

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 116
SENATE BILL 299

AN ACT TO INCORPORATE THE TOWN OF LEWISVILLE IN FORSYTH
COUNTY.

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF LEWISVILLE.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

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

"CHAPTER II.

"CORPORATE BOUNDARIES.

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

Beginning at a point, said point being the northeast corner of Tax Lot 35C Tax Block 4425; thence along the east line of Tax Lot 35C to the northern terminus of Ketner Road (SR 1316); thence along the northern terminus of said Ketner Road to the southeast corner of Tax Lot 35C Tax Block 4425; thence along a line parallel to the centerline of Ketner Road (SR 1316) and thirty feet (30') west measured normal to the centerline to a point in the north right of way of Shallowford Road (SR 1001), said point being the southeast corner of Tax Lot 52A Tax Block 4425; thence south to a point in the south right of way of said Shallowford Road (SR 1001) and in the north line of Tax Lot 44 Tax Block 4429; thence along the south right of way line of Shallowford Road (SR 1001) to the northwest corner of Tax Lot 4B Tax Block 4429; thence south along the west line of Tax Lot 4B Tax Block 4429 to the northeast corner of Tax Block 4426 and the northeast corner of Tax Lot 1D Tax Block 4426; thence southward along the common boundary line of Tax Blocks 4426 and 4429 to a point in the north line of Tax Block 4431, said point being the southeast corner of Tax Lot 1K Tax Block 4426; thence along the south boundary of Tax Block 4429 to the northeast corner of Tax Lot 15 Tax Block 4431; thence south along the easterly line of Tax Lot 15 Tax Block 4431 to the westerly right of way of Styers Ferry Road (SR 1103); thence along the westerly right of way line of Styers Ferry Road (SR 1103), said line thirty feet (30') normal to and parallel with the centerline of Styers Ferry Rd. (SR 1103), to the southeast corner of

Tax Lot 2 Tax Block 4431; thence crossing US Highway 421 on a line thirty feet (30') west of the centerline of said Styers Ferry Road, said line measured normally to and parallel with the centerline of Styers Ferry Road (SR 1103), and continuing to the southerly right of way line of US Highway 421 to the northwest corner of Tax Lot 41J Tax Block 4433; thence crossing Reynolds Road (SR 1160) to a point thirty feet (30') west of the centerline of said road and on a line normal to the west line of Tax Lot 41J Tax Block 4433; thence, along the west right of way line of Reynolds Road (SR 1160), said right of way line being thirty feet (30') normal to and parallel with the centerline of said road, to the southeast corner of Tax Lot 3 Tax Block 4433B; thence, along the northwesterly right of way line of Styers Ferry Road (SR 1100), said right of way line being thirty feet normal to and parallel with the centerline of said road, crossing the termini of Westland Lane, Lasley Road (SR 1161) and Dull Road (SR 1170) to the southeast corner of Tax Lot 37G Tax Block 4405; thence, along the southerly boundaries of Tax Lot 37G Tax Block 4405 to the southeast corner of Tax Lot 618 Tax Block 4405; thence along the south boundary of Tax Lot 618 Tax Block 4405 to the southwest corner of Tax Lot 618 Tax Block 4405; thence south along the boundary line of Tax Lots 82K and 26A Tax Block 4405 to the southerly corner of Tax Lot 26A Tax Block 4405; thence along the southwesterly and northwesterly boundary line of Tax Lot 26A Tax Block 4405; thence southwesterly and south along the boundary line of Tax Lots 26B and 17U to the common corner of Tax Lots 17U and 26B Tax Block 4405; thence west along the boundary of Tax Lots 28 and 17U Tax Block 4405; thence southwest along the common boundary line of Tax Lots 28 and 17U Tax Block 4405 to the common corner of Tax Lots 28, 10, and 17U Tax block 4405; thence along the south and southwest boundary of Tax Lot 17U Tax Block 4405 then falling in with the south and northern boundary of Tax Block 4405C to the run of Ellison Creek; then along the current run of Ellison Creek as it meanders generally southwesterly through Tax Lot 1011 Tax Block 4407 beginning at the east boundary of Tax Block 4407A thence along the southerly and westerly boundary of Tax Block 4407, 4407B and 4408 to the northwest corner of Tax Lot 101 Tax Block 4407A said point being the southerly terminus of Crashore Drive (SR 1168); thence westerly to the southeasterly corner of Tax Lot 110 Tax Block 4408; thence along the southerly lines of Tax Lots 110 and 108B Tax Block 4408 to the southwesterly corner of Tax Lot 108B Tax Block 4408; thence northerly along the westerly boundary lines of Tax Lots 108B, 10 and 89 Tax Block 4408 to the common corner of Tax Lots 9A and 9B Tax Block 4408; said corner being in the southerly margin of Styers Ferry Road (SR 1168), said right of way line being taken as thirty feet (30') normal to and parallel with the centerline of said road to a point in the southerly right of way of Styers Ferry Road (SR 1166), said point being opposite the common corner of Tax Lots 30 and 29 Tax Block 4408 and falling in with the southerly and west lines of Tax Lot 30 Tax Block 4408 to a corner of Tax Lot 10 Tax Block 4470; thence along the west and northerly line respectively of Tax Block 4470 to the northeast corner of Tax Lot 8 Tax Block 4470, said corner being in the west line of Tax Lot 1N Tax Block 4407; thence north along the west line of Tax Lot 1N Tax Block 4407 falling in with the east line of Tax Block 4408 and crossing Concord Church Road (SR1171) to the common corner of Tax Blocks 4407 and 4450 in the

easterly line of Tax Block 4408; thence continuing northwardly along the common boundary of Tax Blocks 4408 and 4450 to a point the southwesterly terminus of Weinstock Street and a common corner of Tax Lot 203 Tax Block 4438 and Tax Lot 10 Tax Block 4450; thence counter clockwise around the southerly and easterly boundary of Tax Lot 203 Tax Block 4438 to the northeast corner of Tax Lot 203 Tax Block 4438 and being in the southerly line of Tax Lot 102D Tax Block 4438; thence along the southerly line of Tax Lot 102D Tax Block 4438 and falling in with the north boundary line of Tax Block 4449 to the northeast corner of Tax Block 4449 and in the west line of Tax Lot 101C Tax Block 4438; thence north along the west line of Tax Lots 101C and 101D Tax Block 4438 and crossing Doubs Road (SR 1172) to the northwest corner of Tax Lot 101D Tax Block 4438 and in the south line of Tax Lot 504 Tax Block 4438A falling in with the south line of Tax Lot 14N Tax Block 4438 to the southwest corner of Tax Lot 14N Tax Block 4438; thence along the westerly boundary of Tax Lot 14N Tax Block 4438 to the northwest corner of Tax Lot 14N Tax Block 4438 and a corner with Tax Lot 23 Tax Block 4438A, the southern terminus of Lewisville Trails Road (SR3713); thence along the boundary of Tax Block 4438A crossing the southern terminus of Lewisville Trails Road (SR3713) and continuing clockwise along said boundary to the northeasterly corner of Tax Lot 15 Tax Block 4438 in the southerly right of way of Williams Road (SR 1173); thence crossing said road to the northerly right of way line; thence along the northerly right of way line of Williams Road (SR 1173), said line being thirty feet (30') normal to and parallel with the centerline of said Williams Road (SR 1173), to the common corner of Tax Lots 303 and 33C Tax Block 4437; thence north along the common boundary of Tax Lots 303 and 33C Tax Block 4437 to the common corner of Tax Lots 303 and 33C Tax Block 4437 in the southerly right of way of US Highway 421; thence crossing the US Highway 421 to the common corner of Tax Lots 36B and 33B Tax Block 4437 in the northerly right of way of US Highway 421; thence along the northerly right of way of US Highway 421 to the run of an un-named stream at its juncture with the northerly right of way line of US Highway 421; thence with the run of said un-named stream northeasterly crossing Tax Lot 31C Tax Block 4437 to a common corner of Tax Lots 18D and 18J Tax Block 4437; thence along the common boundaries of Tax Lot 18D and Tax Lots 18J, 18G and 18J respectively Tax Block 4437 to the common corner of Tax Lots 18D and 18J Tax Block 4437 in the south right of way of Shallowford Road (SR 1001); thence crossing Shallowford Road (SR1001) to the southeast corner of Tax Lot 6 Tax Block 4436 and continuing along the east boundary of said tax lot north to the northwest corner of Tax Lot 105 Tax Block 4436 in the south line of Tax Lot 107 Tax Block 4436; thence northeasterly along the south line of Tax Lot 107 Tax Block 4436 to a common corner of Tax Lots 107 and 1 Tax Block 4436 in the boundary line of Tax Blocks 4436 and 4612; thence along said boundary line northwardly to the northeast corner of Tax Lot 108 Tax Block 4436; thence along the north lines of Tax Lot 108 Tax Block 4436 to the easterly margin of Conrad Road (SR1305), the northwest corner of Tax Lot 108 Tax Block 4436; thence southwardly along the east right of way line of Conrad Road (SR 1305), said line being thirty feet (30') normal to and parallel with the center line of Conrad Road (SR1305), to a point in the north line of Tax Lot 17 Tax Block 4609 and

being in the north line of Tax Block 4609; thence along the common boundary line of Tax Blocks 4609 and 4436 clockwise to a point in the east margin of Conrad Road (SR1305) at or near the southeast corner of Tax Lot 17 Tax Block 4609; thence crossing Conrad Road (SR1305) with the south line of Tax Lot 17 Tax Block 4609 to the southwest corner of Tax Lot 17 Tax Block 4609; thence north along the west line of Tax Lot 17 Tax Block 4609 and falling in with the common boundary line between Tax Blocks 4436 and 4609 to the northwest corner of Tax Lot 13 Tax Block 4436 in the east line of Tax Lot 402 Tax Block 4609, also being the southwesterly corner of Tax Lot 8C Tax block 4609; thence northerly with the westerly line of Tax Lot 8C Tax Block 4609 to the southeast corner of Tax Lot 16C Tax Block 4608; thence northwardly along the east line of Tax Lot 16C Tax Block 4608 and falling in with the easterly line of Tax Lot 16D Tax Block 4608 to the northeast corner of said Tax Lot; thence west along the north boundary of Tax Lot 16D Tax Block 4608 to the common corner of Tax Lots 5 and 6 Tax Block 4608 in the north line of Tax Lot 16D Tax Block 4608; thence along the boundary of Tax Lots 5 and 6 Tax Block 4608 to a common corner of said Tax Lots in the west margin of Conrad Road (SR 1305); thence crossing Conrad Road (SR 1305) to a common corner of Tax Lots 5 and 12A Tax Block 4608; thence north along the east right of way line of Conrad Road (SR 1305), said right of way line being thirty feet (30') normal and parallel to the centerline of said road, to the northwesterly corner of Tax Lot 12A Tax Block 4608, said corner taken as thirty feet (30') south of the centerline of Grapevine Road (SR 1312); thence with the southerly right of way line of Grapevine Road (SR 1312), said line being thirty feet (30') normal to and parallel with the centerline of Grapevine Road (SR 1312), to a point in the southerly right of way of Grapevine Road (SR 1312) and in the north boundary of Tax Lot 504 Tax Block 4612; thence on a line normal to the centerline of Grapevine Road (SR 1312) and falling in with the westerly line of Tax Lot 14 Tax Block 4608; thence east to the northeast corner of Tax Lot 14 Tax Block 4608 and a corner with Tax Block 4608 in the west line of Tax Lot 13 Tax Block 4608; thence along the west line of Tax Lot 13 Tax Block 4608 to the northwest corner of Tax Lot 13 Tax Block 4608, said corner lying in the southerly line of Tax Block 4607; thence along the southern boundary line of Tax Block 4607 east to a Tax Block corner north of Tax Lot 21 Tax Block 4608A; thence continuing along the boundary of Tax Block 4608A clockwise to the common corner of Tax Blocks 4608A, 4615 and 4613; thence eastwardly along the boundary line of Tax Blocks 4615 and 4613 to the southeast corner of Tax Lot 6 Tax Block 4615 in the north line of Tax Lot 51C Tax Block 4613; thence continuing along the north boundary line of Tax Lots 51C and 52 Tax Block 4613 to the northeast corner of Tax Lot 52 Tax Block 4613 and the northwest corner of Tax Block 4662; thence along the north line of Tax Block 4662 to the northeast corner of Tax Lot 21 Tax Block 4662 and northwest corner of Tax Lot 7D Tax Block 4613; thence along the northerly line of Tax Lot 7D Tax Block 4613 to the northeast corner of said lot in the west margin of Lewisville-Vienna Road (SR 1308); thence crossing Lewisville-Vienna Road (SR 1308) and falling in with the south line of Tax Block 4661 to a point, the northeast corner of Tax Lot 1F Tax Block 4613 and also being a corner of Tax Block 4613; thence south along the east boundary line of Tax Block 4613 to a common corner of Tax Blocks 4613 and 4615 in the north boundary

line of Tax Block 4614; thence south along the east boundary of Tax Lot 104 Tax Block 4614; thence south along the east boundary of Tax Lot 5N Tax Block 4614 to the southeast corner of said Tax Lot and continuing southward to the centerline of Marshall Road (SR 1311); thence east with the centerline of said road to the west line of Tax Lot 108 Tax Block 4614; thence south along the west boundary of Tax Lot 108 Tax Block 4614 to the northwest corner of Tax Lot 4C Tax Block 4614; thence clockwise around Tax Lot 4C Tax Block 4614 to the northeast corner of Tax Lot 15 Tax Block 4681; thence east along the north boundary line of Tax Block 4681 to the common corner of Tax Blocks 4681, 4614 and 4619; thence south along the boundary line of Tax Blocks 4681 and 4619 falling in with the boundary line of Tax Blocks 4616 and 4619 to the common corner of Tax Blocks 4616 and 4619 in the north line of Tax Block 4425A; thence clockwise with the boundary of Tax Blocks 4425A and 4619 to the common corner of Tax Lots 117V and 44 Tax Block 4425A; thence east along the boundary line of Tax Blocks 4425A and 4619 falling in with the boundary line of Tax Blocks 4425 and 4619 to the northeast corner of Tax Lot 91J Tax Block 4425; thence clockwise along the common boundary line of Tax Blocks 4425 and 4619 to the point and place of beginning.

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

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

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

"Sec. 2-2. **Limitation on Boundary Extension.** The Town of Lewisville shall not extend its boundaries by annexation pursuant to Article 4A of Chapter 160A of the General Statutes to the east of its eastern boundary as described in Section 2-1 of the Charter unless such extension is affirmatively permitted by an annexation agreement entered into by the Town of Lewisville and the City of Winston-Salem in accordance with Article 4A, Part 6 of Chapter 160A of the General Statutes.

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

"CHAPTER III.

"GOVERNING BODY.

"Sec. 3-1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Lewisville is the Mayor and Town Council, which has six members. The Mayor votes on all matters that come before the governing body, and for all such purposes is deemed a member of the 'council' as that term is used in Part 3 of

Article 5 of Chapter 160A of the General Statutes. G.S. 160A-69 does not apply to the Mayor with respect to its provisions concerning voting, but applies to the Mayor with respect to its provisions concerning the Mayor presiding over meetings of the governing body. The presence of a quorum is determined in accordance with G.S. 160A-74.

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

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

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

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

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

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

"CHAPTER IV.

"ELECTIONS.

"Sec. 4-1. **Conduct of Town Elections.** The governing body is elected at large on a nonpartisan basis and the results are determined by a plurality of votes cast, as provided in G.S. 163-292. The initial Town officers are those individuals named and appointed in this act. All initial Town officers so appointed must meet the qualification requirements set forth in Section 3-7 of this Charter. All initial Town officers shall serve until their successors are elected and qualify. The first municipal election shall be in 1991. Elections shall be conducted by the Forsyth County Board of Elections, unless otherwise provided in accordance with G.S. 163-285.

"CHAPTER V.

"ADMINISTRATION.

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

"Sec. 5-2. **Interim Budget.** The citizens and property in the Town of Lewisville shall be subject to municipal taxes levied for the year beginning July 1, 1991, and for that purpose the Town shall obtain from Forsyth County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1991. The Town may

adopt a budget ordinance for fiscal year 1991-92 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. If ad valorem taxes for fiscal year 1991-92 are adopted after August 1, 1991, they shall become due and payable at par 90 days after the adoption of the ordinance levying them and thereafter as if they had been due on September 1, 1991, in accordance with the schedule in G.S. 105-360.

"CHAPTER VI.

"REMOVAL.

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

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

A recall petition shall be filed with the Town Clerk, who shall immediately forward the petition to the board of elections that conducts elections for the Town of Lewisville. A petition to recall the Mayor or a member of the Town Council shall bear the signatures equal in number to at least twenty-five percent (25%) of the registered voters of the Town of Lewisville.

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

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

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

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

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

"CHAPTER VII.

"INITIATIVE AND REFERENDUM.

"Sec. 7-1. General Authority.

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

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

The initiative process may be used to repeal any ordinance that could be proposed under the initiative process except that it may not be used to repeal any ordinance affirmed by a referendum election within one year after the referendum vote. If the governing body fails to adopt the ordinance without substantive change, or, if it is a proposal under subdivision (2) of this subsection, if the governing body fails to propose to the appropriate legislative delegation adoption of the new form of government, the voters have the power to approve or reject the proposed ordinance or form of government at the polls.

These powers comprise the initiative power.

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

These powers comprise the referendum power.

"Sec. 7-2. **Commencement of Proceedings.** Five or more registered voters of the Town of Lewisville may commence an initiative or referendum petition by filing with the Town of Lewisville clerk an affidavit stating that they will constitute the petitioners'

committee and will be responsible for circulating the petition and filing it in proper form.

"Sec. 7-3. Petitions.

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

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

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

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

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

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

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

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

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

(c) With respect to a change to a form of government not set forth in G.S. 160A-101, if the governing body fails within 90 days to propose to the appropriate legislative delegation adoption of the form of government set forth in the initiative petition, the governing body shall cause the proposed new form of government to be submitted to the

voters of the Town of Lewisville. The vote on the proposed new form of government shall be held within 180 days of the date on which the petition was certified as sufficient.

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

"Sec. 7-8. Results of Elections.

(a) Initiative.

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

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

(b) Referendum. If a majority of those voting in a referendum election approve the repeal of the referred ordinance, it is repealed on the date the results of the election are certified. If less than a majority of those voting in the election approve the repeal of the ordinance, the ordinance is an ordinance of the Town of Lewisville and shall become effective on the date the results of the election are certified or a later effective date specified in the referred ordinance.

"CHAPTER VIII.

"MISCELLANEOUS.

"Sec. 8-1. **State Distributions.** If the Town of Lewisville is incorporated after June 30, 1991, the Town is nevertheless eligible to receive distributions of funds payable by the State of North Carolina for fiscal year 1991-92, as if the Town of Lewisville had been incorporated with an effective date of June 30, 1991.

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

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

Sec. 2. (a) The Forsyth County Board of Elections shall conduct an election on a date set by it, to be not less than 60 nor more than 120 days after the date of ratification of this act, for the purpose of submission to the qualified voters of the area described in Section 2-1 of the Charter of the Town of Lewisville, the question of whether or not such area shall be incorporated as the Town of Lewisville, except that the election may also be held on June 25, 1991, and if held on such date, the Forsyth County Board of Elections may adjust any timetables or deadlines set by law. Registration for the election shall be conducted in accordance with G.S. 163-288.2. Absentee voting shall be allowed as if the municipal governing body had adopted a resolution under G.S. 163-302 to allow absentee voting.

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

FOR Incorporation of Lewisville

AGAINST Incorporation of Lewisville."

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

Sec. 4. Until members of the Town Council and the Mayor of the Town of Lewisville are elected in 1991 in accordance with the Town Charter and the laws of North Carolina, Daniel R. Jennings, Henry M. Chilton, Thomas C. Voss, Lynn S. Thrower, Marcia G. Enns, Kenneth M. Sadler, and Anthony J. San Filippo, shall serve as members of the governing body. Henry M. Chilton is authorized to call the first meeting of the interim governing body. Until a mayor is elected in 1991 in accordance with the Town Charter and the laws of North Carolina, the interim governing body shall, at its first meeting, elect from among its members a chairman who shall have the powers of a mayor provided by general law but may vote on all matters before the governing body.

Sec. 5. This act is effective upon ratification

In the General Assembly read three times and ratified this the 27th day of May, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives