

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 299*
Second Edition Engrossed 4/22/91

Short Title: Incorporate Lewisville.

(Local)

Sponsors: Senators Kaplan, Ward, and Shaw.

Referred to: Local Government and Regional Affairs.

March 27, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF LEWISVILLE IN FORSYTH
3 COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. A charter for the Town of Lewisville is enacted to read:

6 "CHARTER OF THE TOWN OF LEWISVILLE.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Section 1-1. **Incorporation and Corporate Powers.** The inhabitants of the Town
10 of Lewisville are a body corporate and politic under the name 'Town of Lewisville.'
11 Under that name they have all the powers, duties, rights, privileges, and immunities
12 conferred and imposed on municipal corporations, currently or hereinafter enacted, by
13 the North Carolina Constitution, the general law of North Carolina and this Charter.

14 "CHAPTER II.

15 "CORPORATE BOUNDARIES.

16 "Sec. 2-1. **Town Boundaries.** Until modified in accordance with the law, the
17 boundaries of the Town of Lewisville are as follows:

18 Beginning at a point, said point being the northeast corner of Tax Lot 35C Tax Block
19 4425; thence along the east line of Tax Lot 35C to the northern terminus of Ketner Road
20 (SR 1316); thence along the northern terminus of said Ketner Road to the southeast
21 corner of Tax Lot 35C Tax Block 4425; thence along a line parallel to the centerline of
22 Ketner Road (SR 1316) and thirty feet (30') west measured normal to the centerline to a
23 point in the north right of way of Shallowford Road (SR 1001), said point being the

1 southeast corner of Tax Lot 52A Tax Block 4425; thence south to a point in the south
2 right of way of said Shallowford Road (SR 1001) and in the north line of Tax Lot 44
3 Tax Block 4429; thence along the south right of way line of Shallowford Road (SR
4 1001) to the northwest corner of Tax Lot 4B Tax Block 4429; thence south along the
5 west line of Tax Lot 4B Tax Block 4429 to the northeast corner of Tax Block 4426 and
6 the northeast corner of Tax Lot 1D Tax Block 4426; thence southward along the
7 common boundary line of Tax Blocks 4426 and 4429 to a point in the north line of Tax
8 Block 4431, said point being the southeast corner of Tax Lot 1K Tax Block 4426;
9 thence along the south boundary of Tax Block 4429 to the northeast corner of Tax Lot
10 15 Tax Block 4431; thence south along the easterly line of Tax Lot 15 Tax Block 4431
11 to the westerly right of way of Styers Ferry Road (SR 1103); thence along the westerly
12 right of way line of Styers Ferry Road (SR 1103), said line thirty feet (30') normal to
13 and parallel with the centerline of Styers Ferry Rd. (SR 1103), to the southeast corner of
14 Tax Lot 2 Tax Block 4431; thence crossing US Highway 421 on a line thirty feet (30')
15 west of the centerline of said Styers Ferry Road, said line measured normally to and
16 parallel with the centerline of Styers Ferry Road (SR 1103), and continuing to the
17 southerly right of way line of US Highway 421 to the northwest corner of Tax Lot 41J
18 Tax Block 4433; thence crossing Reynolds Road (SR 1160) to a point thirty feet (30')
19 west of the centerline of said road and on a line normal to the west line of Tax Lot 41J
20 Tax Block 4433; thence, along the west right of way line of Reynolds Road (SR 1160),
21 said right of way line being thirty feet (30') normal to and parallel with the centerline of
22 said road, to the southeast corner of Tax Lot 3 Tax Block 4433B; thence, along the
23 northwesterly right of way line of Styers Ferry Road (SR 1100), said right of way line
24 being thirty feet normal to and parallel with the centerline of said road, crossing the
25 termini of Westland Lane, Lasley Road (SR 1161) and Dull Road (SR 1170) to the
26 southeast corner of Tax Lot 37G Tax Block 4405; thence, along the southerly
27 boundaries of Tax Lot 37G Tax Block 4405 to the southeast corner of Tax Lot 618 Tax
28 Block 4405; thence along the south boundary of Tax Lot 618 Tax Block 4405 to the
29 southwest corner of Tax Lot 618 Tax Block 4405; thence south along the boundary line
30 of Tax Lots 82K and 26A Tax Block 4405 to the southerly corner of Tax Lot 26A Tax
31 Block 4405; thence along the southwesterly and northwesterly boundary line of Tax Lot
32 26A Tax Block 4405; thence southwesterly and south along the boundary line of Tax
33 Lots 26B and 17U to the common corner of Tax Lots 17U and 26B Tax Block 4405;
34 thence west along the boundary of Tax Lots 28 and 17U Tax Block 4405; thence
35 southwest along the common boundary line of Tax Lots 28 and 17U Tax Block 4405 to
36 the common corner of Tax Lots 28, 10, and 17U Tax block 4405; thence along the south
37 and southwest boundary of Tax Lot 17U Tax Block 4405 then falling in with the south
38 and northern boundary of Tax Block 4405C to the run of Ellison Creek; then along the
39 current run of Ellison Creek as it meanders generally southwesterly through Tax Lot
40 1011 Tax Block 4407 beginning at the east boundary of Tax Block 4407A thence along
41 the southerly and westerly boundary of Tax Block 4407, 4407B and 4408 to the
42 northwest corner of Tax Lot 101 Tax Block 4407A said point being the southerly
43 terminus of Crashore Drive (SR 1168); thence westerly to the southeasterly corner of
44 Tax Lot 110 Tax Block 4408; thence along the southerly lines of Tax Lots 110 and

1 108B Tax Block 4408 to the southwesterly corner of Tax Lot 108B Tax Block 4408;
2 thence northerly along the westerly boundary lines of Tax Lots 108B, 10 and 89 Tax
3 Block 4408 to the common corner of Tax Lots 9A and 9B Tax Block 4408; said corner
4 being in the southerly margin of Styers Ferry Road (SR 1168), said right of way line
5 being taken as thirty feet (30') normal to and parallel with the centerline of said road to a
6 point in the southerly right of way of Styers Ferry Road (SR 1166), said point being
7 opposite the common corner of Tax Lots 30 and 29 Tax Block 4408 and falling in with
8 the southerly and west lines of Tax Lot 30 Tax Block 4408 to a corner of Tax Lot 10
9 Tax Block 4470; thence along the west and northerly line respectively of Tax Block
10 4470 to the northeast corner of Tax Lot 8 Tax Block 4470, said corner being in the west
11 line of Tax Lot 1N Tax Block 4407; thence north along the west line of Tax Lot 1N Tax
12 Block 4407 falling in with the east line of Tax Block 4408 and crossing Concord
13 Church Road (SR1171) to the common corner of Tax Blocks 4407 and 4450 in the
14 easterly line of Tax Block 4408; thence continuing northwardly along the common
15 boundary of Tax Blocks 408 and 4450 to a point the southwesterly terminus of
16 Weinstock Street and a common corner of Tax Lot 203 Tax Block 4438 and Tax Lot 10
17 Tax Block 4450; thence counter clockwise around the southerly and easterly boundary
18 of Tax Lot 203 Tax Block 4438 to the northeast corner of Tax Lot 203 Tax Block 4438
19 and being in the southerly line of Tax Lot 102D Tax Block 4438; thence along the
20 southerly line of Tax Lot 102D Tax Block 4438 and falling in with the north boundary
21 line of Tax Block 4449 to the northeast corner of Tax Block 4449 and in the west line of
22 Tax Lot 101C Tax Block 44348; thence north along the west line of Tax Lots 101C and
23 101D Tax Block 4438 and crossing Doubs Road (SR 1172) to the northwest corner of
24 Tax Lot 101D Tax Block 4438 and in the south line of Tax Lot 504 Tax Block 4438A
25 falling in with the south line of Tax Lot 14N Tax Block 4438 to the southwest corner of
26 Tax Lot 14N Tax Block 4438; thence along the westerly boundary of Tax Lot 14N Tax
27 Block 44348 to the northwest corner of Tax Lot 14N Tax Block 4438 and a corner with
28 Tax Lot 23 Tax Block 4438A, the southern terminus of Lewisville Trails Road
29 (SR3713); thence along the boundary of Tax Block 4438A crossing the southern
30 terminus of Lewisville Trails Road (SR3713) and continuing clockwise along said
31 boundary to the northeasterly corner of Tax Lot 15 Tax Block 4438 in the southerly
32 right of way of William Road (SR 1173); thence crossing said road to the northerly right
33 of way line; thence along the northerly right of way line of Williams Road (SR 1173),
34 said line being thirty feet (30') normal to and parallel with the centerline of said
35 Williams Road (SR 1173), to the common corner of Tax Lots 303 and 33C Tax Block
36 4437; thence north along the common boundary of Tax Lots 303 and 33C Tax Block
37 4437 to the common corner of Tax Lots 303 and 33C Tax Block 4437 in the southerly
38 right of way of US Highway 421; thence crossing the US Highway 421 to the common
39 corner of Tax Lots 36B and 33B Tax Block 4437 in the northerly right of way of US
40 Highway 421; thence along the northerly right of way of US Highway 421 to the run of
41 an un-named stream at its juncture with the northerly right of way line of US Highway
42 421; thence with the run of said un-named stream northeasterly crossing Tax Lot 31C
43 Tax Block 4437 to a common corner of Tax Lots 18D and 18J Tax block 4437; thence
44 along the common boundaries of Tax Lot 18D and Tax Lots 18J, 18G and 18J

1 respectively Tax Block 4437 to the common corner of Tax Lots 18D and 18J Tax Block
2 4437 in the south right of way of Shallowford Road (SR 1001); thence crossing
3 Shallowford Road (SR1001) to the southeast corner of Tax Lot 6 Tax Block 4436 and
4 continuing along the east boundary of said tax lot north to the northwest corner of Tax
5 Lot 105 Tax Block 4436 in the south line of Tax Lot 107 Tax Block 4436; thence
6 northeasterly along the south line of Tax Lot 107 Tax Block 4436 to a common corner
7 of Tax Lots 107 and 1 Tax Block 4436 in the boundary line of Tax Blocks 4436 and
8 4612; thence along said boundary line northwardly to the northeast corner of Tax Lot
9 108 Tax Block 4436; thence along the north lines of Tax Lot 108 Tax Block 4436 to the
10 easterly margin of Conrad Road (SR1305), the northwest corner of Tax Lot 108 Tax
11 Block 4436; thence southwardly along the east right of way line of Conrad Road (SR
12 1305), said line being thirty feet (30') normal to and parallel with the center line of
13 Conrad Road (SR1305), to a point in the north line of Tax Lot 17 Tax Block 4609 and
14 being in the north line of Tax Block 4609; thence along the common boundary line of
15 Tax Blocks 4609 and 4436 clockwise to a point in the east margin of Conrad Road
16 (SR1305) at or near the southeast corner of Tax Lot 17 Tax Block 4609; thence crossing
17 Conrad Road (SR1305) with the south line of Tax Lot 17 Tax Block 4609 to the
18 southwest corner of Tax Lot 17 Tax Block 4609; thence north along the west line of Tax
19 Lot 17 Tax Block 4609 and falling in with the common boundary line between Tax
20 Blocks 4436 and 4609 to the northwest corner of Tax Lot 13 Tax Block 4436 in the east
21 line of Tax Lot 402 Tax Block 4609, also being the southwesterly corner of Tax Lot 8C
22 Tax block 4609; thence northerly with the westerly line of Tax Lot 8C Tax Block 4609
23 to the southeast corner of Tax Lot 16C Tax Block 4608; thence northwardly along the
24 east line of Tax Lot 16C Tax Block 4608 and falling in with the easterly line of Tax Lot
25 16D Tax Block 4608 to the northeast corner of said Tax Lot; thence west along the
26 north boundary of Tax Lot 16D Tax Block 4608 to the common corner of Tax Lots 5
27 and 6 Tax Block 4608 in the north line of Tax Lot 16D Tax Block 1608; thence along
28 the boundary of Tax Lots 5 and 6 Tax Block 4608 to a common corner of said Tax Lots
29 in the west margin of Conrad Road (SR 1305); thence crossing Conrad Road (SR 1305)
30 to a common corner of Tax Lots 5 and 12A Tax Block 4608; thence north along the east
31 right of way line of Conrad Road (SR 1305), said right of way line being thirty feet (30')
32 normal and parallel to the centerline of said road, to the northwesterly corner of Tax Lot
33 12A Tax Block 4608, said corner taken as thirty feet (30') south of the centerline of
34 Grapevine Road (SR 1312); thence with the southerly right of way line of Grapevine
35 Road (SR 1312), said line being thirty feet (30') normal to and parallel with the
36 centerline of Grapevine Road (SR 1312), to a point in the southerly right of way of
37 Grapevine Road (SR 1312) and in the north boundary of Tax Lot 504 Tax Block 4612;
38 thence on a line normal to the centerline of Grapevine Road (SR 1312) and falling in
39 with the westerly line of Tax Lot 14 Tax Block 4608; thence east to the northeast corner
40 of Tax Lot 14 Tax Block 4608 and a corner with Tax Block 4608 in the west line of Tax
41 Lot 13 Tax Block 4608; thence along the west line of Tax Lot 13 Tax Block 4608 to the
42 northwest corner of Tax Lot 13 Tax Block 4608, said corner lying in the southerly line
43 of Tax Block 4607; thence along the southern boundary line of Tax Block 4607 east to a
44 Tax Block corner north of Tax Lot 21 Tax Block 4608A; thence continuing along the

1 boundary of Tax Block 4608A clockwise to the common corner of Tax Blocks 4608A,
2 4615 and 4613; thence eastwardly along the boundary line of Tax Blocks 4615 and
3 4613 to the southeast corner of Tax Lot 6 Tax Block 4615 in the north line of Tax Lot
4 51C Tax Block 4613; thence continuing along the north boundary line of Tax Lots 51C
5 and 52 Tax Block 4613 to the northeast corner of Tax Lot 52 Tax Block 4613 and the
6 northwest corner of Tax Block 4662; thence along the north line of Tax Block 4662 to
7 the northeast corner of Tax Lot 21 Tax Block 4662 and northwest corner of Tax Lot 7D
8 Tax Block 4613; thence along the northerly line of Tax Lot 7D Tax Block 4613 to the
9 northeast corner of said lot in the west margin of Lewisville-Vienna Road (SR 1308);
10 thence crossing Lewisville-Vienna Road (SR 1308) and falling in with the south line of
11 Tax Block 4661 to a point, the northeast corner of Tax Lot 1F Tax Block 4613 and also
12 being a corner of Tax Block 4613; thence south along the east boundary line of Tax
13 Block 4613 to a common corner of Tax Blocks 4613 and 4615 in the north boundary
14 line of Tax Block 4614; thence south along the east boundary of Tax Lot 104 Tax Block
15 4614; thence south along the east boundary of Tax Lot 5N Tax Block 4614 to the
16 southeast corner of said Tax Lot and continuing southward to the centerline of Marshall
17 Road (SR 1311); thence east with the centerline of said road to the west line of Tax Lot
18 108 Tax Block 4614; thence south along the west boundary of Tax Lot 108 Tax Block
19 4614 to the northwest corner of Tax Lot 4C tax Block 4614; thence clockwise around
20 Tax Lot 4C Tax Block 4614 to the northeast corner of Tax Lot 15 Tax Block 4681;
21 thence east along the north boundary line of Tax Block 4681 to the common corner of
22 Tax Blocks 4681, 4614 and 4619; thence south along the boundary line of Tax Blocks
23 4681 and 4619 falling in with the boundary line of Tax Blocks 4616 and 4619 to the
24 common corner of Tax Blocks 4616 and 4619 in the north line of Tax Block 4425A;
25 thence clockwise with the boundary of Tax Blocks 4425A and 4619 to the common
26 corner of Tax Lots 117V and 44 Tax Block 4425A; thence east along the boundary line
27 of Tax Blocks 4425A and 4619 falling in with the boundary line of Tax Blocks 4425
28 and 4619 to the northeast corner of Tax Lot 91J Tax Block 4425; thence clockwise
29 along the common boundary line of Tax Blocks 4425 and 4619 to the point and place of
30 beginning.

31 All references to lots and blocks contained herein are references to tax lots and tax
32 blocks as they are depicted on the Forsyth County Tax Maps as of February 27, 1991.

33 To the extent these boundaries reference tax lots and blocks, the reference refers to
34 corners and boundaries of the properties as more particularly described on the recorded
35 instruments from which the tax lots or blocks were created, and these recorded
36 instruments are incorporated herein by reference for purposes of this boundary
37 description.

38 An accurate description or map of the boundaries of the Town of Lewisville shall be
39 maintained as provided in G.S. 160A-22.

40 "Sec. 2-2. **Limitation on Boundary Extension.** The Town of Lewisville shall not
41 extend its boundaries by annexation pursuant to Article 4A of Chapter 160A of the
42 General Statutes to the east of its eastern boundary as described in Section 2-1 of the
43 Charter unless such extension is affirmatively permitted by an annexation agreement

1 entered into by the Town of Lewisville and the City of Winston-Salem in accordance
2 with Article 4, Part 6 of Chapter 160A of the General Statutes.

3 "Sec. 2-3. **Limitation on Boundary Extension.** The Town of Lewisville shall not
4 extend its boundaries by annexation pursuant to Article 4A of Chapter 160A of the
5 General Statutes to the south of its southern boundary as described in Section 2-1 of this
6 Charter, unless such extension is affirmatively permitted by an annexation agreement
7 entered into by the Town of Lewisville and the Village of Clemmons in accordance with
8 Article 4, Part 6 of Chapter 160A of the General Statutes.

9 "CHAPTER III.

10 "GOVERNING BODY.

11 "Sec. 3-1. **Structure of Governing Body; Number of Members.** The governing
12 body of the Town of Lewisville is the Mayor and Town Council, which has six
13 members. The Mayor votes on all matters that come before the governing body, and for
14 all such purposes is deemed a member of the 'council' as that term is used in G.S. 160A-
15 68, **et seq.** G.S. 160A-69 does not apply to the Mayor with respect to its provisions
16 concerning voting, but applies to the Mayor with respect to its provisions concerning the
17 Mayor presiding over meetings of the governing body. The presence of a quorum is
18 determined in accordance with G.S. 160A-74.

19 "Sec. 3-2. **Manner of Electing Town Council.** The qualified voters of the entire
20 Town elect the members of the Town Council.

21 "Sec. 3-3. **Term of Office of Town Council Members.** Members of the Town
22 Council are elected to two-year terms.

23 "Sec. 3-4. **Election of Mayor; Term of Office.** The qualified voters of the entire
24 Town elect the Mayor. The Mayor is elected to a two-year term of office.

25 "Sec. 3-5. **Governing Body; Limitation on Terms of Office.** A member of the
26 governing body who has served four consecutive terms, whether as Mayor or member
27 of the Town Council, or any combination thereof, is not eligible for election or
28 appointment to any office on the governing body for the next two-year term following
29 the four consecutive terms on the governing body.

30 "Sec. 3-6. **Change of Form of Government.** The form of government of the Town
31 of Lewisville may be changed only (i) in accordance with G.S. 160A-103, or (ii)
32 pursuant to the initiative procedures set forth in Chapter VII of this Charter where the
33 governing body fails to adopt an ordinance proposed by initiative to change the form of
34 government to a democratic form of government other than those set forth in G.S.
35 160A-101.

36 "Sec. 3-7. **Residence of Governing Body Members.** All members of the
37 governing body of the Town of Lewisville, whether elected or appointed, must be
38 registered voters who reside within the corporate limits of the Town of Lewisville in
39 order to qualify to take, hold and continue in any such office.

40 "CHAPTER IV.

41 "ELECTIONS.

42 "Sec. 4-1. **Conduct of Town Elections.** The governing body is elected at large on a
43 nonpartisan basis and the results are determined by a plurality of votes cast, as provided
44 in G.S. 163-292. The initial Town officers are those individuals named and appointed

1 in this act. All initial Town officers so appointed must meet the qualification
2 requirements set forth in Section 3-7 of this Charter. All initial Town officers shall
3 serve until their successors are elected and qualify. The first municipal election shall be
4 in 1991. Elections shall be conducted by the Forsyth County Board of Elections, unless
5 otherwise provided in accordance with G.S. 163-285. Absentee voting shall be allowed
6 as if the municipal governing body had adopted a resolution under G.S. 163-302 to
7 allow absentee voting.

8 **"CHAPTER V.**

9 **"ADMINISTRATION.**

10 "Sec. 5-1. **Town to Operate Under Council-Manager Plan.** The Town of
11 Lewisville operates under the council-manager plan as provided in Part 2, Article 7 of
12 Chapter 160A of the General Statutes.

13 "Sec. 5-2. **Interim Budget.** From and after the effective date of this act, the
14 citizens and property in the Town of Lewisville shall be subject to municipal taxes
15 levied for the year beginning July 1, 1991, and for that purpose the Town shall obtain
16 from Forsyth County a record of property in the area herein incorporated which was
17 listed for taxes as of January 1, 1991. The Town may adopt a budget ordinance for
18 fiscal year 1991-92 without following the timetable in the Local Government Budget
19 and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act
20 insofar as is practical. If ad valorem taxes for fiscal year 1991-92 are adopted after
21 August 1, 1991, they shall become due and payable at par 90 days after the adoption of
22 the ordinance levying them and thereafter as if they had been due on September 1, 1991,
23 in accordance with the schedule in G.S. 105-360.

24 **"CHAPTER VI.**

25 **"REMOVAL.**

26 "Sec. 6-1. **Removal by the Governing Body.** The governing body, after a removal
27 hearing and an affirmative vote of five of its members, may remove from office a
28 member of the Town Council or the Mayor for any of the reasons set forth in Article VI,
29 Section 8 of the North Carolina Constitution. A member of the Town Council or the
30 Mayor may initiate removal by making, at a meeting of the governing body, a motion
31 calling for the removal of an officer. The motion shall specify the grounds on which
32 removal is sought. The Town Clerk shall cause written notice of the motion and copy
33 of the charges to be given to the officer against whom removal is sought at least 10 days
34 before the removal hearing. At the removal hearing, the officer shall have the right to
35 be heard in person and through counsel in the officer's defense. If a member of the
36 Town Council or the Mayor is removed, the vacancy shall be filled in accordance with
37 the provisions of G.S. 160A-63, provided that any officer so appointed must meet the
38 qualification requirements of Section 3-7 of this Charter.

39 "Sec. 6-2. **Recall.** The mayor and members of the Town Council are subject to
40 removal pursuant to this section. An officer is removed upon the filing of a sufficient
41 recall petition and the affirmative vote of a majority of those voting on the question of
42 removal at a recall election.

43 A recall petition shall be filed with the Town Clerk, who shall immediately forward
44 the petition to the board of elections that conducts elections for the Town of Lewisville.

1 A petition to recall the Mayor or a member of the Town Council shall bear the
2 signatures equal in number to at least twenty-five percent (25%) of the registered voters
3 of the Town of Lewisville.

4 The board of elections shall verify the petition signatures. If a sufficient recall
5 petition is submitted, the board of elections shall certify its sufficiency to the governing
6 body, and the governing body shall adopt a resolution calling for a recall election to be
7 held not less than 60 days nor more than 100 days after the petition has been certified to
8 the governing body. The election may be held by itself or at the same time as any other
9 general or special election within the period established in this section, and shall be held
10 as otherwise provided in G.S. 163-287. The board of elections shall conduct the recall
11 election. The proposition submitted to the voters shall be substantially in the following
12 form:

13 'FOR the recall of [name of officer]
14 AGAINST the recall of [name of officer]'

15 The registered voters of the Town of Lewisville are eligible to vote in an election to
16 recall the Mayor or a member of the Town Council.

17 If less than a majority of the votes cast on the question are for the officer's recall, the
18 officer continues in office. If a majority of the votes cast on the question are for the
19 officer's recall, the officer is removed on the date the board of elections certifies the
20 results of the election. A vacancy created by removal of a member of the Town Council
21 or the Mayor shall be filled in accordance with the provisions of G.S. 160A-63,
22 provided that any officer so appointed must meet the qualification requirements set forth
23 in Section 3-7 of this Charter.

24 No petition to recall an officer may be filed within six months after the officer's
25 election to the governing body nor within six months before the expiration of the
26 officer's term. No more than one election may be held to recall an officer within a
27 single term of office of that officer.

28 "CHAPTER VII.

29 "INITIATIVE AND REFERENDUM.

30 "Sec. 7-1. General Authority.

31 (a) Initiative power. The qualified voters of the Town of Lewisville have the
32 power to propose:

- 33 (1) Any ordinance to the Town Council, except a budget ordinance, a
34 bond order, a franchise ordinance or an amendment to the Charter to
35 change the Town's form of government to one of the alternatives set
36 forth in G.S. 160A-101; or
- 37 (2) A change in the Town's form of government to any democratic form of
38 government other than those set forth in G.S. 160A-101, provided that
39 such a change becomes effective only if approved by the General
40 Assembly as provided in this Charter.

41 The initiative process may be used to repeal any ordinance that could be proposed
42 under the initiative process except that it may not be used to repeal any ordinance
43 affirmed by a referendum election within one year after the referendum vote. If the
44 governing body fails to adopt the ordinance without substantive change, or, if it is a

1 proposal under subsection (2) of this subsection, if the governing body fails to
2 propose to the appropriate legislative delegation adoption of the new form of
3 government, the voters have the power to approve or reject the proposed ordinance or
4 form of government at the polls.

5 These powers comprise the initiative power.

6 (b) Referendum power. The qualified voters of the Town of Lewisville have the
7 power to require reconsideration by the governing body of any adopted ordinance,
8 except a budget ordinance, a bond order, a franchise ordinance, or any ordinance that by
9 law may not be adopted without prior public notice and a public hearing. If the
10 governing body fails to repeal an ordinance which it has been required to reconsider, the
11 voters shall have the power to approve or reject the referred ordinance at the polls.

12 These powers comprise the referendum power.

13 "Sec. 7-2. **Commencement of Proceedings.** Five or more registered voters of the
14 Town of Lewisville may commence an initiative or referendum petition by filing with
15 the Town of Lewisville clerk an affidavit stating that they will constitute the petitioners'
16 committee and will be responsible for circulating the petition and filing it in proper
17 form.

18 "Sec. 7-3. Petitions.

19 (a) Signatures. An initiative or referendum petition shall bear the signatures
20 equal in number to at least fifteen percent (15%) of the registered voters of the Town of
21 Lewisville.

22 (b) Form and content. Within 90 days of incorporation, the governing body shall
23 by ordinance specify the form and content of a petition and procedures for initiative and
24 referendum elections, consistent with the provisions of this Charter and consistent with
25 generally recognized form and content requirements and procedures for initiative and
26 referendum petitions and elections.

27 (c) Time for filing. An initiative petition may be filed at any time. A
28 referendum petition must be filed within 30 days after adoption by the governing body
29 of the ordinance sought to be reconsidered.

30 "Sec. 7-4. **Certification.** The petition shall be filed with the Town Clerk and
31 signatures shall be verified by the board of elections conducting elections for the Town.
32 The governing body shall by ordinance adopt reasonable, generally recognized
33 procedures for certifying the sufficiency of a petition. The governing body shall
34 provide in the ordinance reasonable time limits for completing the certification of
35 sufficiency of the petition.

36 "Sec. 7-5. **Suspension of Effectiveness of Referred Ordinance.** When, within the
37 time allowed, a referendum petition is filed with the Town Clerk, the effectiveness of
38 the ordinance sought to be reconsidered is suspended. The suspension of the
39 effectiveness of the ordinance shall terminate when:

- 40 (1) There is a final determination that the petition is insufficient;
- 41 (2) The petitioners' committee withdraws the petition as set forth in
42 Section 7-7 of this Charter; or
- 43 (3) The Board of Elections certifies that the repeal of the ordinance has
44 been rejected in an election.

1 "Sec. 7-6. Consideration by Town Council and Submission to Vote.

2 (a) When an initiative or referendum petition has been finally determined to be
3 sufficient, the governing body shall promptly consider it.

4 (b) With respect to ordinances, except ordinances proposing a change to a form
5 of government not set forth in G.S. 160A-101, if the governing body fails to adopt
6 without substantive change an ordinance proposed by initiative petition or fails to repeal
7 a referred ordinance within 60 days after the date on which the petition was certified as
8 sufficient, the Town Council shall cause the proposed ordinance or the referred
9 ordinance to be submitted to the voters of the Town of Lewisville. The vote on the
10 proposed ordinance or the referred ordinance shall be held within 150 days of the date
11 on which the petition was certified as sufficient.

12 (c) With respect to a change to a form of government not set forth in G.S. 160A-
13 101, if the governing body fails within 90 days to propose to the appropriate legislative
14 delegation adoption of the form of government set forth in the initiative petition, the
15 governing body shall cause the proposed new form of government to be submitted to the
16 voters of the Town of Lewisville. The vote on the proposed new form of government
17 shall be held within 180 days of the date on which the petition was certified as
18 sufficient.

19 "Sec. 7-7. **Withdrawal of Petition.** The petitioners' committee, being those
20 registered voters named in the affidavit commencing the initiative or referendum, may
21 withdraw the initiative or referendum petition at any time prior to the 15th day
22 immediately preceding the day scheduled for a vote on the proposed or referred
23 ordinance. The written request for withdrawal shall be signed by at least eighty percent
24 (80%) of the members of the petitioners' committee and must be filed with the Town
25 Clerk. The filing of the request withdraws the petition. A withdrawn petition has no
26 further effect and all proceedings are terminated.

27 "Sec. 7-8. Results of Elections.

28 (a) Initiative.

29 (1) With respect to ordinances, except ordinances proposing a change to a
30 form of government not set forth in G.S. 160A-101, if a majority of
31 those voting in an initiative election approve the proposed ordinance, it
32 shall become an ordinance of the Town of Lewisville on the date the
33 results of the election are certified or a later effective date specified in
34 the proposed ordinance, provided that the governing body may make
35 nonsubstantive changes to the ordinance that it deems necessary or
36 desirable.

37 (2) With respect to a change to a form of government not set forth in G.S.
38 160A-101, if a majority of those voting in an initiative election with
39 respect to a new form of government approve the proposed form of
40 government, then the governing body shall propose to the appropriate
41 legislative delegation adoption of the approved form of government as
42 the government of the Town of Lewisville.

43 (b) Referendum. If a majority of those voting in a referendum election approve
44 the repeal of the referred ordinance, it is repealed on the date the results of the election

1 are certified. If less than a majority of those voting in the election approve the repeal of
2 the ordinance, the ordinance is an ordinance of the Town of Lewisville and shall
3 become effective on the date the results of the election are certified or a later effective
4 date specified in the referred ordinance.

5 **"CHAPTER VIII.**

6 **"MISCELLANEOUS.**

7 "Sec. 8-1. **Effective Date.** If all the terms of the local act authorizing the
8 incorporation of the Town of Lewisville have been met, this Charter becomes effective
9 and the Town of Lewisville shall be incorporated effective June 28, 1991, or such later
10 date as the conditions are met. Notwithstanding whether the Town of Lewisville is
11 incorporated on or before June 30, 1991, the Town of Lewisville is eligible to receive
12 distributions of funds payable by the State of North Carolina for fiscal year 1991-92, as
13 if the Town of Lewisville had been incorporated with an effective date of June 30, 1991,
14 or earlier.

15 "Sec. 8-2. **Savings Clause.** If any part of this Charter is declared invalid by a court
16 of competent jurisdiction, such judgment shall not invalidate the remainder of this
17 Charter. All laws and ordinances not consistent with this Charter, insofar as they affect
18 the Town of Lewisville, are superseded by this Charter.

19 "Sec. 8-3. **Expenses.** The entities sponsoring incorporation shall be entitled to
20 recover from the Town expenses of sponsoring incorporation, provided that the entities
21 seeking recovery shall submit written requests for reimbursement and shall be subject to
22 annual audit."

23 Sec. 2. (a) The Forsyth County Board of Elections shall conduct an election
24 on a date set by it, to be not less than 60 nor more than 120 days after the date of
25 ratification of this act, for the purpose of submission to the qualified voters of the area
26 described in Section 2-1 of the Charter of the Town of Lewisville, the question of
27 whether or not such area shall be incorporated as the Town of Lewisville. Registration
28 for the election shall be conducted in accordance with G.S. 163-288.2.

29 (b) In the election, the question on the ballot shall be:

30 FOR Incorporation of Lewisville

31 AGAINST Incorporation of Lewisville."

32 Sec. 3. In the election, if a majority of the votes cast are cast "FOR
33 Incorporation of Lewisville" then Section 1 of this act becomes effective on the date that
34 the Forsyth County Board of Elections determines the result of the election. Otherwise,
35 Section 1 shall not become effective.

36 Sec. 4. Until members of the Town Council and the Mayor of the Town of
37 Lewisville are elected in 1991 in accordance with the Town Charter and the laws of
38 North Carolina, Daniel R. Jennings, Henry M. Chilton, Thomas C. Voss, Lynn S.
39 Thrower, Marcia G. Enns, Kenneth M. Sadler, and Anthony J. San Filippo, shall serve
40 as members of the governing body. Henry M. Chilton is authorized to call the first
41 meeting of the interim governing body. Until a mayor is elected in 1991 in accordance
42 with the Town Charter and the laws of North Carolina, the interim governing body
43 shall, at its first meeting, elect from among its members a chairman who shall have the

- 1 powers of a mayor provided by general law but may vote on all matters before the
- 2 governing body.
- 3 Sec. 5. This act is effective upon ratification.