

feet; thence North 05 degrees 49 minutes 35 seconds West 246.27 feet; thence North 20 degrees 51 minutes 16 seconds West 337.08 feet; thence North 09 degrees 34 minutes 21 seconds West 159.71 feet; thence North 39 degrees 48 minutes 48 seconds East 989.68 feet; thence North 18 degrees 31 minutes 09 seconds East 594.01 feet; thence North 13 degrees 16 minutes 28 seconds West 990.17 feet; thence North 22 degrees 40 minutes 08 seconds East 326.77 feet to the BEGINNING.

Sec. 2. Section 2 of Chapter 107 of the Private Laws of 1907 is hereby amended by adding at the end thereof a new sentence to read as follows: "The Board of Aldermen may adopt a resolution to increase the number of Aldermen from three to five, effective at the regular election next following such action; provided, however, that notice of such increase shall be included in the notice of the regular election at which the increase is to take effect."

Sec. 3. Section 2 of Chapter 187 of the Private Laws of 1931, as rewritten by Chapter 239 of the Private Laws of 1933, is hereby further rewritten to read as follows:

"Sec. 2. The Mayor of the Town of Boone shall receive for his services such salary as the Board of Aldermen may determine not in excess of two thousand four hundred dollars (\$2,400.00) per annum. The Board of Aldermen may establish a salary for its members not in excess of three hundred dollars (\$300.00) per annum; provided, that the Board may also pay not in excess of one hundred dollars (\$100.00) per annum additional compensation to the Alderman who serves as Clerk."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 1243

CHAPTER 989

AN ACT TO PROVIDE FOR VOLUNTARY ANNEXATION BY THE CITY OF RALEIGH OF AREAS, TERRITORIES OR SUBDIVISIONS NOT CONTIGUOUS TO THE MUNICIPAL BOUNDARIES OF THE CITY OF RALEIGH.

WHEREAS, Article 36 of Chapter 160 of the General Statutes of North Carolina contains no provision for the annexing of areas, territories or subdivisions not contiguous to the municipal boundaries of the City of Raleigh; and

WHEREAS, it would be in the interest of the public health, safety and welfare of the inhabitants of said city and would permit a more orderly growth of the municipal boundaries of said city to allow the annexation of noncontiguous areas, territories or subdivisions by petition of the property owners who desire that their property be annexed: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the owner or owners of any area, territory or subdivision within the boundaries of Wake County but not within the boundaries or extraterritorial jurisdiction of any other municipality, whose

property is not contiguous to the municipal boundaries of the City of Raleigh, may, by petition directed to the City Council of the City of Raleigh, request that the property described in the petition be annexed and made a part of the City of Raleigh as hereinafter set out; provided any property annexed as herein provided must be located at the closest point not more than three miles from the City of Raleigh municipal limits wherein is located and situated the City Hall.

Sec. 2. That said petition shall be directed to the City Council of the City of Raleigh and shall contain:

(1) The names of the owners of the real property for which a request to annex is made.

(2) A description of the area to be annexed by metes and bounds.

(3) The signatures of all property owners of the area, territory or subdivision requesting annexation.

In the case of annexing a subdivision under this Act, the petition must be signed by all owners of property within the subdivision; provided nothing herein shall be construed to authorize the annexation of a portion of a subdivision.

Upon receipt of the petition, the City Council of the City of Raleigh shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the results of his investigation.

Upon receipt of the certification and petition, the City Council shall fix dates for two public hearings on the question of annexation and shall cause notice of the public hearings to be published twice in a newspaper having general circulation in the municipality at least ten days prior to the date of the first public hearing, and published in like manner preceding the second public hearing. The second public hearing shall be held at least 20 days after the first public hearing. At such public hearings, all residents of Wake County opposing or favoring the annexation or alleging an error in the petition shall be given an opportunity to be heard. The City Council shall then determine whether the petition meets the requirements of this Act.

Upon further finding and determination by the City Council that:

(1) The public health, safety and welfare of the inhabitants of the City of Raleigh, as well as those of the area, territory or subdivision requesting such annexation, will best be served by such annexation, and

(2) The City of Raleigh will be able to provide the same services to the annexed area, territory or subdivision in the same manner in which other areas within the municipal boundaries of said city are served, the City Council of the City of Raleigh may adopt an ordinance annexing that area described in the petition; provided the ordinance annexing the area, territory or subdivision shall be passed at each meeting of the City Council where a public hearing is held as hereinbefore provided. From and after the effective date of said ordinance, which date shall not be less than 90 days from and after the final passage of said ordinance, unless an election is required as hereinafter provided, the area, territory or subdivision and its citizens shall be subject to all debts, laws, ordinances and regulations in force in said City of Raleigh and shall be entitled to the same benefits and privileges of other parts of said city. The newly annexed area, terri-

tory or subdivision shall be subject to city taxes for the fiscal year following the effective date of annexation.

Sec. 3. The City Council of the City of Raleigh may make said annexation contingent on such conditions as it may desire in order to insure that the area, territory or subdivision proposed to be annexed will not received preferential treatment.

Sec. 4. The City Council in its discretion may charge in any non-contiguous area, territory or subdivision annexed water or sewer rates in excess of those charged within the municipal limits wherein is located the City Hall, and from time to time the council shall review the expenses related to any noncontiguous area to determine that said expenses are not in excess of taxes and revenues derived therefrom.

Sec. 5. If, before the effective date of an annexation as provided herein, a petition is filed by at least ten per cent (10%) of the qualified voters of the City of Raleigh requesting a referendum on the question of annexation of that property described in the petition, the City Council of the City of Raleigh shall submit the question of annexation to an election to be held as hereinafter provided or in the City Council's discretion said council may adopt an ordinance revoking its prior action and request for annexation. If the petition for annexation is not denied and a petition for a referendum is filed as provided herein, the City Council shall order the Board of Elections of Wake County to call an election to determine whether or not the proposed area, territory or subdivision shall be annexed to the City of Raleigh. Said order to the Board of Elections shall set forth that date on which the election shall be held but, in no event, shall said date be less than 60 days from the date of the adoption of the order.

Sec. 6. Such election shall be called by resolution or resolutions of the Wake County Board of Elections which shall:

(1) Describe the area, territory or subdivision petitioning to be annexed as set out in the order of said City Council.

(2) Provide that the matter of annexation shall be submitted to the vote of the qualified voters of the City of Raleigh.

(3) Designate the precincts and voting places for such election.

(4) Name the registrars and judges of such election.

(5) Make all other necessary provisions for the conducting and holding of such election, the canvassing of returns and the declaration of the results of such election.

Said resolution or resolutions of the Wake County Board of Elections shall be published in one or more newspapers of such county once a week for 30 days prior to the opening of the registration books. All the cost of holding such election shall be paid by the City of Raleigh. Except as herein provided, said election shall be held under the same statutes, rules and regulations as are applicable to other elections in the City of Raleigh.

Sec. 7. At such election, those qualified voters of the City of Raleigh who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words "for extension" and "against extension". If, at such election, the majority of votes cast shall be "for extension", then from and after the date of the declaration of the result of such election, the

area, territory or subdivision and its citizens shall be subject to all debts, laws, ordinances and regulations in force in said City of Raleigh and shall be entitled to the same benefits and privileges of other parts of said city. The newly elected area, territory or subdivision shall be subject to city taxes for the fiscal year following the effective date of annexation.

Sec. 8. Any ordinance adopted pursuant to this Act shall be subject to referendum only as herein provided, notwithstanding any laws or parts of laws to the contrary.

Sec. 9. Whenever the limits of the City of Raleigh are enlarged in accordance with the provisions of this Act, it shall be the duty of the Mayor of the City of Raleigh to cause an accurate map of the said area, territory or subdivision, newly annexed, together with a copy of the ordinance duly certified and the official results of the election, if conducted, to be recorded in the office of the Register of Deeds of Wake County and in the office of the Secretary of State of North Carolina.

Sec. 10. Any area, territory or subdivision annexed pursuant to this Act shall cease to be noncontiguous for all intents and purposes when and in the event said area shall touch the municipal limits of the City of Raleigh pursuant to the extension of the boundaries of said city pursuant to Article 36, Chapter 160, of the General Statutes of North Carolina.

Sec. 11. Any area, territory or subdivision annexed pursuant to this Act shall not be included in that area of the municipal boundaries used for determining any extraterritorial jurisdiction of the City of Raleigh and further shall not be considered within the municipal boundaries for the purposes of defining an area as contiguous to the city limits within the provisions of Part 3 of Article 36 of Chapter 160 of the General Statutes of North Carolina with reference to further annexation unless and until the area, territory or subdivision annexed pursuant hereto shall, by extension of the municipal boundaries pursuant to Article 36 of Chapter 160 of the General Statutes of North Carolina, touch and become a part of the municipal boundaries of the City of Raleigh wherein is located the City Hall. Any area, territory or subdivision annexed pursuant hereto may be included at only forty per cent (40%) of the normal rate for the purposes of population density or character of any larger area, territory or subdivision to be annexed at any time in the future pursuant to the provisions of Part 3 of Article 36 of Chapter 160 of the General Statutes of North Carolina.

Sec. 12. The total area of all noncontiguous portions of the city annexed pursuant to this Act shall at no time exceed ten per cent (10%) of the total area of the City of Raleigh wherein is located City Hall.

Sec. 13. This Act shall be supplemental and in addition to any other methods or procedure for annexation heretofore available or hereafter provided for the City of Raleigh.

Sec. 14. If any clause, sentence, paragraph, subsection, Section or any part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not effect, impair or invalidate the remainder of this Act but shall be confined in its operation to the part thereof directly involved in said judgment.

Sec. 15. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 16. This Act shall be in full force and effective from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 1358

CHAPTER 990

AN ACT TO AMEND G. S. 115-51 RELATING TO SCHOOL FOOD SERVICES PROVIDED BY COUNTY AND CITY BOARDS OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. General Statute 115-51 as appears in the 1966 Replacement Volume 3A is hereby amended by rewriting paragraph two of the same to read as follows:

"All school food services shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation as defined herein shall be used to reduce the cost of food, to serve better food, or to provide free or reduced price lunches to indigent children and for no other purpose. The term, "cost of operation," shall be defined as actual cost incurred in the purchase and preparation of food, the salaries of all personnel directly engaged in providing food services, and the cost of non-food supplies as outlined under standards adopted by the State Board of Education. Personnel shall be defined as Food Service Supervisors or Directors, bookkeepers directly engaged in food service record keeping, and those persons directly involved in preparing and serving food. Provided that food service personnel shall be paid from the funds of food services only for services rendered in behalf of lunch room services. Any cost incurred in the provisions and maintenance of school food services over and beyond the "cost of operation" as defined in this Section shall be included in the budget request filed annually by County and City Boards of Education with Boards of County Commissioners. It shall not be mandatory that the provisions of G. S. 115-52 and 143-129 be complied with in the purchase of supplies and food for such school food services."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 1379

CHAPTER 991

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF EDUCATION OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The chairman of the County Board of Education of Northampton County shall receive as compensation for his services the sum of twenty-five dollars (\$25.00) per day for each day he is engaged in