

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

HOUSE DRH30169-LMx-7 (01/15)

Short Title: Incorporate Rougemont.

(Local)

Sponsors: Representative Wilkins.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** A Charter for the Town of Rougemont is enacted to read:

5 "CHARTER OF THE TOWN OF ROUGEMONT.

6 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

7 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of
8 Rougemont are a body corporate politic under the name 'Town of Rougemont.' Under that
9 name they shall have all the powers, duties, rights, privileges, and immunities conferred and
10 imposed on cities by the general law of North Carolina.

11 "ARTICLE II. CORPORATE BOUNDARIES.

12 "Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the boundaries
13 of the Town of Rougemont are as follows:

14 Beginning at the intersection of the Flat River and Red Mountain Road, thence in an easterly
15 direction following the Flat River north and west to the northeast corner of PIN 190702, thence
16 in a southerly direction along the eastern boundary of aforementioned parcel, thence in a
17 westerly direction along the southern boundary of aforementioned parcel, thence in a northerly
18 direction along the eastern boundary of PIN 190703, thence in a westerly direction along the
19 northern boundaries of aforementioned parcel and PIN 190701 to the eastern boundary of PIN
20 196596, thence in a northerly direction along the western boundary of PIN 190700, thence in a
21 easterly direction along the northern boundary of aforementioned property to the Flat River,
22 thence in a northerly, westerly, and southwesterly direction following the Flat River to the
23 northeast corner of PIN 190725, thence in a southerly direction along the eastern boundary of
24 aforementioned parcel, thence in a westerly direction following Bowen Road to its intersection
25 with Moore's Mill Road, thence in a southerly direction along Moore's Mill Road to the
26 northeast corner of PIN 190584, thence in a westerly direction along the northern boundary of
27 aforementioned parcel, thence in a southern direction along the western boundary of
28 aforementioned parcel, thence in a westerly direction along the southern boundary of PIN
29 190585, thence in a northerly direction along the western boundaries of PIN 190585, PIN
30 190586, PIN 190717, PIN 190715, PIN 190714, PIN 190712, and PIN 190713 to the
31 Durham/Person County line, thence in a westerly direction following the Durham/Person
32 County line to the northwest corner of PIN 190783, thence in a southerly direction along the
33 western boundaries of PIN 190783, PIN 190784, PIN 190785, PIN 190786, PIN 190787 and
34 PIN 190788, thence in a westerly direction and along the northern boundaries of PIN 190788
35 and PIN 190803, thence in a southerly direction along the eastern boundary of PIN 189591 to



1 the northwest corner of PIN 189592, thence in an easterly direction along the northern
2 boundary of PIN 189592, thence in a southerly direction along the eastern boundary of
3 aforementioned parcel, thence in a westerly direction along the southern boundary of
4 aforementioned parcel to PIN 189593, thence in a southerly direction along the eastern
5 boundary of PIN 189593, thence in a westerly direction along the southern boundary of PIN
6 189593 to the northwest corner of PIN 190804, thence in an easterly direction along the
7 northern boundary of aforementioned property, thence in a southerly direction along the eastern
8 boundary of aforementioned property, thence in a westerly direction along the southern
9 boundary of aforementioned property, thence in a northwesterly direction along the western
10 boundary of aforementioned property and the eastern boundary of PIN 190768, thence in a
11 westerly direction along the southern boundary of PIN 189593 to Equestrian Chase, thence in a
12 southerly direction along the western boundary of Equestrian Chase to the southeastern
13 boundary of PIN 190812, thence in a southwesterly direction along the eastern boundary of
14 aforementioned property, thence in a northerly direction along the western boundary of
15 aforementioned property and PIN 189595 and continuing northerly along the western boundary
16 of PIN 189594 to PIN 189599, thence in an easterly direction along the southern boundary of
17 aforementioned parcel, thence in a northerly direction along the eastern boundary of
18 aforementioned parcel, thence in a westerly direction along the northern boundary of
19 aforementioned parcel, thence in a northerly direction along the western boundaries of PIN
20 189590 and PIN 189589 to Harris Mill Road, thence in a northerly direction along the eastern
21 boundary of the Norfolk Southern railroad right-of-way to the Durham/Person County line;
22 thence in a westerly direction along the Durham/Person County line to the western right-of-way
23 of U.S. Highway 501, thence in a southerly direction along the western right-of-way of U.S.
24 501 to PIN 189580, thence in an easterly direction along the southern boundary of PIN 189580
25 to the northwest corner of PIN 189542, thence, in a southerly direction along the western
26 boundary of PIN 189542, thence in an easterly direction along the southern boundary of
27 aforementioned parcel to the western boundary of right-of-way of U.S. 501, thence in a
28 southerly direction along the western boundary of U.S. 501 right-of-way to the northeast corner
29 of PIN 189662, thence in a westerly direction along the northern boundary of PIN 189662,
30 thence in an easterly direction along the southern boundary of aforementioned parcel to the
31 western boundary of the U.S. 501 right-of-way, thence in a southerly direction along the
32 western boundary of U.S. 501 right-of-way to northeast corner of PIN 189657, thence in a
33 southwesterly direction along the northern boundary of aforementioned parcel, thence in a
34 southeasterly direction along the western boundary of aforementioned parcel, thence in a
35 westerly direction along the northern boundary of PIN 189656, thence in a southerly direction
36 along the western boundaries of PIN 189656 and 189655, thence in a westerly direction along
37 the northern boundaries of PIN 189654 and 189636, thence in a southerly direction along the
38 western boundary of PIN 189636, thence in a westerly direction along the northern boundary of
39 PIN 189653, thence in a northwesterly direction along the eastern boundary of PIN 189665,
40 thence in a westerly direction along the northern boundary of aforementioned parcel, thence in
41 a southerly direction along the western boundary of aforementioned parcel to the northern
42 right-of-way of Bacon Road, thence in a westerly direction along the northern right-of-way of
43 Bacon Road to the intersection of the southern section (between Bacon Road and Bill Poole
44 Road) of Chambers Road, thence in a southerly direction along the western boundary of the
45 right-of-way of Chambers Road to the northeast corner of PIN 189521, thence in a westerly
46 direction along the northern boundary of the aforementioned parcel, thence in a southerly
47 direction along the western boundary of aforementioned parcel, thence in an easterly direction
48 along the southern boundary of aforementioned parcel to the western boundary of the
49 Chambers Road right-of-way, thence in a southerly direction along the western boundary of
50 the Chambers Road right-of-way to the northeast corner of PIN 189519, thence in a westerly
51 direction along the northern boundary of the aforementioned parcel, thence in a southerly

1 direction along the western boundary of aforementioned parcel, thence in a westerly direction
2 along the northern boundary of PIN 189517, thence in a southerly direction along the western
3 boundary of aforementioned parcel, thence in a easterly direction along southern boundary of
4 aforementioned parcel to the western boundary of the Chambers Road right-of-way, thence in a
5 southerly direction along the western boundary of the Chambers Road right-of-way to the
6 northeast corner of PIN 189515, thence in a westerly direction along the northern boundary of
7 aforementioned parcel, thence in a southerly direction along the eastern boundary of PIN
8 189511 to the northern boundary of the Cothran Road right-of-way, thence in a westerly
9 direction along the northern boundary of the Cothran Road right-of-way to southeast corner of
10 PIN 189507, thence in a northerly direction along the eastern boundary of aforementioned
11 parcel, thence in a westerly direction along the northern boundary of aforementioned parcel,
12 thence in a southerly direction along the western boundary of aforementioned parcel and PIN
13 189484, thence in an easterly direction along the southern boundary of PIN 189484, thence in
14 a southerly direction along the western boundaries of PIN 189483, PIN 189488, and PIN
15 189489 to the northern boundary of the Bill Poole Road right-of-way, thence in a southwesterly
16 direction along northern boundary of the Bill Poole right-of-way to its intersection with
17 Rougemont Road, thence in a southerly direction along the western boundary of the
18 Rougemont Road right-of-way to the southwest corner of PIN 189890; thence in an easterly
19 direction along the southern boundary of aforementioned parcel, thence in a northerly direction
20 along the eastern boundary of aforementioned parcel, thence in an easterly direction along the
21 southern boundary of PIN 189498, thence in a southeasterly direction along the western
22 boundary of PIN 189494, thence in an easterly direction along the southern boundary of
23 aforementioned parcel, thence in a northerly direction along the eastern boundaries of
24 aforementioned parcel and PIN 189493, thence in an easterly direction along the southern
25 boundaries of PIN 189885 and PIN 189886 to the western boundary of the Harris Road
26 right-of-way, thence in a northerly direction along the western boundary of the right-of-way of
27 Harris Road to the northern boundary of the Bill Poole Road right-of-way, thence in an
28 northeasterly direction along the northern right-of-way of Bill Poole Road to the southeastern
29 corner of PIN 189884, thence in a northwesterly direction along the eastern boundary of
30 aforementioned parcel, thence in a southwesterly direction along the northern boundaries of
31 aforementioned parcel to PIN 189879, thence in a northwesterly direction along the eastern
32 boundary of aforementioned parcel, thence in a northerly direction along the western boundary
33 of parcel 189848, thence in an easterly direction along the northern boundary of
34 aforementioned parcel, thence in a southerly direction along the eastern boundary of
35 aforementioned parcel, thence in a southwesterly direction along the northwest boundary of
36 PIN 197183, thence in a southeasterly direction along the southwest boundary of
37 aforementioned parcel and crossing Bill Poole Road, thence in a westerly direction along the
38 southern right-of-way of Bill Poole Road to the western boundary of PIN 189847, thence in a
39 southerly direction along the western boundary of aforementioned parcel, thence in an easterly
40 direction along the southern boundary of aforementioned parcel and continuing in an easterly
41 direction along the southern boundaries of parcels through PIN 189831 to the northwest corner
42 of PIN 189830, thence in a southerly direction along the western boundary of aforementioned
43 parcel, thence in an easterly direction along the southern boundary of aforementioned parcel to
44 the western right-of-way of U.S. 501, thence in a southerly direction along the western
45 boundary of the U.S. 501 right-of-way to PIN 189824, thence in a westerly direction along the
46 northern boundary of aforementioned parcel, thence in a southerly direction along the eastern
47 boundaries of PIN 189834, PIN 189835, and PIN 189867, thence in a southeasterly direction
48 along the northern boundary of PIN 190517, thence in a southeasterly direction along the
49 southwest boundary of PIN 190513, thence in a northeasterly direction along the southeast
50 boundary of aforementioned parcel to the western right-of-way of U.S. 501; thence crossing
51 U.S. 501 and continuing along the southeastern boundary of PIN 190530, thence in a

1 northwesterly direction along the northeast boundary of aforementioned parcel, thence in a
2 southwesterly direction along the northwestern boundary of aforementioned parcel to the
3 northeastern boundary of the U.S. 501 right-of-way, thence in a northwesterly and then
4 northerly direction along the eastern right-of-way of U.S. 501 to the southwestern corner of
5 PIN 189820, thence in a northeasterly direction along the southeastern boundary of
6 aforementioned parcel to the western boundary of the Norfolk Southern railroad right-of-way,
7 thence in a southerly direction along the western boundary of the Norfolk Southern railroad
8 right-of-way to the southwest corner of PIN 189793, thence in an easterly direction along the
9 southern boundary of aforementioned parcel, thence in a southeasterly direction along the
10 northeastern boundary of PIN 190625, thence in a southerly direction along the northeastern
11 boundary of PIN 190512, thence in a southeasterly and then easterly direction along the
12 northern boundary of aforementioned parcel to the southeast corner of PIN 190645, thence in a
13 northerly direction along the eastern boundary of aforementioned parcel to the southern
14 right-of-way of Lake Winds Trail, thence in an easterly direction along the southern
15 right-of-way of Lake Winds Trail, thence in a southerly direction along the western boundary
16 of PIN 190644, thence in an easterly direction along the southern boundary of aforementioned
17 parcel and continuing in an easterly direction to the western right-of-way of Moores Mill Road,
18 thence in a northerly direction crossing Lake Winds Trail to the northeast corner of PIN
19 190663, thence in a westerly direction along the northern boundary of aforementioned parcel
20 and continuing in a westerly direction to the northwest corner of PIN 190677, thence in a
21 southerly direction along the western boundary of aforementioned parcel to the northern
22 right-of-way of Lake Winds Trail, thence in a westerly direction along the northern
23 right-of-way of Lake Winds Trail to the southeastern corner of PIN 190665, thence in a
24 northerly direction along the eastern boundary of aforementioned parcel, thence in a westerly
25 direction along the northern boundary of aforementioned parcel and continuing to the
26 northeastern boundary of PIN 190671, thence in a northerly direction and continuing to the
27 northeast corner of PIN 190627 (located north of PIN 190628), then in a westerly direction
28 along the northern boundary of aforementioned parcel and continuing in an westerly direction
29 to PIN 190697, thence in a northeasterly direction along the eastern boundary of
30 aforementioned parcel, thence in a northwesterly direction along the northeastern boundary of
31 aforementioned parcel, thence in a southwesterly direction along the northwestern boundary of
32 aforementioned parcel, thence in a northwesterly direction along the eastern right-of-way of
33 Lake Winds Trail, thence in a southwesterly direction crossing Lake Winds Trail and
34 continuing to the northwest corner of PIN 190688, thence in a southeasterly direction along the
35 western boundary of aforementioned parcel, thence in a westerly direction along the northern
36 boundary of PIN 190627 (located west of PIN 190688) to the southeast corner of PIN 189793,
37 thence in a northerly direction along the eastern boundary of aforementioned parcel and
38 continuing to the southwest corner of PIN 190638, thence in a easterly direction along the
39 southern boundary of aforementioned parcel and continuing in an easterly direction to the
40 northwest corner of PIN 190629, thence in a southerly direction along the western boundary of
41 aforementioned parcel, then in an easterly direction along the southern boundary of
42 aforementioned parcel to the western right-of-way of Moores Mill Road, thence in a northerly
43 direction along the western right-of-way of Moores Mill Road to the northwest corner of PIN
44 190706, thence in an easterly direction along the northern boundary of aforementioned parcel,
45 thence in a southerly direction along the eastern boundary of aforementioned parcel and
46 continuing across Red Mountain Road along the western boundary of PIN 190587, thence in an
47 easterly direction along the southern boundary of aforementioned parcel, thence in a northerly
48 direction along the eastern boundary of aforementioned parcel, thence in a easterly direction
49 along the southern boundary of PIN 190704 and continuing in an easterly direction to the Flat
50 River, thence in a northerly and northeasterly direction along the Flat River to the bridge over
51 the Flat River on Red Mountain Road. PIN 190576 and PIN 189728 are located within the

1 contiguous outer boundaries of the Town of Rougemont, but are excluded from the corporate
2 boundaries of the Town.

3 "ARTICLE III. GOVERNING BODY.

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

7 "Section 3.2. **Manner of Electing Town Council.** The qualified voters of the entire Town
8 shall elect the members of the Town Council and, except as provided in this section, they shall
9 serve four-year terms. In 2009, the three candidates receiving the highest numbers of votes
10 shall be elected to four-year terms, and the two candidates receiving the next highest numbers
11 of votes shall be elected to two-year terms. In 2011, and quadrennially thereafter, two members
12 shall be elected to four-year terms. In 2013, and quadrennially thereafter, three members shall
13 be elected to four-year terms.

14 "Section 3.3. **Manner of Electing Mayor; Term of Office; Duties.** At the organizational
15 meeting following each municipal election, the Town Council shall elect one of its members as
16 Mayor, and the Mayor shall serve at the pleasure of the Town Council. The Mayor shall be the
17 official head of Town government, shall preside at all meetings of the Town Council, shall
18 have the right to vote only when there is an equal division on any question or matter before the
19 Town Council, and shall exercise the powers and duties conferred by law or as directed by the
20 Town Council.

21 "Section 3.4. **Residency Requirement.** Members of the governing body of the Town of
22 Rougemont, whether elected or appointed, must be qualified voters who reside within the
23 corporate limits of the Town in order to qualify to take, hold, and continue in office.

24 "ARTICLE IV. ELECTIONS.

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

27 "Section 4.2. **Special Elections and Referenda.** Special elections and referenda may be
28 held only as provided by the general law of North Carolina, local acts of the General Assembly,
29 or as provided for in this Charter.

30 "ARTICLE V. ADMINISTRATION.

31 "Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town shall operate
32 under the Mayor-Council form of government as provided in Part 3 of Article 7 of Chapter
33 160A of the General Statutes.

34 "Section 5.2. **Town Attorney.** The Town Council shall appoint a Town Attorney licensed
35 to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the
36 Town, advise Town officials, and perform other duties as required by law or as directed by the
37 Town Council.

38 "Section 5.3. **Town Clerk.** The Town Council shall appoint a Town Clerk who shall
39 perform duties as required by law or as directed by the Town Council. The Town Clerk shall
40 serve at the pleasure of the Town Council.

41 "Section 5.4. **Other Officers and Employees.** The Town Council may appoint other
42 officers and positions as deemed appropriate, subject to the requirements of general law.

43 "Section 5.5. **Consolidation of Functions.** Where positions are not incompatible, the Town
44 Council may combine in one person the powers and duties of two or more officers created or
45 authorized by this Charter.

46 "Section 5.6. **Compensation for Mayor and Town Council Members.** The Mayor and
47 members of the Town Council shall be reimbursed for ordinary and necessary expenses and
48 may receive salary and honoraria only upon a majority vote of the qualified voters of the Town
49 who vote on the question in a special referendum.

50 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

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

5 "Section 6.2. **Commencement of Tax Collection.** From and after July 1, 2009, the citizens
6 and property in the Town of Rougemont shall be subject to municipal taxes levied for the year
7 beginning July 1, 2009, and for that purpose the Town shall obtain from Durham County a
8 record of property in the area herein incorporated which was listed for property taxes as of
9 January 1, 2009.

10 "Section 6.3. **Budget.** The Town may adopt a budget ordinance for fiscal year 2009-2010
11 without following the timetable in the Local Government Budget and Fiscal Control Act, but
12 shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year
13 2009-2010, ad valorem taxes may be paid at par or face amount within 90 days of the adoption
14 of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360.

15 "Section 6.4. **Ad Valorem Taxes.** The Town Council shall not increase the ad valorem tax
16 rate more than \$0.05/\$100.00 valuation, except for fire protection services, above the ad
17 valorem tax rate established on the date of incorporation of the Town of Rougemont without
18 the vote or consent of a majority of the qualified voters of the Town of Rougemont. The
19 election on the question of increasing the ad valorem tax rate shall be conducted in accordance
20 with G.S. 160A-209.

21 "ARTICLE VII. ORDINANCES.

22 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of
23 Rougemont is authorized to adopt such ordinances as the Town Council deems necessary for
24 the governance of the Town.

25 "ARTICLE VIII. MISCELLANEOUS.

26 "Section 8.1. **Enlargement of Town Council.** The qualified voters of the Town of
27 Rougemont may seek to enlarge the number of members of the Town Council by submitting a
28 petition to that effect signed by twenty percent (20%) of the qualified voters. Upon the passage
29 of a resolution as provided in G.S. 160A-102 or upon receipt of a valid petition, the Town
30 Council shall immediately take steps as provided in Part 4 of Article 5 of Chapter 160A of the
31 General Statutes to determine by referendum whether the number of members of the Town
32 Council should be increased. If a majority of the votes cast in the referendum are in the
33 affirmative, a special election shall be held at the earliest possible date to elect the additional
34 members required to enlarge the Town Council to the number set forth in the referendum.

35 "Section 8.2. **Amendments to Charter.** The Town Council may propose and enact
36 amendments to this Charter in accordance with Part 4 of Article 5 of Chapter 160A of the
37 General Statutes. No amendment to this Charter shall become effective until public notice is
38 given and a public hearing is held to receive comments on the proposed Charter amendment.
39 Notwithstanding G.S. 160A-103, upon receipt of a referendum petition bearing the signatures
40 and residence addresses of twenty percent (20%) of the qualified voters of the Town, the Town
41 Council shall submit ordinances adopted under G.S. 160A-102 to a vote of the people.

42 "Section 8.3. **Provision of Services and Administration of Functions.** The Town Council
43 may enter into agreements with other governmental bodies and private enterprises for the
44 provision of services and administration of corporate functions in order to provide the services
45 and administer the functions in the most efficient and cost-effective manner.

46 "Section 8.4. **Conflict of Interest.** No person, or a member of the person's immediate
47 family, who is employed by or is an official of the Town of Rougemont, shall do business with
48 the Town unless the Town Council specifically approves the activity. All appointed officials of
49 the Town must inform the Town Council of any conflicts of interest and the failure to so inform
50 shall constitute grounds for immediate dismissal for cause. No official of the Town may accept

1 any gratuity from any business, person, or other official if the gratuity is related to his or her
2 official duties.

3 "Section 8.5. **Nepotism.** No person who is an immediate family member of an elected
4 official of the Town of Rougemont shall be appointed to or employed in a position within
5 Town government unless the appointment or employment is approved by the entire Town
6 Council.

7 "Section 8.6. **Annexation.** The Town of Rougemont shall not extend its boundaries into an
8 adjoining county.

9 "ARTICLE IX. SPECIAL PROVISIONS.

10 "Section 9.1. **Fire Protection.** The Town of Rougemont shall contract with the Bahama
11 Volunteer Fire, Rescue, and EMS Company, Inc., to provide fire protection for the Town. The
12 contract terms and amount paid by the Town of Rougemont to the Bahama Volunteer Fire,
13 Rescue, and EMS Company, Inc., shall be mutually agreed upon and annually renewed by the
14 Board of Directors of the Bahama Volunteer Fire, Rescue, and EMS Company, Inc., and the
15 Town Council.

16 "Section 9.2. **Safety Protection.** The Town of Rougemont shall contract with the Durham
17 County Sheriff's Department to provide safety protection for the Town. The contract terms and
18 amount paid by the Town of Rougemont to the Durham County Sheriff's Department shall be
19 mutually agreed upon and annually renewed by the Durham County Commissioners and the
20 Town Council.

21 "Section 9.3. **Impact Fees.** The Town of Rougemont shall not impose impact fees unless
22 approved by the North Carolina General Assembly and a vote of a majority of the qualified
23 voters of the Town of Rougemont."

24 **SECTION 2.** The Durham County Board of Elections shall conduct an election on
25 November 3, 2009, for the purpose of submission to the qualified voters for the area described
26 in Section 2.1 of the Charter of the Town of Rougemont the question of whether or not the area
27 shall be incorporated as the Town of Rougemont. Registration for the election shall be
28 conducted in accordance with G.S. 163-288.2.

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

30 " FOR AGAINST

31 Incorporation of the Town of Rougemont."

32 **SECTION 4.** In the election, if a majority of the votes are cast "For the
33 Incorporation of the Town of Rougemont," Section 1 of this act shall become effective on the
34 date that the Durham County Board of Elections certifies the results of the election. Otherwise,
35 Section 1 of this act shall have no force and effect.

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