

# P E T I T I O N

(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 Town of Denver, and to hold a vote on the issue during a county-wide election. The map of the Town is found at the end of this petition. The municipality will provide the following services before the end of the 2<sup>nd</sup> 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 Matthew Smith, Robert Silver, Matthew Gustis, Nic Haag and Martin Oakes. 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 Town 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 ad valorem tax rate of twelve cents (12¢) which may be raised only by a vote of the residents.

Print Name(s): \_\_\_\_\_ Signature: \_\_\_\_\_ DOB: \_\_/\_\_/\_\_

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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 TOWN OF DENVER.

"ARTICLE I. CORPORATE BOUNDARIES.

"Section 1 **Town 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 Town of Denver shall be the Town Council, which shall have five members.

"Section 3 **Temporary Officers.** Until the organizational meeting after the initial election provided for by Section 4 of this Charter, Matthew Smith, Robert Silver,

Matthew Gustis, Nic Haag and Martin Oakes are appointed to the Town Council of the Town 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. The Temporary Officers shall receive no remuneration.

"Section 4 **Manner of Electing Council.** All five members of the Town 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 Town Council at the first meeting following each election. The Mayor shall attend and preside over meetings of the Town Council, and shall have the right to vote as a member of the Town Council on all matters before the Council, but shall have no right to break a tie vote in which he/she 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 Town Council.** The elected members of the Town Council shall be reimbursed for ordinary and necessary expenses and may receive salary and honoraria not to exceed one-half of the compensation of Lincoln County Commissioners in the most recent fiscal year.

"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 Town 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 Town and that prior to the first general election, a council member shall be eligible to serve as interim Town Manager but will receive no additional compensation.

"Section 10. **Town Manager; Appointment; Powers and Duties.** The Town Council shall appoint a Town Manager who shall be responsible for the administration of all departments of the Town government, except as otherwise directed by the Town Council. The Town 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 Town Council, so far as authorized by general law.

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

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

"Section 13. **Town Clerk.** The Town Council shall appoint a Clerk to keep a journal of the proceedings of the Town Council, to maintain official records and

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documents, to give notice of meetings, and to perform such other duties required by law or as the Town Council may direct.

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

"Section 15. **Consolidation of Functions.** The Town 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 Town Manager may also be the Chief Planner.

## "ARTICLE IV. TAXES AND BUDGET ORDINANCE.

"Section 16. **Powers of the Town Council.** The Town Council may levy those taxes and fees authorized by general law. An affirmative vote equal to a majority of all the members of the Town 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 19 below.

"Section 17. **Amendments to Charter.** The Town 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 Town, the Town Council shall submit ordinances adopted to a vote of the people.

"Section 18. **Provision of Services and Administration of Functions.** The Town 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 V. SPECIAL PROVISIONS.

"Section 19. **Ad Valorem Taxes.** The Town Council shall not increase the ad valorem tax rate to more than twelve cents (12¢) per one hundred dollars (\$100.00) valuation without the consent of a majority of the voters in a referendum. The procedures of G.S. 160A-209(f) shall be followed for any such referendum. 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 ad valorem tax rate shall be adjusted following each county-wide revaluation to reflect a revenue-neutral value, computed as per G.S. 159-11(e), but shall not be less than six cents (6c).

"Section 20. **Services.** The Town of Denver shall **not** provide police service **nor** fire services, without the consent of a majority of the voters in a referendum. This is intended to be a charter limitation as defined in G.S. 160A-209(h). The Town may use revenue **other** than property taxes to provide for supplementary public safety services from other agencies. The Town's services will include road construction or right-of-way acquisition, road maintenance, zoning/planning and street lighting. The Town may provide other services, or supplement Lincoln County services, from among those which general statutes permit to municipalities."

"Section 21. **Gradual Sales Tax Transfers.** In the first 3 fiscal years, 50%, 33%, and 17% in each year respectively of the Town's Sales tax revenue from Articles 39, 40 and 42 shall be allocated to a "transfer fund". Funds from that fund shall be transferred (1) first to the City of Lincolnton to provide, as far as the funds permit, the same sales tax revenue to the City from those Articles as received in the fiscal year prior to incorporation, and (2) the balance of the available "transfer funds" shall be transferred to Lincoln County.

# PETITION

## Map of Proposed Town of Denver

### Proposed Denver

