

ORDINANCE 11—47

Council Member Kearney introduced the following Ordinance which was seconded by Council Member Rainey and read:

AN ORDINANCE AMENDING THE CITY CHARTER TO PROVIDE FOR REDISTRICTING OF THE CITY ELECTORAL DISTRICTS IN ACCORDANCE WITH THE 2010 CENSUS

WHEREAS, Section 4 of the Charter of the City of Henderson provides that the elected officers of the City shall consist of a Mayor (to be elected every four years by the qualified voters of the whole City), and two councilpersons from each Ward (a "Ward Seat" and an "At Large Seat") whose terms of office shall be staggered four year terms; *and*

WHEREAS, the 2010 Census indicated a shift in the City's population so that the existing four Wards are presently out of balance population wise; *and*

WHEREAS, General Statute §160A-101(6)d and Section 4 of the City Charter provides that the City may be divided into electoral districts equal in number to one-half the number of Council seats; the Council seats shall be equally divided into "Ward Seats" and "At Large Seats", one each of which shall be apportioned to each district, so that each Council Member represents the same number of persons as nearly as possible; the qualified voters of each district shall nominate and elect candidates to the "Ward Seats"; candidates for the "At Large Seats" shall reside in and represent the districts according to the apportionment plan adopted, but all candidates for "At Large Seats" shall be nominated and elected by all the qualified voters of the City; *and*

WHEREAS, General Statute §160A-23.1 provides for special rules for redistricting after each United States Census by the City Council, and General Statute §160A-102 provides the procedure for so amending the City Charter to implement said redistricting; *and*

WHEREAS, the City Council of the City of Henderson desires to redistrict its four Wards (or electoral districts) to comply with the 2010 United States Census; *and*

WHEREAS, a map has been prepared showing the existing Wards of the City of Henderson, with a second map showing proposed new Wards of the City of Henderson pursuant to a redistricting plan to comply with the General Statutes in accordance with the figures provided in the 2010 United States Census; *and*

WHEREAS, General Statute Section 160A-102 provides that the City Council shall first adopt a Resolution of Intent to consider the appropriate Ordinance amending the Charter, and setting a public hearing on the proposed Charter Amendment, a notice of which is to be advertised not more than 45 days after adopting the Resolution; the Notice shall be published at least once not less than 10 days prior to the date set for the public hearing, and following the public hearing the City Council may adopt an Ordinance amending the Charter; *and*

WHEREAS, on August 8, 2011, the City Council adopted Resolution 11-74 a "Resolution of Intent Pursuant to NCGS §160A-102 Amending the City Charter to Provide for Redistricting of the City Electoral Districts in Accordance with the 2010 Census and Setting a Public Hearing on the Same" to be held on September 12, 2011 at the regular scheduled City Council Meeting; *and*

WHEREAS, the notice of the Public Hearing was published in The Daily Dispatch on August 30, 2011; *and*

WHEREAS, the Public Hearing on said redistricting was duly held at the official meeting of the City Council on September 12, 2011 at which time the City Council heard no objections to the proposed redistricting; *and*

WHEREAS, at the next regular City Council meeting, the Council may now adopt the Ordinance set forth herein to implement the amendments proposed in the Resolution of Intent; and

WHEREAS, the Resolution of Intent set forth the three areas to be transferred:

- (a) The first area to be transferred from Ward 2 to Ward 1,
- (b) The second area to be transferred from Ward 2 to Ward 3, and
- (c) The third area to be transferred from Ward 3 to Ward 4.

WHEREAS, following said transfers, the four electoral wards of the City of Henderson will be described as hereinafter set forth in the amendment to Section 3 of the Charter of the City of Henderson.

NOW THEREFORE, the City Council of the City of Henderson doth hereby ordain:

Section 1. That Section 3 of the City Charter of the City of Henderson be amended to read as follows:

"Section 3. Ward Boundaries. The City shall be divided into four wards, bounded as follows:

Ward No. 1 Beginning at a point where US Highway 1-158 Business (sometimes referred to as Norlina Road and Garnett Street) intersects the northeastern City Limits line of the City of Henderson and run thence along said US Highway 1-158 Business in a general southeasterly direction to the intersection of US Highway 1-158 with Granite Street; run thence along Granite Street in a general northwesterly direction to Parham Street; run thence along Parham Street in a general westerly direction to Arrow Street; run thence along Arrow Street in a general northerly direction to Stanley Street; run thence along Stanley Street in a general northwesterly direction to Roanoke Avenue; run thence along Roanoke Avenue in a general northeasterly direction to Beckford Drive; run thence along Beckford Drive in a general easterly direction 1,500 feet to a point; run thence in a northerly direction to a point on Interstate I-85 located 1,035 feet west of where the western right of way of Parrish Mill Road (if extended would intersect I-85); run thence along I-85 in a general westerly direction 1,305 feet, more or less, to a creek; run thence along said creek in a northeasterly direction to North Street (extended as though it were going toward Ross Mill Road); run thence along said North Street extended in a general northwesterly direction to the existing City Limits line; run thence along the existing City Limits line in a general easterly direction to the place of beginning.

Ward No. 2 Begin at a point located at the western City Limits of the City of Henderson where US 158 Business (Oxford Road) intersects said City Limits; run thence along US 158 Business (Oxford Road) in a general easterly direction to its intersection with Dabney Drive; run thence in a general northwesterly direction along Dabney Drive to its intersection with Bane Avenue; run thence along Bane Avenue in a general northeasterly direction to its intersection with Second Avenue; run thence in a general northwesterly direction along Second Avenue to its intersection with Berry Avenue; run thence along Berry Avenue in a general northerly direction to its intersection with Parham Street; run thence along Parham Street in a general westerly direction to its intersection with Arrow Street; run thence along Arrow Street in a general northerly direction to its intersection with Stanley Street; run thence along Stanley Street in a general northwesterly direction to Roanoke Avenue; run thence along Roanoke Avenue in a general northeasterly direction to Beckford Drive; run thence along Beckford Drive in a general easterly direction 1,500 feet to a point; run thence in a northerly direction to a point on Interstate I-85 located 1,035 feet west of where the western right of way of Parrish Mill Road (if extended would intersect I-85); run thence along I-85 in a general westerly direction 1,305 feet, more or less, to a creek; run thence along said creek in a northeasterly direction to North Street (extended as though it were going toward Ross Mill Road); run thence along said North Street extended in a general northwesterly direction to the existing City Limits line; run thence along the existing City Limits line in a general southwesterly direction to the place of beginning.

Also included within Ward 2 is the satellite area annexed in 2001 adjoining Ruin Creek Road and Woodlawn Road.

Ward No. 3. Begin at a point located at the western City Limits of the City of Henderson where US 158 Business (Oxford Road) intersects said City Limits; run thence along US 158 Business (Oxford Road) in a general easterly direction to its intersection with Dabney Drive; run thence in a general northwesterly direction along Dabney Drive to its intersection with Bane Avenue; run thence along Bane Avenue in a general northeasterly direction to its intersection with Second Avenue; run thence in a general northwesterly direction along Second Avenue to its intersection with Berry Avenue; run thence along Berry Avenue in a general northerly direction to its intersection with Parham Street; run thence along Parham Street in a general easterly direction to its intersection with Granite Street; run thence along Granite Street in a general southerly direction to its intersection with Garnett Street (US 1-158 Business); run thence in a general northeasterly direction along Garnett Street to its intersection with Winder Street; run thence in a southerly direction along Winder Street to its intersection with County Home Road; run thence in an easterly direction along County Home Road to its intersection with Montgomery Street; continue thence in a easterly direction along Montgomery Street to its intersection with Swain Street; run thence along a creek from the corner of Montgomery and Swain Streets in a southeasterly direction to the intersection of Montgomery Street and Bullock Street; run thence in a southeasterly direction along Montgomery Street to its intersection with Willow Lane; run thence in a southwesterly direction along Willow Lane to its intersection with Walnut Street; continue thence along Walnut Street (and an extension of the same) to US Highway 1 Bypass; run thence in a general southerly direction along US Highway 1 Bypass approximately 900 feet to Sandy Creek; run thence along Sandy Creek and as it meanders in a general westerly direction to its intersection with Alexander Avenue; run thence along Alexander Avenue in a general westerly direction approximately 285 feet to its intersection with Pinkston Street; run thence along Pinkston Street in a general southerly direction to its intersection with South Carolina Avenue; run thence along South Carolina Avenue in a general westerly direction to its intersection with Reservoir Street; run thence in a general southerly direction along Reservoir Street to its intersection with Berry Street; run thence along Berry Street in a general southwesterly direction to its intersection with Old Epsom Road; run thence along the Old Epsom Road in a general southeasterly direction to the existing City Limits line; run thence along the existing City Limits line in a general westerly direction to the point and place of beginning.

Ward No. 4. Begin at the intersection of US Highway 1-158 Business (sometimes referred to as Norlina Road and Garnett Street) with the northeastern City Limits line; run thence in a general southwesterly direction along US Highway 1-158 (Norlina Road/Garnett Street) to its intersection with Winder Street; run thence along Winder Street in a general southerly direction to its intersection with County Home Road; run thence in an easterly direction along County Home Road to its intersection with Montgomery Street; continue thence in a easterly direction along Montgomery Street to its intersection with Swain Street; run thence along a creek from the corner of Montgomery and Swain Streets in a southeasterly direction to the intersection of Montgomery Street and Bullock Street; run thence in a southeasterly direction along Montgomery Street to its intersection with Willow Lane; run thence in a southwesterly direction along Willow Lane to its intersection with Walnut Street; continue thence along Walnut Street (and an extension of the same) to US Highway 1 Bypass; run thence in a general southerly direction along US Highway 1 Bypass approximately 900 feet to Sandy Creek; run thence along Sandy Creek and as it meanders in a general westerly direction to its intersection with Alexander Avenue; run thence along Alexander Avenue in a general westerly direction approximately 285 feet to its intersection with Pinkston Street; run thence along Pinkston Street in a general southerly direction to its intersection with South Carolina Avenue; run thence along South Carolina Avenue in a general westerly direction to its intersection with Reservoir Street; run thence in a general southerly direction along Reservoir Street to its intersection with Berry Street; run thence along Berry Street in a general southwesterly direction to its intersection with Old Epsom Road; run thence along the Old Epsom Road in a general southeasterly direction to the existing

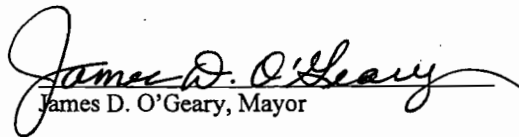
City Limits line; run thence along the existing City Limits line in a general northerly direction to the place of beginning.

Also included with Ward 4 is the 19.03 acre tract known as Carey Chapel Crossing Subdivision which was satellite annexed by the City of Henderson on January 1, 2011."

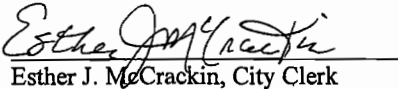
Section 2. The foregoing Ordinance shall be in full force and effect from and after the first day of January, 2012, subject to submission under Section 5 of the Voting Rights Act to the Voting Section of the Civil Rights Division of the Department of Justice.

Following the effective date of this Ordinance, the Council shall publish a Notice stating that the Ordinance amending the Charter has been adopted and summarizing its contents in effect and a copy of this Ordinance shall be further sent to the Vance County Board of Elections.

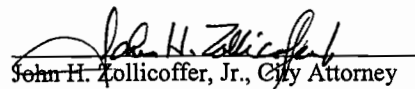
The foregoing Ordinance 11—47, upon motion of Council Member Kearney and seconded by Council Member Rainey and having been submitted to a roll call vote and received the following votes and was **APPROVED** on this the 26th day of September 2011: YES: Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke, Daye and Kearney. NO: None. ABSENT: Davis.


James D. O'Geary, Mayor

ATTEST:


Esther J. McCrackin, City Clerk

Approved to Legal Form:

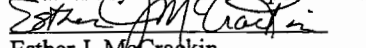

John H. Zollicoffer, Jr., City Attorney

Reference: Minute Book 42, p. 265.

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing Ordinance is a true and exact copy of *Ordinance 11—47, An Ordinance Amending The City Charter To Provide For Redistricting Of The City Electoral Districts In Accordance With The 2010 Census*, adopted by the Henderson, City Council in Regular Session on 26 September 2011 (See Minute Book 42, p. 265). This Ordinance is recorded in *Ordinance Book # 8*, pp. 297

Witness my hand and corporate seal of the City, this 27th day of September 2011.


Esther J. McCrackin
City Clerk
City of Henderson, North Carolina