery of purchases before payment,
4. Posting of deposits of bonds or other sureties,
5. Execution of written contracts.

The council may designate any office holder of the city to enter a bid or bids in its
behalf at any sale of apparatus, supplies, materials, equipment or other property owned
by the United States of America or any agency thereof, and may authorize such person
to make any partial or down payment, or payment in full that may be required by
regulations of the United States of America or any agency thereof in connection with
such bid or bids.

(d) Minimum number of bids for public contracts. Proposal forms shall be mailed
to prospective bidders in connection with awarding contracts under section (b) listed
above, but the award may be made if only one (1) bid has been received.

(e) No evasion permitted. No bid or contract shall be divided for the purpose of
evading the provisions of this section.
(f) City not limited on certain construction or repairs with own regular employees. The city is authorized to make repairs, install any sewer lines, water lines, street improvements, improvements or repairs to the electric utilities, or other improvements with its own regular employees regardless of the amount of the estimated cost, and to construct new buildings with its own regular employees when the estimated cost of each building shall not exceed $50,000; provided, funds have been made available for the repairs or improvements.

"Sec. 9.6. Appointment of park rangers and lake wardens. (a) With respect to the use of city-owned reservoirs or bodies of water in Guilford County, the council may employ wardens to enforce any regulations, and stock such reservoirs with fish, and any lake wardens so employed shall, upon taking a proper oath, have all of the powers of peace officers, including the power of arrest, for the purpose, and no other, of enforcing federal and State laws and ordinances, rules and regulations of the city, which laws, ordinances, rules and regulations pertain to the protection of the city watershed and the protection of game and wildlife in this area; provided, that such lake wardens shall not be police officers of the city, nor shall they be eligible for membership in the Law Enforcement Officer's Benefit and Retirement Fund, or in the High Point Policemen's Pension and Disability Retirement Fund.

(b) With respect to the use of city-owned or leased parks, playgrounds and recreation areas, the council may employ park rangers to enforce any such rules and regulations and any rangers so employed shall, upon taking a proper oath, have all of the powers of peace officers, including the power of arrest, for the purpose, and no other, of enforcing federal and State laws and ordinances, rules and regulations of the city pertaining to parks and recreation areas; provided, that such park rangers shall not be police officers of the city, nor shall they be eligible for membership in the Law Enforcement Officers Benefit and Retirement Fund, or in the High Point Policemen's Pension and Disability Retirement Fund.

"Sec. 9.7. Public library. The council shall appoint a board of library trustees as now or hereafter authorized by the General Statutes of North Carolina.

"Sec. 9.8. Downtown development projects. (a) Definition. In this section, 'downtown development project' means a capital project in the city's central business district, as defined by the city council, comprising one or more buildings and including both public and private facilities. By way of illustration but not limitation, such a project might include a single building comprising a publicly owned parking structure and publicly owned convention center and a privately owned hotel or office building.

(b) Authorization. If the city council finds that it is likely to have a significant effect on the revitalization of the central business district, the city may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of a downtown development project or of specific facilities within such a project. The city may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating such a project. Such a contract may, among other provisions, specify the following:

(1) the property interests of both the city and the developer or developers in the project;
(2) the responsibilities of the city and the developer or developers for construction of the project;
(3) the responsibilities of the city and the developer or developers with respect to financing the project.
Such a contract may be entered into before the acquisition of any real property necessary to the project.

(c) Property acquisition. A downtown development project may be constructed on property acquired by the developer or developers, on property directly acquired by the city, or on property acquired by the city while exercising the powers, duties, and responsibilities of a redevelopment commission pursuant to G.S. 160A-505.

(d) Property disposition. In connection with a downtown development project, the city may convey interests in property owned by it, including air rights over public facilities, as follows:

(1) If the property was acquired while the city was exercising the powers, duties, and responsibilities of a redevelopment commission, the city may convey property interests pursuant to the 'Urban Redevelopment Law' or any local modification thereof.

(2) If the property was acquired by the city directly, the city may convey property interests by private negotiation or sale, and G.S. Chapter 160A, Article 12 does not apply to such dispositions.

(e) Construction of the project. The contract between the city and the developer or developers may provide that the developer or developers shall be responsible for construction of the entire downtown development project. If so, the contract shall include such provisions as the city council deems sufficient to assure that the public facility or facilities included in the project meet the needs of the city and are constructed at a reasonable price. A project constructed pursuant to this paragraph is not subject to G.S. Chapter 143, Article 8.

(f) Operation. The city may contract for the operation of any public facility or facilities included in a downtown redevelopment project by a person, partnership, firm or corporation, public or private. Such a contract shall include provisions sufficient to assure that any such facility or facilities are operated for the benefit of the citizens of the city.

(g) Grant funds. To assist in the financing of its share of a downtown development project, the city may apply for, accept and expend grant funds from the federal or State governments.

"ARTICLE X.
"TRANSITIONAL PROVISIONS.

"Sec. 10.1. Terms of present officers.
"Sec. 10.2. Ordinances and regulations.
"Sec. 10.3. Contracts and obligations; proceeding.
"Sec. 10.4. Section captions; rules of construction.

"Sec. 10.1. Terms of present officers. All present elected officers of the city shall hold their offices until the expiration of their present terms, and until their successors are elected and qualified, except as herein provided.
"Sec. 10.2. Ordinances and regulations. Existing ordinances, resolutions, rules and regulations of the city and its agencies now lawfully in effect not inconsistent with the provisions of this charter shall remain effective until they have been repealed, modified or amended.

"Sec. 10.3. Contracts and obligations; proceeding. (a) All contracts, orders, leases, bonds and other obligations or instruments entered into by the city or for its benefit prior to the effective date of this charter shall continue in effect according to the terms thereof, as obligations and rights of the city.

(b) No action or proceeding of any nature (whether civil or criminal), judicial or administrative, or otherwise, pending at the effective date of this charter by or against the city or its departments and agencies shall be abated or otherwise affected by the adoption of this charter.

(c) The existing agency and departmental organization of the city shall continue in effect upon the effective date of this charter until such organization is changed or reorganized as authorized by this charter.

"Sec. 10.4. Section captions; rules of construction. (a) The captions of the several sections of this charter are informative only and are not to be construed as a part thereof.

(b) The word 'shall' in this charter is intended to be mandatory and the word 'may' is to be permissive.

(c) In the construction of this charter, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the adopting body:

(1) City. The words 'the city' or 'this city' shall mean the City of High Point, North Carolina.

(2) County. The words 'the county' or 'this county' shall mean the respective Counties of Guilford, Randolph, and Davidson, North Carolina.

(3) Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

(4) Governing body or governing authority. The words 'governing body' or 'governing authority' shall mean the Mayor and Council of the City of High Point, North Carolina.

(5) Number. Words used in the singular include the plural, and the plural includes the singular number.

(6) Or, and. 'Or' may be read 'and,' and 'and' may be read 'or' if the sense requires it.

(7) Other officials or officers, etc. Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., 'mayor,' 'city council,' 'city manager,' they shall be deemed to refer to officials of the City of High Point, North Carolina.

(8) Council or city council. The words 'council' or 'city council' shall mean or refer to Mayor and Council of the City of High Point.
(9) Person. The word 'person' shall extend and be applied to firms, partnerships, associations, organizations and bodies politic and corporate, or any combination thereof, as well as to individuals.

(10) State. The words 'the state' or 'this state' shall be construed to mean the State of North Carolina."

Sec. 2. City officers and employees. All elected or appointed officers and employees of the city immediately prior to the adoption of this act shall continue in their positions until the end of their terms of office or if no term is provided then as otherwise provided by this charter or ordinance.

Sec. 3. Laws unaffected. This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(1) any acts concerning the property, affairs, or government of public schools in the City of High Point;

(2) any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, pensions or obligations of any kind;

(3) any acts creating or amending the policemen's or firemen's pension systems of the city.

Sec. 4. Specific repealer. The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed.

<table>
<thead>
<tr>
<th>Year</th>
<th>Chapter</th>
<th>Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>1909</td>
<td>468</td>
<td>Public laws</td>
</tr>
<tr>
<td>1911</td>
<td>332</td>
<td>Private laws</td>
</tr>
<tr>
<td>1913</td>
<td>95</td>
<td>Public-Local and Private laws</td>
</tr>
<tr>
<td>1915</td>
<td>33</td>
<td>Private laws</td>
</tr>
<tr>
<td>1915</td>
<td>169</td>
<td>Private laws</td>
</tr>
<tr>
<td>1931</td>
<td>71</td>
<td>Private laws</td>
</tr>
<tr>
<td>1931</td>
<td>107</td>
<td>Private laws</td>
</tr>
<tr>
<td>1931</td>
<td>122</td>
<td>Private laws</td>
</tr>
<tr>
<td>1931</td>
<td>131</td>
<td>Private laws</td>
</tr>
<tr>
<td>1931</td>
<td>158</td>
<td>Private laws</td>
</tr>
<tr>
<td>1931</td>
<td>171</td>
<td>Private laws</td>
</tr>
<tr>
<td>1933</td>
<td>130</td>
<td>Private laws</td>
</tr>
<tr>
<td>1933</td>
<td>150</td>
<td>Private laws</td>
</tr>
<tr>
<td>1933</td>
<td>251</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1933</td>
<td>407</td>
<td>Public</td>
</tr>
<tr>
<td>1935</td>
<td>83</td>
<td>Private laws</td>
</tr>
<tr>
<td>1935</td>
<td>149</td>
<td>Private laws</td>
</tr>
<tr>
<td>1935</td>
<td>230</td>
<td>Private laws</td>
</tr>
<tr>
<td>1935</td>
<td>549</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1937</td>
<td>107</td>
<td>Public-Local</td>
</tr>
<tr>
<td>Year</td>
<td>Section</td>
<td>Title</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>1937</td>
<td>144</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1937</td>
<td>402</td>
<td>Private Laws</td>
</tr>
<tr>
<td>1939</td>
<td>89</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1939</td>
<td>231</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1939</td>
<td>238</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1939</td>
<td>433</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1939</td>
<td>516</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1941</td>
<td>98</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1941</td>
<td>161</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1941</td>
<td>251</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1941</td>
<td>266</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1941</td>
<td>287</td>
<td>Public-Local</td>
</tr>
<tr>
<td>1943</td>
<td>212</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1943</td>
<td>402</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1943</td>
<td>429</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1943</td>
<td>533</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1945</td>
<td>27</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1945</td>
<td>28</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1945</td>
<td>133</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1945</td>
<td>746</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1947</td>
<td>349</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1947</td>
<td>523</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1947</td>
<td>528</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1947</td>
<td>629</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1947</td>
<td>841</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1947</td>
<td>962</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1947</td>
<td>1040</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1949</td>
<td>510</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1949</td>
<td>835</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1951</td>
<td>49</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1951</td>
<td>50</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1951</td>
<td>834</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1951</td>
<td>1182</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1953</td>
<td>59</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1953</td>
<td>353</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1953</td>
<td>749</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1953</td>
<td>844</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1953</td>
<td>1186</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1955</td>
<td>156</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1955</td>
<td>299</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1955</td>
<td>383</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1955</td>
<td>391</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1955</td>
<td>737</td>
<td>Session Laws</td>
</tr>
<tr>
<td>1955</td>
<td>841</td>
<td>Session Laws</td>
</tr>
</tbody>
</table>
In addition to the repeal of specific acts provided for herein, Section 30 of Chapter 224, Session Laws 1927 as the same applies to the City of High Point, North Carolina is hereby repealed.

Sec. 5. Effect of repeals. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) the repeal herein of any act repealing such law; or
(b) any provision of this act that disclaims an intention to repeal or effect enumerated or designated laws.

Sec. 6. Severability. If any of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 7. Reference to General Statutes; construction. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec. 8. General repealer. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 9. Urban Redevelopment Law amendments. The "Urban Redevelopment Law", G.S. Chapter 160A, Article 22, is amended as provided in this section. Each of the amendments made by this section apply to the City of High Point only.

(a) G.S. 160A-505 is amended by adding a new subsection (e) at the end thereof, as follows:

"(e) If a municipality, pursuant to this section has designated its housing authority to exercise the powers, duties, and responsibilities of a redevelopment commission, the governing body of the municipality may, by resolution, undertake to exercise the powers, duties, and responsibilities of a redevelopment commission with respect to all or a portion of a particular redevelopment area. If the municipality elects to undertake these powers, duties and responsibilities with respect to a portion of a redevelopment area only, the resolution shall describe the portion of the area involved."

(b) G.S. 160A-513(j) is amended by adding a new sentence at the end thereof to read as follows: "The commission may acquire property, execute contracts, and take other necessary actions in a redevelopment area at any time during the duration of the redevelopment plan."

(c) G.S. 160A-515 is amended by adding a new unnumbered paragraph at the end of the section, to read as follows:

"In addition to its authority to exercise the right of eminent domain pursuant to the procedures set out above in this section, a municipality exercising the powers, duties, and responsibilities of a redevelopment commission pursuant to G.S. 160A-505 may exercise the right of eminent domain in accordance with any procedure set out in its charter or otherwise authorized to it by law."

Sec. 10. Disposition of redevelopment properties. Chapter 1060 of the 1971 Session Laws, as amended, is further amended as follows:

(a) The second line of Section 2 thereof is rewritten as follows:

"(5) Convey at private sale or by private negotiation to any other redeveloper particular properties or interests therein within."

(b) Section 4 is amended by adding a new sentence at the end thereof to read as follows: "This act also applies to the City of High Point."

Sec. 11. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 1st day of May, 1979.