

City Clerk's Office

Lisa B. Vierling, MMC
CITY CLERK



June 27, 2014

Mr. Charlie Collicutt, Director
Guilford County Board of Elections
Guilford County Courthouse
P.O. Box 3427
Greensboro, NC 27402

Re: City of High Point, Session Law 2013-261 (HB 468)
**AN ACT TO CHANGE THE METHOD OF ELECTION OF THE
MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF
HIGH POINT TO HOLD THE ELECTIONS IN ODD-NUMBERED
YEARS AND BY A NONPARTISAN PRIMARY AND ELECTION
METHOD AS PROVIDED BY GENERAL LAW**

Dear Mr. Collicutt:

Please find enclosed House Bill 468 (Session Law 2013-261) regarding changing the method for the City of High Point elections, which was ratified and read three times in the General Assembly on the 11th day of July, 2013. The act becomes effective only if approved by a majority of the qualified voters of the City of High Point in a referendum. The election shall be conducted by the Guilford County Board of Elections in the November 2014 general election. The specific wording for the ballot is identified in House Bill 468 (attached).

Please let me know if I can be of any further assistance, or if any additional information is required.

Sincerely,

A handwritten signature in blue ink that reads "Lisa B. Vierling".

Lisa B. Vierling, MMC
City Clerk

Attachment: House Bill 468
cc: Mayor Bernita Sims; Interim City Manager Randy McCaslin; City Attorney JoAnne Carlyle

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2013-261
HOUSE BILL 468

AN ACT TO CHANGE THE METHOD OF ELECTION OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF HIGH POINT TO HOLD THE ELECTIONS IN ODD-NUMBERED YEARS AND BY A NONPARTISAN PRIMARY AND ELECTION METHOD AS PROVIDED BY GENERAL LAW AND TO AMEND THE CHARTER OF THE TOWN OF TRYON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.1 of the Charter of the City of High Point, being Chapter 501 of the 1979 Session Laws, as amended by Ordinance Number 86-7 under Part 4 of Article 5 of Chapter 160A of the General Statutes and Section 2(a) of S.L. 2006-171, reads as rewritten:

"Sec. 3.1. Method of election. ~~Regular~~Beginning with the 2017 election, regular municipal elections shall be held in the City biennially in ~~even-numbered~~ 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 nonpartisan ~~plurality~~ primary and election method provided for in ~~G.S. 163-292~~ G.S. 163-294."

SECTION 2. If the referendum provided in Section 3 is approved, and notwithstanding any other provision of law, in the 2014 election, the terms of the mayor and council members elected shall be for three years.

SECTION 3. Sections 1 and 2 of this act become effective only if approved by a majority of the qualified voters of the City of High Point in a referendum. The election shall be conducted by the appropriate county board(s) of elections in the November 2014 general election. The question on the ballot shall be:

"[] FOR [] AGAINST

Beginning in the 2017 election and every two years thereafter, electing the mayor and the city council members by using the nonpartisan primary and election method pursuant to State law, and the mayor and city council members elected at the 2014 election serving a three-year term to expire in 2017."

SECTION 4. The Charter of the Town of Tryon, being Section 1 of Chapter 441 of the 1971 Session Laws, reads as rewritten:

"THE CHARTER OF THE TOWN OF TRYON

...

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

...

"Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. Where there is an equal division on a question, the Mayor shall determine the matter by his or her vote, but he or she shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him or her by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Commissioners shall choose one of its number to act as Mayor Pro Tempore, and he or she shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

"Sec. 3.3. Terms; Qualifications; Vacancies.

...



"ARTICLE VIII. FINANCE

...
"Sec. 8.2. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government as provided in G.S. 159-34 by a certified public accountant or a qualified public accountant ~~registered certified~~ under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Town or of any of its officers. The Board of Commissioners shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Town, and may be published if so ordered by the Board of Commissioners.

"ARTICLE IX. ZONING

"The Town of Tryon Planning and Adjustment Board shall be comprised of seven members and two alternates. The Board of Commissioners shall appoint four members and one alternate who shall be residents of the Town. The Board of Commissioners of Polk County shall appoint five-three members and one alternate who shall be residents of the area outside of and within one mile of the corporate limits of the Town of Tryon, to serve as members of the Town Planning Board, and five residents of such area to serve as members of the Town Zoning Board of Adjustment. Tryon. Such-The members appointed by the Board of Commissioners of Polk County shall have equal rights and privileges with the other members of such Boardsthe Board in all matters pertaining to the planning and zoning of the territory outside of and within one mile of the corporate limits of the Town. The concurring vote of eight-members-eighty percent (80%) of the Zoning Board of AdjustmentPlanning and Adjustment Board shall be necessary in order to reverse any order, requirement, decision, or determination of any administrative official with respect to the territory outside of and within one mile of the corporate limits of the Town.

The Board of Commissioners may require that, prior to the beginning of any construction, reconstruction or alteration of any building or structure located within the extraterritorial zoning jurisdiction, a permit be obtained from the Town. The permit shall be issued if the proposed construction, reconstruction or alteration complies with the provisions of the zoning ordinance and map.

...
"ARTICLE XII. WATER AND SEWER

"Sec. 12.1. Alternative Methods of Assessment. In addition to, and as alternatives, to the method provided in G.S. 160-241 for assessing the costs of water and sewer lines and laterals, the Board of Commissioners, if in its opinion it would be more equitable to do so, is hereby authorized in its discretion to levy any such assessments according to either of the following methods: (1) equally against each of the lots capable of being served by such line or lines, or (2) on the basis of the footage of land upon a public street by an equal rate per foot of such frontage.

In lieu of assessing the total cost of a particular project as herein provided, the governing body may annually, between the first days of January and July of each year, determine the average cost of installing water and sewer mains or lines and on the basis of such determination may make assessments of such average cost during the following fiscal year beginning July 1. The average cost of such installation shall include the cost of the particular size and material of lines completed during the preceding calendar year. It may also include the anticipated increase in labor and materials costs based upon the average of such increases during the preceding five calendar years. The assessment of the average cost of such line shall not be made until after the particular assessment project has been completed. The purpose of this Section is to distribute more equitably the cost of the installation of water and sewer lines throughout the Town; to permit a property owner to know in advance what the cost of installation of water and sewer lines benefiting his or her property will be; and to permit the most expeditious assessment of cost against property after completion of the installation of such lines. The actual cost of acquisition of rights-of-way may also be assessed as a part of the cost of an individual project. If the right-of-way costs have not been determined and assessed with the assessment of the average installation costs at the time of the completion of the project, such costs may be assessed separately when they are determined.

...
"ARTICLE XIII. REFUSE, WEEDS, AND TRASH

"Sec. 13.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the Town to keep his or her property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

...."
law. **SECTION 5.** Except as otherwise provided, this act is effective when it becomes

In the General Assembly read three times and ratified this the 11th day of July, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives