

PETITION (Sign and return to Bob Silver, 8106 Bradford Ln, Denver NC 28037 – one per household, please)

I/we the undersigned do hereby petition the North Carolina General Assembly to incorporate the Village of Denver. The map of the city is found at the end of this petition. The municipality will provide the following services within the 2nd full fiscal year after incorporation: 1) street maintenance; (2) street construction or right-of-way acquisition; (3) street lighting; and (4) zoning. The interim governing board shall consist of Matt Smith, Bob Silver, Nic Haag, Martin Oakes and Matt Gustis. The proposed charter is found below. The estimated population is 22,500. The assessed valuation as of July 1, 2018 is \$3,583,057,078, and is 54.6% developed. The Village of Denver contains 32.0 square miles, with a population density of 700 person per sq. mi. The form of government is Council-Manager, with the council elected on a nonpartisan basis with elections held at the same time as county-wide elections. The ad valorem tax rate will be at least five cents (5¢) per one hundred dollar (\$100.00) valuation. The charter provides for a maximum tax rate of twelve cents (12¢) which may be raised only by a vote of the residents.

Print Name(s): _____ Signature: _____ DOB: __/__/__

Print Name(s): _____ Signature: _____ DOB: __/__/__

Print Name(s): _____ Signature: _____ DOB: __/__/__

Print Name(s): _____ Signature: _____ DOB: __/__/__

Address: _____

City: _____ NC Zip: _____

Email Address: _____@_____ for at least one of the above

All fields are required for a valid petition

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"THE CHARTER OF THE VILLAGE OF DENVER.

"ARTICLE I. CORPORATE BOUNDARIES.

"Section 1 **Village Boundaries.**

[Will be created from the map (below) when a positive recommendation is made by the General Assembly's subcommittee]

"ARTICLE II. GOVERNING BODY.

"Section 2 **Structure of Governing Body** The governing body of the Village of Denver shall be the Village Council, which shall have five members.

"Section 3 **Temporary Officers.** Until the organizational meeting after the initial election provided for by Part 2 of this Charter, Matt Smith, Nic Haag, Bob Silver, Martin Oakes and Matt Gustis are appointed to the Village Council of the Village of Denver. The temporary officers shall elect persons to serve as Interim Mayor and Interim Mayor Pro Tempore. If any person named in this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint a person to serve until the initial election is held.

"Section 4 **Manner of Electing Council.** All members of the Village Council are elected at large, with mixed terms of two or four years. At each election, the two members receiving the most votes and 20% or more of the votes, shall receive four year terms and the remainder shall receive two year terms. Elections are non-partisan, and will be held concurrently with county-wide elections.

"Section 5. **Manner of Electing Mayor and Mayor Pro Tempore; Term of Office; Duties.** The Mayor and Mayor Pro Tempore shall be elected from among the members of the Village Council at the first meeting following each election. The Mayor shall attend and preside over meetings of the Village Council, and shall have the right to vote as a member of the Village Council on all matters before the Council, but shall have no right to break a tie vote in which the he has participated.

"Section 6. **Duties of the Mayor Pro Tempore.** The Mayor Pro Tempore shall act in the absence or disability of the Mayor.

"Section 7. **Compensation of the Village Council.** The members of the Village Council shall be reimbursed for ordinary and necessary expenses and may receive salary and honoraria not to exceed one-half of the current compensation of Lincoln County Commissioners, as adjusted from time to time.

"Section 8. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE III. ORGANIZATION AND ADMINISTRATION.

"Section 9. **Form of Government.** The Village shall operate under the Council-Manager plan as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes, except that the Manager need not be a resident of the Village and that prior to the first general election, a council member shall be eligible to serve as interim Village Manager but will receive no additional compensation.

"Section 10. **Village Manager; Appointment; Powers and Duties.** The Village Council shall appoint a Village Manager who shall be responsible for the administration of all departments of the Village government, except as otherwise directed by the Village Council. The Village Manager shall have all the powers and duties conferred by general law, except as expressly limited by the provisions of this Charter, and the additional powers and duties conferred by the Village Council, so far as authorized by general law.

"Section 11. **Village Manager's Authority over Personnel; Role of Elected Officials.** As chief administrator of the Village, the Village Manager shall have the power to appoint, suspend, and remove all Village officers, department heads, and employees, except the Village Attorney, Village Clerk, and any other official whose appointment or removal is vested in the Village Council by this Charter or by general

law.

"Section 12. **Village Attorney.** The Village Council shall appoint an Attorney licensed to practice law in North Carolina. It shall be the duty of the Village Attorney to represent the Village, advise Village officials, and perform other duties required by law or as the Village Council may direct. The Village Attorney is a part-time position.

"Section 13. **Village Clerk.** The Village Council shall appoint a Clerk to keep a journal of the proceedings of the Village Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Village Council may direct.

"Section 14. **Village Finance Officer.** The Village Council shall appoint a Finance Officer to keep all financial records of the Village, to maintain bank accounts, official records and documents, and to perform such other duties required by law or as the Village Council may direct

"Section 15. **Consolidation of Functions.** The Village Council may combine in one person the powers and duties of two or more officers, except for those enumerated in Sections 10 through 14. Specifically, the Village Manager may also be the Chief Planner

"ARTICLE VI. TAXES AND BUDGET ORDINANCE.

"Section 16. **Powers of the Village Council.** The Village Council may levy those taxes and fees authorized by general law. An affirmative vote equal to a majority of all the members of the Village Council shall be required to change the ad valorem tax rate from the rate established during the prior fiscal year, subject to the limitation defined in Section 21 below.

"Section 17. **Budget.** The Village shall sub-contract with Lincoln County to collect all appropriate taxes, for which the county shall be reimbursed in accordance with general law. The Village may adopt the same discount for early payment as Lincoln County.

"Section 18. **Interim Financial Arrangements.** Following incorporation, Lincoln County may loan \$250,000 at 6% annual interest to the Village of Denver, to be repaid by the end of the first full fiscal year. Lincoln County may designate a member of its Finance Department to act as Interim Finance Director for the Village until the Village hires its own Finance Director. Village funds will be kept in a separate account within the County until the Village, by resolution, declares that it has hired a Finance Director and is ready to manage its own funds.

"Section 19. **Amendments to Charter.** The Village Council may propose amendments to this Charter in accordance with the General Statutes. No amendment to this Charter shall become effective unless approved by the voters in a referendum. Upon receipt of a referendum petition from twenty percent (20%) of the qualified voters of the Village, the Village Council shall submit ordinances adopted to a vote of the people.

"Section 20. **Provision of Services and Administration of Functions.** The Village Council may enter into agreements with other governmental bodies and private enterprises for the provision of services and the administration of corporate functions in order to provide the services and administer the functions in the most efficient and cost-effective manner.

"ARTICLE IX. SPECIAL PROVISIONS.

"Section 21. **Ad Valorem Taxes.** The Village Council shall not increase the ad valorem tax rate to more than twelve cents (12¢) per one hundred dollars (\$100.00) valuation without consent of a majority of the votes in a referendum. The procedures of G.S. 160A-209 shall be followed for any such election. The ad valorem tax rate for the initial fiscal year shall not exceed nine cents (9¢) per one hundred dollars (\$100.00) valuation. The maximum tax rate shall be adjusted following each county-wide revaluation to reflect a revenue-neutral value, computed the same way as the county's revenue-neutral tax rate.

"Section 22. **Services.** The Village of Denver shall **not** provide police service **nor** fire services, which will continue to be provided by Lincoln County. The Village may use revenue **other** than property taxes to provide for supplementary public safety services. The Village's services will include road construction or right-of-way acquisition, road maintenance, zoning/planning and street lighting. The Village may provide other services, or supplement Lincoln County services, from among those which general statutes permit to municipalities."

PART 3. Gradual Sales Tax Allocations.

In the first 3 fiscal years, up to 50%, 33%, and 17% in each year respectively of the Village's Sales tax revenue from Articles 39, 40 and 42 shall be transferred back first to the City of Lincolnton and second to Lincoln County to act as a partial "phase-in", but no transfers that give each more sales tax revenue from those Articles than the fiscal year prior to incorporation will be made.

Proposed Denver

