

1 west and north lines of parcel #21 to its common corner with parcel #22, thence following the
2 west & south line of parcels #22, 23, 24, 25, 26, 27, 28, 29, 30, thence following the west line
3 of parcels #30, 31, and 32 to the common corner of parcels #32, 33 & 34 (City of Asheville).
4 Thence following the west line of parcel #34 in a southerly & easterly direction to its common
5 corner with parcels #35 & #36, continuing along the southern line of parcel #36 to its common
6 corner with parcel #37, thence along the west line of parcel #37 to its common corner with
7 parcel #38, thence along the north, east and southern lines of parcel #38 to its common corner
8 with parcel #39. Thence along the east & southern lines of parcel #39 to its common corner
9 with parcel #40 (State of North Carolina), continuing south along the east line of parcel #40 to
10 its common corner with parcel #41 (State of North Carolina), thence following the east line of
11 parcel #41 to the east margin of a 20 foot wide alley, thence in a southerly direction with the
12 east margin of said alley to the northern margin of Old US Highway 70 (SR #2435) being the
13 southeast corner of parcel #42. Crossing Old US Highway 70 (SR #2435) in a southerly
14 direction to the north east corner of parcel #43 and following the east line of parcel #43 to the
15 common & northwest corner of parcel #44, thence following the west and southern lines of
16 parcel #44 to the common corner with parcel #45, thence in an easterly direction along the
17 southern line of parcels #45, 46, 47 and 48 to the northern margin of US Highway 70,
18 continuing across US Highway 70 to the northwest corner of parcel #49 thence following the
19 west line of parcel #49 to the northern margin of Interstate Highway 40. Crossing Interstate
20 Highway 40 in a southerly direction to the southern margin of Interstate Highway 40, thence
21 proceeding in an easterly direction along the southern margin of Interstate Highway 40 to the
22 northwest corner of parcel #50, thence along the west line of parcel #50 to its common corner
23 with parcel #51, thence along the southern line of parcel #51 to its common corner with parcel
24 #52 (Black Mountain Center for Research), thence along the west line of parcel #52 to its
25 common corner with parcel #53, continuing south along the west line of parcel #53 to its
26 common corner with parcel #54, thence along the west line of parcel #54 in a southerly
27 direction to its common corner with parcel #55 (Blue Ridge Assembly), thence following the
28 west line of parcel #55 to its common corner with parcel #56, thence along the west line of
29 parcel #56 in a southerly direction to the common corner with parcel #57 thence along the
30 northern line to its common corner with parcel #58, thence with the east line of parcel #58 to its
31 common corner with parcel #59. Thence along the southern line of parcels #59, 60 & 61 to the
32 intersection of Mountain Azalea Drive, continuing along the north margin of Mountain Azalea
33 Drive to its intersection with Wildflower Cove Drive, crossing over the road right of way to the
34 west margin of Wildflower Cove Drive, thence following the west margin of Wildflower Cove
35 Drive to the common (northeast) corner of parcels 62 & 63, continuing along the southern line
36 of parcels 63 & 64 to the common corner of parcels 64 & 65. Thence following the northern
37 line of parcels 65 & 66 to its common corner with parcel #67, thence following this north line
38 of parcel #67 to its common corner with parcel #68. Continuing along the southern line of
39 parcel #68, 69, and 70 to the common corner with parcel #71, thence with the southeast line of
40 parcel #71 to its common corner with parcel #72, continuing along the east line of parcels #72,
41 73, and 74 to the common corner with parcels #75 and #76. Thence along the north line of
42 parcel #76 to the common corner with parcel #77, continuing along the east line of parcel #77
43 to its common corner with parcel #78, following the north line of parcel #78 and 77 to its
44 common corner with parcel #79, thence north along the east and south lines of parcels #79, 80,
45 and 81 to its common corner with parcel #82, thence following the east and north line of parcel
46 #82 to the common corner with parcel #83, and then following the north line of parcel #83, 84,
47 and 85 to its common corner with parcel #86. Continuing along the east, south and west lines of
48 parcel #86 to its common corner with parcel #87, thence along the south line of parcel #87 to
49 its southeast corner, the common corner with parcel #88, thence along the south and west line
50 of parcel #88 to the southern margin of Saunooke Road (SR #2842), thence in a northeast

1 direction along the south margin of the road to the northwest corner of parcel #89, turning north
2 across Saunooke Road (SR #2842) and Interstate Highway 40 to the point of Beginning.

3 "ARTICLE III. GOVERNING BODY.

4 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing body
5 of the Town of Swannanoa is a Mayor and the Town Council, which shall have five members.

6 "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial
7 election in May 2010 provided for by Section 4.2 of this Charter, David Alexander, Jane
8 Hansel, Ron Hillabrand, Mike Tolley, Robert Shepard, and Dr. Eloise Styles are appointed
9 council members of the Town of Swannanoa, and they shall possess and exercise the powers
10 granted to the governing body until their successors are elected or appointed and qualified
11 pursuant to this Charter. The temporary officers shall elect persons to serve as Interim Mayor
12 and Interim Mayor Pro Tempore. If any person named in this section is unable to serve, the
13 remaining temporary officers shall, by majority vote, appoint a person to serve until the initial
14 election is held in May 2010.

15 "Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified voters of
16 the entire Town shall elect the members of the Town Council, and except as provided in this
17 section, they shall serve four-year terms. In 2010, the three candidates receiving the highest
18 numbers of votes shall be elected to four-year terms, and the two candidates receiving the next
19 highest numbers of votes shall be elected to two-year terms. In 2012, and quadrennially
20 thereafter, two members shall be elected to four-year terms. In 2014, and quadrennially
21 thereafter, three members shall be elected to four-year terms. Vacancies on the Town Council
22 shall be filled in accordance with G.S. 160A-63.

23 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified voters of
24 the entire Town shall elect the Mayor. In May 2010 and biennially thereafter, the Mayor shall
25 be elected for a term of two years. The Mayor shall be the official head of Town government
26 and shall preside at all meetings of the Town Council. The Mayor shall exercise the powers and
27 duties conferred upon him by the general laws of the State of North Carolina, the provisions of
28 this Charter, or the Town Council. The Mayor shall have the right to vote only when there are
29 equal numbers of votes in the affirmative and in the negative.

30 "Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.** The
31 Mayor Pro Tempore shall be elected from among the members of the Town Council at the
32 organizational meeting after the initial election in May 2010 and shall serve for a term of two
33 years. The Mayor Pro Tempore shall act in the absence or disability of the Mayor. If the Mayor
34 and Mayor Pro Tempore are both absent from a meeting of the Town Council, the members of
35 the Town Council present may elect a temporary chair to preside in the absence. The Mayor
36 Pro Tempore shall have the right to vote on all matters before the Town Council and shall be
37 considered a member of the Town Council for all purposes.

38 "ARTICLE IV. ELECTIONS.

39 "Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan
40 basis and results determined by a plurality as provided in G.S. 163-292.

41 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter
42 163 of the General Statutes, with the first regular municipal election to be held May 4, 2010.
43 The filing period for candidacies for the first regular municipal election to be held May 4, 2010,
44 is the same as provided by G.S. 163-106.

45 "Section 4.3. **Special Elections and Referenda.** Special elections and referenda may be
46 held only as provided by general law or applicable local acts of the General Assembly.

47 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

48 "Section 5.1. **Form of Government.** The Town shall operate under the Council-Manager
49 form of government as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.

50 "Section 5.2. **Town Manager.** The Town Council shall appoint a Town Manager who shall
51 be responsible for the administration of all departments of the Town government, except as

1 otherwise directed by the Town Council. The Town Manager shall have all the powers and
2 duties conferred by general law, except as expressly limited by the provisions of this Charter,
3 and the additional powers and duties conferred by the Town Council, so far as authorized by
4 general law. As chief administrator of the Town, the Town Manager shall have the power to
5 appoint, suspend, and remove all Town officers, department heads, and employees, except the
6 Town Attorney, Town Clerk, and any other official whose appointment or removal is vested in
7 the Town Council by this Charter or by general law. Neither the Town Council nor any of its
8 members shall take part in the appointment or removal of officers or employees in the
9 administrative service of the Town of Swannanoa, except as provided by this Charter.

10 "Section 5.3. **Town Attorney.** The Town Council shall appoint a Town Attorney licensed
11 to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the
12 Town, advise Town officials, and perform other duties as required by law or as directed by the
13 Town Council. The Town Attorney shall serve at the pleasure of the Town Council.

14 "Section 5.4. **Town Clerk.** The Town Council shall appoint a Town Clerk who shall
15 perform duties as required by law or as directed by the Town Council. The Town Clerk shall
16 serve at the pleasure of the Town Council.

17 "Section 5.5. **Other Administrative Officers and Employees.** The Town Council may
18 authorize other offices and positions and appoint persons to fill the offices and positions, or the
19 Council may authorize the offices and positions to be filled by appointment by the Town
20 Manager. The Town Council may organize the Town government as deemed appropriate,
21 subject to the requirements of general law.

22 "Section 5.6. **Consolidation of Functions.** Where positions are not incompatible, the Town
23 Council may combine in one person the powers and duties of two or more officers created or
24 authorized by this Charter.

25 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

26 "Section 6.1. **Powers of the Town Council.** The Town Council may levy those taxes and
27 fees authorized by general law. An affirmative vote equal to a majority of all the members of
28 the Town Council shall be required to change the ad valorem tax rate from the rate established
29 during the prior fiscal year.

30 "Section 6.2. **Commencement of Tax Collection.** From and after July 1, 2009, the citizens
31 and property in the Town of Swannanoa shall be subject to municipal taxes levied for the year
32 beginning July 1, 2009, and for that purpose the Town shall obtain from Buncombe County a
33 record of property in the area herein incorporated which was listed for property taxes as of
34 January 1, 2009.

35 "Section 6.3. **Budget.** The Town may adopt a budget ordinance for fiscal year 2009-2010
36 without following the timetable in the Local Government Budget and Fiscal Control Act but
37 shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year
38 2009-2010, ad valorem taxes may be paid at par or face amount within 90 days of adoption of
39 the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360 as if the
40 taxes had been due and payable on September 1, 2009.

41 "ARTICLE VII. ORDINANCES.

42 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of
43 Swannanoa is authorized to adopt such ordinances as the Town Council deems necessary for
44 the governance of the Town.

45 "ARTICLE VIII. MISCELLANEOUS PROVISIONS.

46 "Section 8.1. **Annexation.** Notwithstanding any other provision of law, the Town of
47 Swannanoa shall not annex any area beyond the southern boundary of the corporate limits of
48 the Town that runs along a ridge line and borders the Fairview Township in Buncombe County.

49 "Section 8.2. **Expenses.** The entities sponsoring incorporation shall be entitled to recover
50 from the Town expenses of sponsoring incorporation in the amount of five hundred dollars
51 (\$500.00) or greater, provided that the entities seeking recovery shall submit written requests

1 for reimbursement and shall be subject to annual audit. The Town Council may reimburse
2 expenses after the first full fiscal year. To receive reimbursement, all requests must be
3 submitted prior to the end of the second fiscal year."

4 **SECTION 2.** The Buncombe County Board of Elections shall conduct an election
5 on November 3, 2009, for the purpose of submission to the qualified voters for the area
6 described in Section 2.1 of the Charter of the Town of Swannanoa the question of whether or
7 not the area shall be incorporated as the Town of Swannanoa. Registration for the election
8 shall be conducted in accordance with G.S. 163-288.2.

9 **SECTION 3.** In the election, the question on the ballot shall be:

10 "[] FOR [] AGAINST

11 Incorporation of the Town of Swannanoa."

12 **SECTION 4.** In the election, if a majority of the votes are cast "For the
13 Incorporation of the Town of Swannanoa," Section 1 of this act shall become effective on the
14 date that the Buncombe County Board of Elections certifies the results of the election.
15 Otherwise, Section 1 of this act shall have no force and effect.

16 **SECTION 5.** This act is effective when it becomes law.