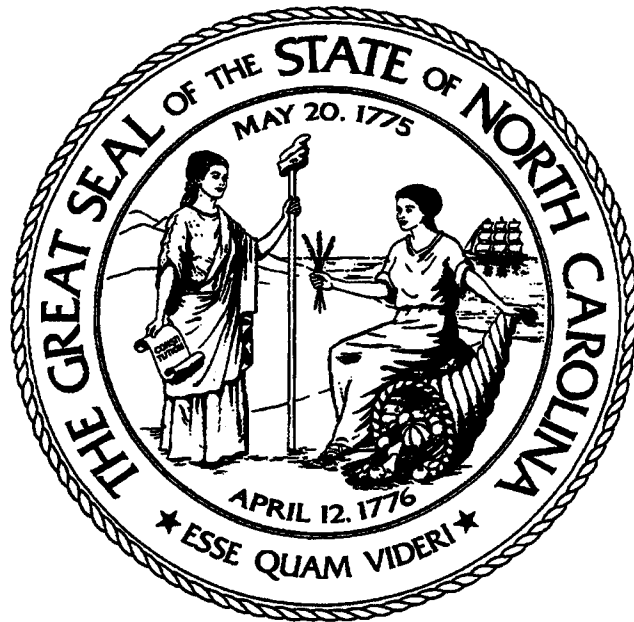


**JOINT LEGISLATIVE COMMISSION
ON MUNICIPAL INCORPORATIONS**



**REPORT TO THE
GENERAL ASSEMBLY
OF NORTH CAROLINA
Proposed Town of Millers Creek
March 21, 2001**

REPORT TO THE GENERAL ASSEMBLY

Proposed Incorporation of the Town of Millers Creek March 21, 2001

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

The statutory criteria require a review of community support, (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

The Commission received a petition proposing the incorporation of the Town of Millers Creek in Wilkes County on November 17, 2000. A copy of the petition is attached as Appendix C.

The Commission, pursuant to G.S. 120-161, asked the Division of Community Assistance of the Department of Commerce to evaluate the petition. The Division conducted the evaluation and, based upon its report, the Commission found that the requirements of G.S. 120-163 and G.S. 120-164 had been met (a copy of the report is attached as Appendix D). The Division informed the Commission at a meeting in January, 2001 that the GIS data provided by Millers Creek was on software that was not compatible with that used by the Division, and therefore it was unable to calculate the acreage in the area to be incorporated and determine tax rates and other variables. The Commission authorized the expenditure of monies to convert the Millers Creek GIS data into a useable form.

The Commission also requested that the Division of Community Assistance evaluate the proposed Town's petition for incorporation under G.S. 120-166 (a copy of the report is attached as Appendix E). The Division conducted the evaluation and determined that all statutory requirements had been met.

The Commission further requested that the Division of Community Assistance evaluate the proposed Town's petition under G.S. 120-167 through G.S. 120-170 (a copy of the report is attached as Appendix F). The Division

conducted the evaluation and determined that all statutory requirements had been met, except G.S. 120-168 (Additional criteria; development) and G.S. 120-170 (Findings as to services). The level of development in the proposed Town, according to the data available, was 37.3 percent rather than 40 percent as required in the general statutes. The proposed Town would have to levy a property tax rate of \$0.87/\$100 assessment to generate revenues similar to those in other towns its size (average rate in those towns is \$0.36/\$100 assessment).

On March 1, 2001, the Commission held a public hearing on the incorporation of the Town of Millers Creek in Taylorsville, North Carolina. At least eleven people spoke in favor of the incorporation of the Town and at least six spoke in opposition.

On March 13, 2001, the interim Board for the proposed Town of Millers Creek revised the boundaries of the proposed Town (letter from interim Board is attached as Appendix G) to delete approximately 800 acres. The Division of Community Assistance evaluated the revised boundaries under G.S. 120-169.1 and found that the level of development in the proposed Town is now 41.4 percent (a copy of the report is attached as Appendix H). Therefore, this statutory criteria is met. The deletion of acreage resulted in a decrease in the proposed Town's population from 6,780 to 6,719, and a slight increase in the tax rate from \$0.87/\$100 assessment to \$0.88/\$100.

Pursuant to G.S. 120-169.1, the Commission requested that the Fiscal Research Department provide data that shows the impact on other municipalities and counties of the diversion of already levied taxes or State-shared revenues to support services in the proposed Town of Millers Creek (a copy of the report is attached as Appendix I). The data provided by the Department (based upon figures from 1999-2000) shows that sales tax revenues in Wilkes County are distributed on a per capita basis. If the proposed Town of Millers Creek had been incorporated at that time, it would have received \$1,035,851 in sales tax revenues, resulting in a decrease in revenues for Wilkes County and the municipalities in the county. The incorporation of Millers Creek would have a marginal impact on the distribution of Powell Bill funds in the State. No shift of utility excise taxes is expected since the incorporation of Millers Creek would encompass areas that are not currently part of another municipality.

The Commission finds that the proposed Town of Millers Creek meets the standards required by Article 20 of Chapter 160A of the General Statutes, and therefore the Commission recommends incorporation of the area as the Town of Millers Creek.

APPENDIX A

JOINT LEGISLATIVE COMMISSION ON
MUNICIPAL INCORPORATIONS
2000-2001
Membership

President Pro Tem's Appointments

Senator Fletcher Hartsell
P. O. Box 368
Concord, NC 28026-0368

Senator Kay R. Hagan
305 Meadowbrook Terrace
Greensboro, NC 27408

Mr. Ronald R. Kimble, Asst. Manager
Charlotte-Mecklenburg Gov Center
600 East 4th Street
Charlotte, NC 28202

Speaker's Appointments

Representative Mary L. Jarrell
Legislature Building, Room 2219
Raleigh, NC 27603

Representative John W. Hurley
P. O. Box 714
Fayetteville, NC 28303

Mr. Jerry Ayscue
Vance County Manager
Vance County Courthouse
Young Street
Henderson, NC 27536

Staff

Gerry Cohen, Director
Bill Drafting Division

Gayle L. Moses, Staff Attorney
Bill Drafting Division

Legislative Assistant

Allison Towe
1113 Legislative Building

APPENDIX B

Article 20.

Joint Legislative Commission on Municipal Incorporations.

Part 1. Organization.

§ 120-158. Creation of Commission.

(a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as "Commission".

(b) The Commission shall consist of six members, appointed as follows:

- (1) Two Senators appointed by the President Pro Tempore of the Senate;
- (2) Two House members appointed by the Speaker;
- (3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and
- (4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.

§ 120-159. Terms.

Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term.

§ 120-160. Compensation.

Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

§ 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.

Part 2. Procedure for Incorporation Review.

§ 120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The petition must contain a statement that the proposed municipality will have a budget ordinance with an ad valorem tax levy of at least five cents (5¢) on the one hundred dollar (\$100.00) valuation upon all taxable property within its corporate limits. The petition must contain a statement that the proposed municipality will offer four of the following services no later than the first day of the third fiscal year following the effective date of the incorporation: (i) police protection; (ii) fire protection; (iii) solid waste collection or disposal; (iv) water distribution; (v) street maintenance; (vi) street construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning. In order to qualify for providing police protection, the proposed municipality must propose either to provide police service or to have services provided by contract with a county or another municipality that proposes that the other government be compensated for providing supplemental protection. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session.

§ 120-164. Notification.

(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;
- (2) All cities within that county or counties; and
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.

§ 120-165. Initial inquiry.

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part.

§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget, Planning, and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
- (3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.

§ 120-167. Additional criteria; population.

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100 and a population density (either permanent or seasonal) of at least 250 persons per square mile.

§ 120-168. Additional criteria; development.

The Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning

ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.

§ 120-169. Additional criteria; area unincorporated.

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1).

§ 120-169.1. Additional criteria; level of development, services; financial impact on other local governments.

(a) Repealed by Session Laws 1999-458, s. 4.

(b) Services. – The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. This plan shall be based on the proposed services stated in the petition under G.S. 120-163(c).

(c) The Commission in its report shall indicate the impact on other municipalities and counties of diversion of already levied local taxes or State-shared revenues from existing local governments to support services in the proposed municipality.

§ 120-170. Findings as to services.

The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided.

§ 120-171. Procedures if findings made.

(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly. The report to the General Assembly shall list the grounds on which a negative recommendation is made, along with specific findings. If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly.

§ 120-172. Referendum.

Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum.

§ 120-173. Modification of petition.

With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas.

§ 120-174. Deadline for recommendations.

If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition.

APPENDIX C

ARTICLE IV.

ELECTION PROCEDURE

§4.1 Conduct of town elections. Town officers shall be elected on a non-partisan, plurality basis as provided by G.S. 163-292.

ARTICLE V.

ADMINISTRATION

§5.1 Town to Operate under Council-Manager Plan. The Town of Millers Creek operates under the Mayor-Council Plan as provided in G.S. Chapter 160A, Article 7, Part 3.

§6.1 Town Clerk. The Town of Millers Creek shall have a Town Clerk appointed by the Council pursuant to § 160A-171 of the General Statutes, and the Clerk shall have such duties as are required by law or the Council from time to time.

§7.1 Town Attorney. The Town shall have an attorney appointed by the Council to serve at its pleasure and to be its legal adviser pursuant to General Statute § 160A-173.

Section 2. Budget Ordinance; Municipal Taxes.

From and after the effective date of this act, the citizens and property in the Town of Millers Creek shall be subject to municipal taxes levied for the year July 1, 2001 and for that purpose the Town shall obtain from Wilkes County a record of property in the area herein incorporated which was listed for property taxes as of January 1, 2001. The Town may adopt a budget ordinance for fiscal year 2001-2002 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. For fiscal 2001-2002, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as taxes had been due on September 1, 2001. If this act is ratified before July 1, 2001, the Town may adopt a budget ordinance for fiscal year 2000-2001 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, but no ad valorem taxes may be levied for the 2000-2001 fiscal year.

Section 3. On a date established by the Wilkes County Board of Elections no earlier than 60 nor later than 120 days after this bill becomes law, the Wilkes County Board of Elections shall conduct a special election for the purpose of submission to qualified voters of the area described in Article 2.1 of the Charter of the Town of Millers Creek, the question of whether such area shall be incorporated as the Town of Millers Creek.

Section 1. The Charter of the Town of Millers Creek, North Carolina

ARTICLE I.

INCORPORATION AND CORPORATE POWERS

§1.1 Incorporation and Corporate Powers. The Town of Millers Creek shall be a body corporate and politic under the name "Town of Millers Creek", and shall be vested with all the powers, duties, rights and privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

ARTICLE II.

CORPORATE BOUNDARIES

§2.1 Corporate Boundaries. The corporate boundaries of the Town of Millers Creek shall be as follows until changed in accordance with law: (See attached map).

ARTICLE III.

GOVERNING BODY

§3.1 Structure of the Governing Body; Number of Members. The governing body of the Town of Millers Creek is the Town Council, which has six (6) members, and the Mayor.

§3.2 Temporary Officers. Until the initial election in 2001 provided for by Section 4.1 of this Charter, Buck Parsons is hereby appointed Mayor, and Ravaughn Ashley, Harold Bowlin, Clyde Bumgarner, Joyce Dyer, John Higgins and Archie Nichols are hereby appointed members of the Town Council and they shall possess and may exercise the powers granted to the Mayor and Town Council until their successors are elected or appointed and qualify pursuant to this charter.

§3.3 Manner of Electing Town Council; Term of Office. The qualified voters of the entire Town shall elect the members of the Town Council. Except as provided in this section, members are elected to a four-year term of office. In 2001, the three candidates receiving the highest number of votes are elected to four-year terms, and the three candidates receiving the next highest numbers of votes are elected to two-year terms. In 2003, and each four years thereafter, three members shall be elected. In 2005, and each four years thereafter, three members of the Council shall be elected.

§3.4 Manner of Electing Mayor; Term of Office. The qualified voters of the entire Town shall elect the Mayor. The Mayor shall be elected in 2001 and each two years thereafter for a two-year term.

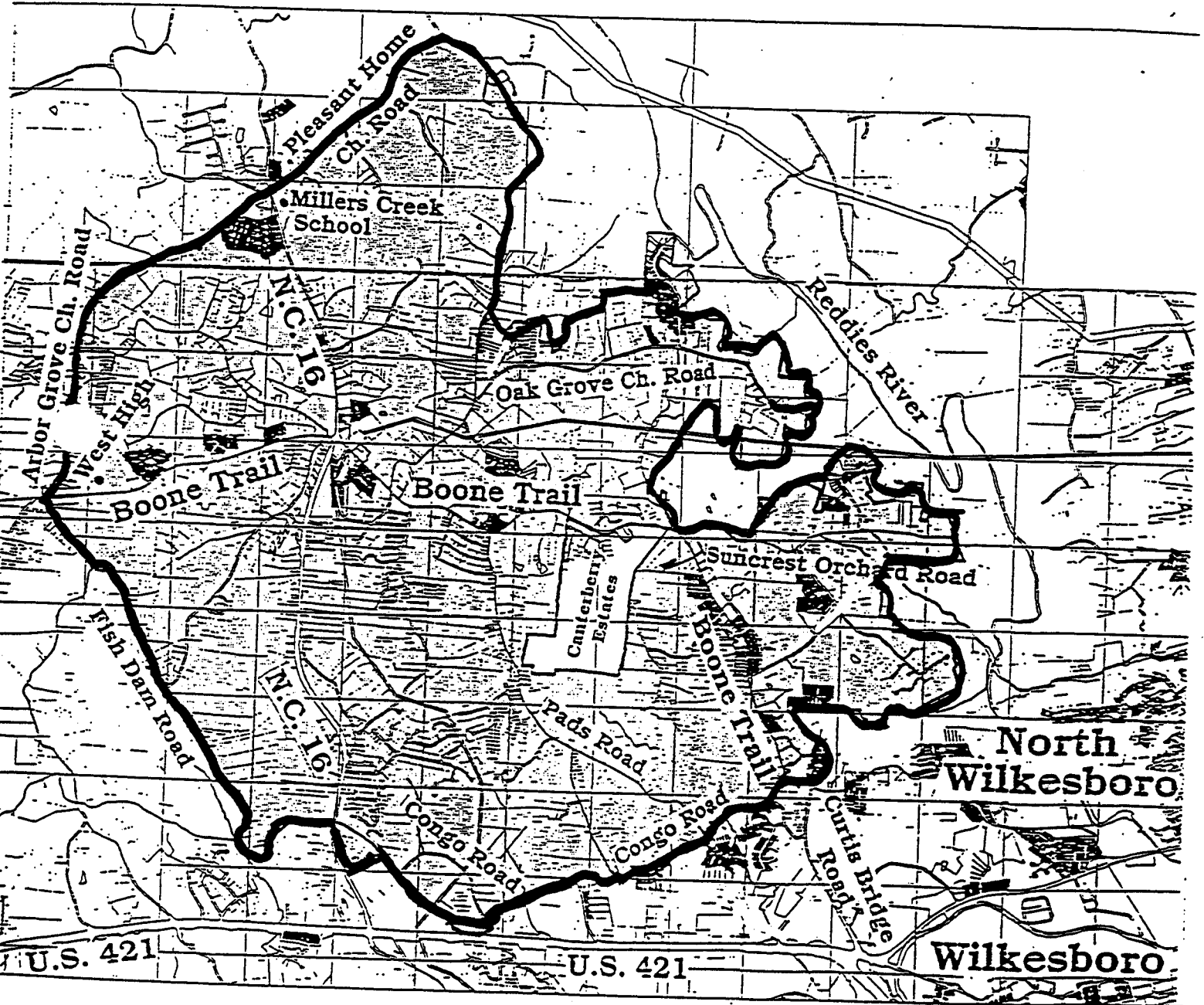
Section 4. In the election, the question shall be on the ballot:

FOR AGAINST
Incorporation of the Town of Millers Creek."

Section 5. In the election, if a majority of the votes are cast "For the Incorporation of the Town of Millers Creek", Sections 1 and 2 of this act become effective on the date that the Wilkes County Board of Elections certifies the results of the election. Otherwise, Section 1 and 2 of this act have no force and effect.

Section 6. This act is effective when it becomes law.

PROPOSED BOUNDARY FOR THE TOWN OF MILLERS CREEK



**PROPOSED CITY OF MILLERS CREEK
REAL ESTATE TAX VALUES**

TOTAL VALUE	\$226,748,420.00
EXEMPT VALUE	\$18,917,310.00
<u>INACTIVES</u>	<u>\$20,410.00</u>

*-

TOTAL TAXABLE \$207,831,110.00

TOTAL PARCELS 3,487

TOTAL ACREAGE 8,125.77

WILKESBORO

TOTAL VALUE	\$407,710,930.00
EXEMPT VALUE	\$63,434,540.00
<u>INACTIVES</u>	<u>\$334,860.00</u>

TOTAL TAXABLE \$343,941,530.00

TOTAL PARCELS 1,729

TOTAL ACREAGE 3,062.9

NORTH WILKESBORO

TOTAL VALUE	\$315,042,840.00
EXEMPT VALUE	\$67,019,510.00
<u>INACTIVES</u>	<u>\$1,084,210.00</u>

TOTAL TAXABLE \$246,939,120.00

TOTAL PARCELS 2106

TOTAL ACREAGE 2857.41

INFORMATION FOR THE PROPOSED TOWN OF MILLERS CREEK

	Acres	Percentage
Total Residential--Industrial/Institutional/ Commercial/Governmental	3,672.15	
Total (5 acres or more)	1,559.57	32
Total developed (less than 5 acres)	3,358.08	41%
Total undeveloped, vacant	2,116.50	25%
Total Acreage	8,126.43	
Total square miles	12.696	
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Total number of Dwellings		2,500 0
Census (1990) average per household		2.1
Total estimated population		5, 250
Population per acre		.646
Population per square mile		413.51
Total real estate value (estimated)		227,013,600
Total personal property value (estimated)		20,000,000
Total value (estimated)		247,013,600

BUDGET FUNDS FISCAL YEAR JULY 1, 2001-2002

GENERAL FUND

Board	6,000
Clerk	30,000
Professional Fees	10,000
Supplies	5,000
Miscellaneous	25,000
Rent	12,000
Police Protection	30,000
Fire Protection Fund	50,000
Solid Waste Collection & Disposal Fund	125,000
Fringe Benefits	6,000
Insurance	3,000
Streets (DOT) or Contracted with Powell Bill Funds	
Water Sewer Fund	250,000
Water contracted—contractor gets user fees	-0-
Total	552,000

Revenues

.05 Tax Rate (land, etc.)	115,000
Personal Property	10,000
Utility	150,000
Beer & Wine	10,000
Inventory	50,000
Sales Tax	418,000
Miscellaneous	1,000
Total	754,000

Balance--Reserve Fund 202,000

BUDGET FUNDS FISCAL YEAR JULY 1, 2002-June 30, 2003

GENERAL FUND

Board (Expense account)	6,000
Clerk	30,000
Fringe Benefits	8,000
Professional Fees	10,000
Supplies	5,000
Miscellaneous	20,000
Rent	14,000
Police Protection	53,000
Fire Protection Fund	50,000
Solid Waste Collection & Disposal Fund	300,000
Insurance	4,000
Streets (DOT) or Contracted with Powell Bill Funds	
Water Sewer Fund	100,000
Water contracted--contractor gets user fees	-0-
Total	600,000

Revenues

.05 Tax Rate (land, etc.)	120,000
Personal Property	12,000
Utility	155,000
Beer & Wine	10,000
Inventory	50,000
Sales Tax	420,000
Miscellaneous	2,000
Total	769,000

Balance--Reserve Fund 169,000

IMPACT OF MILLERS CREEK INCORPORATION ON NORTH WILKESBORO

The Town of North Wilkesboro entered a contract with the Wilkes County board of education to provide sewage treatment for three existing schools and a new middle school. They also contracted with two major developers, one residential and the other a commercial retail/residential developer.

North Wilkesboro satellite annexed Canterbury Estates, a proposed development in Millers Creek. They put in a sewage line with a three million dollar grant. The proposed development will be finished by 2008. North Wilkesboro will get tax revenues off property tax and residuals off sewage contracts in Millers Creek from businesses and four schools. Their revenues off the aforementioned are expected to approach \$200,000 annually, thus any negative revenue impact due to incorporation of Millers Creek will be minor and will reverse itself in a few years.

IMPACT OF MILLERS CREEK INCORPORATION ON WILKESBORO

Wilkesboro officials have worked closely with the business leaders of Millers Creek throughout the planning and movement toward incorporation. Business leaders of Millers Creek requested annexation along US Highway 421 West in order to get much needed sewage services in the area for business growth. It has been pointed out to Wilkesboro officials and commissioner that Millers Creek community is interested in contracting sewage processing in the area north of this annexation along US Highway 421 West at some future date. Wilkesboro officials have made it clear that they have water and sewage capacity, sufficient to take care of needs of the proposed town of Millers Creek. (We already contract some water services with Wilkesboro). They expressed a reluctance to annex any residential areas. However, they were interested in the annexation along US Highway 421 West for business development. Business leaders and residents on the western side of Millers Creek view a good working relationship with Wilkesboro as essential for meeting the goals of the community and thus a win win situation for Wilkesboro and Millers Creek.

Wilkesboro annexed two miles of Millers Creek along US Highway 421 West with property value around 12 million dollars. Sewage and property tax revenues are projected to increase revenues for Wilkesboro. (They expect that they will more than offset any loss due to Millers Creek Incorporation in two to five years of development along US Highway 421 West. Four laning US Highway 421 West is taking place within two years. Sewage lines will be put in during or in conjunction with the new road construction.

Impact of Incorporation of Millers Creek on Wilkes County

There are over 1,000 housing units (houses, apartments, condos) proposed in the Millers Creek area over the next two to eight years. Numerous businesses are locating in the Millers Creek area, including a retail Mall. Some light industry will be attracted to the area to accommodate needs.

Many services are proposed to be contracted with Wilkes County Government. Proposed Law Enforcement Policing by Wilkes County, Inspections, permits, and such are to continue through Wilkes County with the county receiving all fees they customarily charge. With contracting taken into consideration, we anticipate the immediate impact on Wilkes County tax base to be effected around one cent the first year. We anticipate growth within the next two to eight years to more than off set any initial loss of Wilkes County Revenues. Finally, the investments in infrastructure in the proposed incorporation of Millers Creek will prove to bring revenue dividends to Wilkes County after as few as eight years.

Millers Creek Volunteer Fire Department, Inc.

P. O. Box 829
Millers Creek, NC 28651-0829
November 20, 2000

**William R Tolbert, President
Larry Eller, Vice President
Bruce H Hayes, Sec./Treas**

Board Members

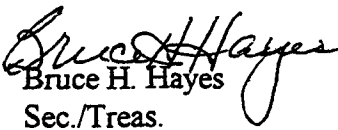
**Chuck Elledge
Claude Nichols
Mike Reeves
Bob Deal**

TO: The Proposed Town of Millers Creek

At the October 18th meeting of the Board of Directors of the Millers Creek Volunteer Fire Department all members present voted to send a letter to the Proposed Town of Millers Creek stating that we will furnish fire protection to the town that will be in our district at the same rate as the rest of our district.

At the present time our rate is \$.05 per \$100.00 dollar valuation of the property.

Sincerely,


Bruce H. Hayes
Sec./Treas.

Proposed Town Of Millers Creek

INTERIM BOARD

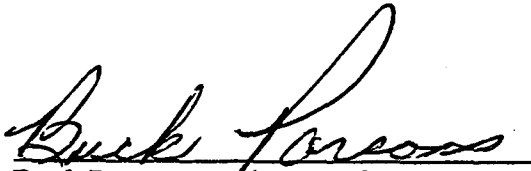
Buck Parsons Chairman


Ravaughn Ashley
Clyde Bungamer
Harold Bowlin

Joyce Dyer
John Higgins
Archie Nichols

Cricket Fire Department,

We are kindly requesting the continued service of your department, if we are successful in becoming an incorporated town.


Buck Parsons, Acting Interim Chairman
11-16-00


Randy Bell, Chief
11-16-00

November 6, 2000

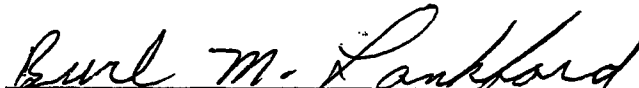
Committee to Incorporate
the Town of Millers Creek

Dear Sirs:

The Cricket-Millers Creek Water Association, Inc. has recently passed a resolution to continue to provide water to the members of the Association that are proposed to be incorporated into the Town of Millers Creek upon the same terms, conditions and costs as we provide water to our other members. This resolution was passed by a vote of 4 to 3, with abstentions. This decision by our Board of Directors will be reviewed each year.

If you have questions, please contact me.

sincerely yours,



PRESIDENT -CRICKET-MILLERS CREEK WATER
ASSOCIATION, INC.

Wilkes County Sheriff's Department



Dane Mastin, Sheriff
November 16, 2000



To Whom It May Concern:

The Wilkes County Sheriff's Office currently provides law enforcement services for the community of Millers Creek. Should Millers Creek become an incorporated township, it would be the intent of the Wilkes County Sheriff's Office to continue to provide law enforcement services under arrangements to be determined at a later date.

Sincerely,

A handwritten signature in cursive script that reads "Dane Mastin".

Dane Mastin

Sheriff of Wilkes County



WASTE MANAGEMENT

3303 N. Glenn Ave. (27105)
P.O. Box 16148
Winston-Salem, NC 27115
(336) 723-5744
(336) 725-3113 Fax

November 13, 2000

Mr. Buck Parsons
Chairman of the Interim Board
Proposed Town of Millers Creek
347 Oak Forest Circle
Millers Creek, NC 28651

Re: Solid Waste Collection

Dear Mr. Parsons:


Waste Management-Wilkesboro District Office is requesting the opportunity to provide solid waste collection service to the proposed Town of Millers Creek should they be successful in their incorporation efforts.

Waste Management-Wilkesboro is a part of Waste Management of Carolinas, Inc. which has been in business since April of 1961. We offer a wide range of services to municipalities, counties, commercial businesses, industries, and individual residents. Our services include owning and operating solid waste and recycling convenience centers, solid waste transfer stations and landfills, collection and disposal of residential, commercial and industrial solid waste, collection and disposal of construction debris, collection and preparation of recyclable materials and own and operate material recovery facilities. We currently provide residential solid waste collection service to over 8,000 resident's in our Wilkesboro District Office service area, which includes Millers Creek.

We will follow the progress on your incorporation efforts in anticipation of the possibility of negotiating an agreement to provide solid waste collection service to the Town of Millers Creek upon incorporation.

Should you have any questions about Waste Management or need any additional information please call me at 1-800-214-5762 extension 249 or Gordon Leonard at the Wilkesboro District at 973-4544.

Sincerely,
WASTE MANAGEMENT


Brenda L. Peterson
Governmental Business Development

PETITION FOR INCORPORATION OF MILLERS CREEK COMMITTEE
P.O. BOX 310
MILLERS CREEK, NC 28651

November 2, 2000

Ronda Town Manager
Ronda, NC 28670

This letter is to inform the Town of Ronda that a petition will be presented to the Joint
Legislative Commission on Municipal Incorporation for the proposed incorporation of the
Town of Millers Creek by the North Carolina General Assembly.

Sincerely,

A handwritten signature in cursive script that reads "Buck Parsons". The signature is written in black ink and is positioned below the word "Sincerely,".

Buck Parsons
Petition for Incorporation of
Millers Creek Committee Chairman

hb

PETITION FOR INCORPORATION OF MILLERS CREEK COMMITTEE
P.O. BOX 310
MILLERS CREEK, NC 28651

November 2, 2000

Gail Harris, Town Manager
P.O. Box 218
North Wilkesboro, NC 28659

This letter is to inform the Town of North Wilkesboro that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the proposed incorporation of the Town of Millers Creek by the North Carolina General Assembly.

Sincerely,

A handwritten signature in cursive script that reads "Buck Parsons". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Buck Parsons
Petition for Incorporation of
Millers Creek Committee Chairman

hb

PETITION FOR INCORPORATION OF MILLERS CREEK COMMITTEE
P.O. BOX 310
MILLERS CREEK, NC 28651

November 2, 2000

Elkin Town Manager
Elkin, NC 28621

This letter is to inform the Town of Elkin that a petition will be presented to the Joint
Legislative Commission on Municipal Incorporation for the proposed incorporation of the
Town of Millers Creek by the North Carolina General Assembly.

Sincerely,

A handwritten signature in cursive script that reads "Buck Parsons". The signature is written in black ink and is positioned above the typed name and title.

Buck Parsons
Petition for Incorporation of
Millers Creek Committee Chairman

hb

PETITION FOR INCORPORATION OF MILLERS CREEK COMMITTEE
P.O. BOX 310
MILLERS CREEK, NC 28651

October 2, 2000

Mr. Ken Noland, Town Manager
Mr. Norman Call, Mayor


Dear Mr. Noland:
Mr. Call:

This letter is to inform the Town of Wilkesboro that a petition will be presented to the Joint
Legislative Commission on Municipal Incorporation for the proposed incorporation of the
Town of Millers Creek by the North Carolina General Assembly.

Sincerely,

Buck Parsons
Petition for Incorporation of
Millers Creek Committee Chairman

hb



PETITION FOR INCORPORATION OF MILLERS CREEK COMMITTEE
P.O. BOX 310
MILLERS CREEK, NC 28651

October 2, 2000

Mr. Robert Handy, Chairman
Mr. Roy Absher, Vice Chairman

Wilkes County Board of Commissioners
Wilkes County Office Building
110 North Street, 1st Floor
Wilkesboro, NC 28697

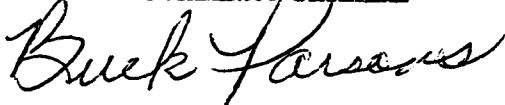
Dear Mr. Handy:
Mr. Absher:

This letter is to inform the Wilkes County Board of Commissioners that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the proposed incorporation of the Town of Millers Creek by the North Carolina General Assembly.

Sincerely,

Buck Parsons
Petition for Incorporation of
Millers Creek Committee Chairman

hb



10-24-00

Proposed Town Of Millers Creek

INTERIM BOARD

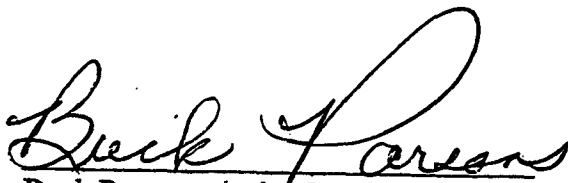
Buck Parsons Chairman


Evangha Ashley
Clyde Bumgarner
Harold Bowlin

Joyce Dyer
John Higgins
Archie Nichols

The Honorable George Holmes.

We request your support for the incorporation of the Town Of Millers Creek.


Buck Parsons, Acting Interim Chairman
11-16-00


11-17-00

Proposed Town Of Millers Creek

INTERIM BOARD


Buck Parsons Chairman

Ravaghn Ashley
Clyde Rungamer
Harold Bowlin


Joyce Dyer
John Higgins
Archie Nichols

Mr. Roy Absher, Wilkes County Commissioner,

We request your support for the incorporation of the Town Of Millers Creek.


Buck Parsons, Acting Interim Chairman

11-16-00


11-17-2000

Proposed Town Of Millers Creek

INTERIM BOARD

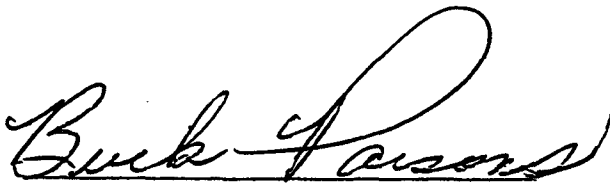
Buck Parsons Chairman

Ravaughn Ashley
Clyde Bungamer
Harold Bowlin

Joyce Dyer
John Higgins
Archie Nichols

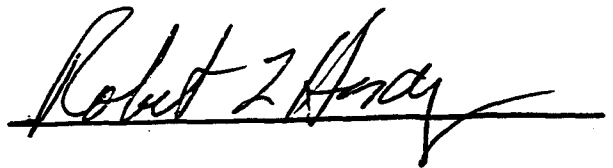
Mr. Robert Handy, Wilkes County Commissioner,

We request your support for the incorporation of the Town Of Millers Creek.



Buck Parsons, Acting Interim Chairman

11-16-00



Proposed Town Of Millers Creek

INTERIM BOARD

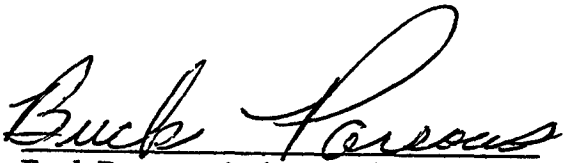
Buck Parsons Chairman

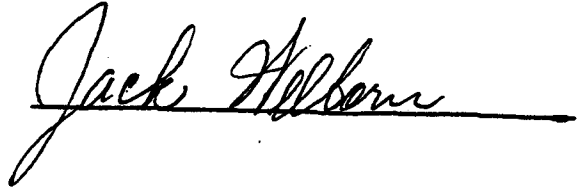
Ravvaughn Ashley
Clyde Bumgarner
Harold Bowlin

Loyce Dyer
John Higgins
Archie Nichols

Mr. Jack Welborn, Wilkes County Commissioner,

We request your support for the incorporation of the Town Of Millers Creek.


Buck Parsons, Acting Interim Chairman
11-16-00



274-233

Proposed Town Of Millers Creek

INTERIM BOARD

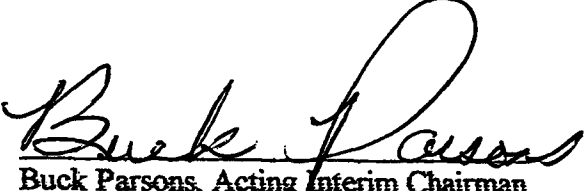
Buck Parsons Chairman


Ravangin Ashley
Clyde Fungamer
Harold Bowlin

Loyce Dyer
John Higgins
Archie Nichols

The Honorable John Brown,

We request your support for the incorporation of the Town Of Millers Creek.


Buck Parsons, Acting Interim Chairman
11-16-00


11-17-00



North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808

SENATOR KENNETH R. MOORE
27TH DISTRICT

RALEIGH: 1419 LEGISLATIVE BUILDING
RALEIGH, NC 27601-2608
TELEPHONE: (919) 715-0706
(919) 715-7586 FAX

LENOIR: PO BOX 810
LENOIR, NC 28545
TELEPHONE: (828) 788-2005
(828) 754-9376 FAX

November 17, 2000

Mr. Buck Parsons
Acting Interim Chairman
Proposed Town of Millers Creek
174 Parsons Drive
Wilkesboro, NC 28697

Dear Mr. Parsons:

This letter is to advise your interim board that I will be supportive of the proposed incorporation of the Town of Millers Creek as long as the final legislation introduced in the North Carolina General Assembly calls for a referendum of the people of Millers Creek proposed boundaries.

Please let me know if I can assist you in any way.

My best personal regards.

Sincerely,

Ken Moore
North Carolina Senate

KM/sk

NOTICE

The Interim Board of the proposed Town of Millers Creek, N.C., County of Wilkes, is giving notice of intent to submit petitions of the proposed town to the joint legislative commission on municipal incorporations.

Buck D. Parsons
Chairman
336-667-1342
11-8-2t(W)

Publisher's Affidavit

State of North Carolina, Wilkes County.

NOTICE

The Interim Board of the proposed Town of Millers Creek, N.C., County of Wilkes, is giving notice of intent to submit petitions of the proposed town to the joint legislative commission on municipal incorporations.

Buck D. Parsons
Chairman
336-667-1342
11-8-2t(W)

Personally appeared before me the Undersigned JULIUS C. HUBBARD, JR. and/or JOHN W. HUBBARD Co-Publishers of WILKES JOURNAL-PATRIOT, a public newspaper of general circulation, printed and published in North Wilkesboro, in the county aforesaid who, being duly sworn, upon his oath, sayeth that the notice of which the attached is a true copy, was duly published in said paper for 2 insertions successively, the first of which publication was on the 1st day of Apr. 2000 and the last on the 8th day of Nov. 2000.

Publication Fee \$ 13.00

John W. Hubbard

Co-Publisher of Wilkes Journal-Patriot

Subscribed and sworn to before me

November 14, 2000
Fancy Higgins Foster
Notary Public

My Commission expires _____ My Commission Expires 7-21-2002.

MILLERS CREEK INCORPORATION

NAMES AND PHONE NUMBERS

Buck Parsons 347 Oak Forest Circle Wilkesboro, NC 28697	Home:	336-667-1342
Ravaughn Ashley 517 Welcome Home Church Rd North Wilkesboro, NC 28651	Home: Business:	336-838-3737 336-973-2311
Harold E. Bowlin P.O. Box 771 Millers Creek, NC 28651	Home: Work: Fax/Work:	336-667-7093 336-670-2828 336-670-9783
Clyde C. Bumgarner 494 Bumgarner Ln Millers Creek, NC 28651	Home:	336-838-5723
Ronald H. Carpenter 448 Welcome Home Church Rd North Wilkesboro, NC 29659	Business:	336-838-3400
John D. Higgins 3090 Hwy 16 N Millers Creek, NC 28651	Home:	336-838-8986
Archie T. Nichols 180 Kilby Dr Millers Creek, NC 28651	Home: Business: Fax:	336-838-5801 336-838-4942 336-838-9092
Grady A. Greer P.O. Box 752 Millers Creek, NC 28651	Home: Business: Business:	336-667-7025 336-838-9921 1-800-829-9921
Roger Smithey 356 Smitheys Country Ln Millers Creek, NC 28651	Home/Fax: Cell:	336-667-3054 336-957-0045
John Brown 2297 Austin Traphill Rd Elkin, NC 28622	Home:	336-835-2373
Rick Alexander P.O. Box 367 Millers Creek, NC 28651	Home:	336-973-8862

Wilkes County Board of Elections
110 North Street, Room 315
Wilkesboro, NC 28697

October 24, 2000 — 11-16-00

Keith Erwin, Director

Whereas, the citizens of Cricket and Millers Creek have duly signed petitions to incorporate a designated area into a town to be called Town of Millers Creek. We are submitting said petitions to the Wilkes County Board of Elections for certification. We ask the Wilkes County Board of Elections to verify that each petitioner is located in the area of incorporation and that they are a registered voter as of this date, October 24, 2000. We further request that "liberal intent" apply to their registration as a voter in Wilkes County instead of requiring registration in the specific precinct of residence.

The group working to incorporate Millers Creek accepts full accountability to any petition wishing to remove his or her name from said petition. In the event that any requests are made to the Board of Elections to remove names, they should be referred to the elected acting board of commissioners for the incorporation of the Town of Millers Creek as shown in petition.

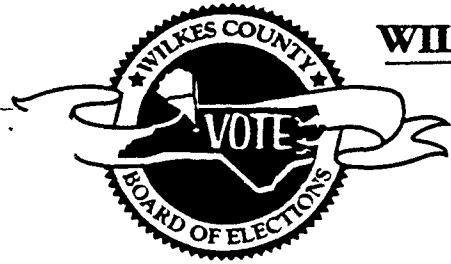
Finally, representatives for the incorporation of the Town of Millers Creek will present the Wilkes County Board of Elections director, members, or their designee(s) a map of said area of proposed incorporation. Detailed clarification of map will be made to Wilkes County Board of Elections director, members or their designee(s) by acting elected commissioners for the incorporation of the Town of Millers Creek.

Sincerely,

Buck D. Parsons
10-24-00

Buck Parsons
Acting Board Chairman

hb



WILKES COUNTY BOARD OF ELECTIONS

Wilkes County Office Building, Room 315
110 North Street
Wilkesboro, North Carolina 28697
Phone 336-651-7339 Fax 336-651-7560



November 17, 2000

To The General Assembly of North Carolina,

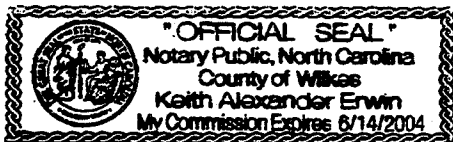
This is to state that the Wilkes County Board of Elections has caused to be examined the attached petition as to those purported signatures that appear on the same. This action was performed by the Director of the Wilkes County Board of Elections, Mr. Keith Erwin and staff of the Wilkes County Board of Elections.


There appeared a total of 2,716 signatures. There were 1,840 cursive signatures and 876 printed signatures. We have been able to verify 1,363 signatures by comparison with either cursive or printed signatures contained on voter registration cards housed in our office. We have rejected 1353 signatures on the attached petitions. There are 3,822 registered voters in the proposed area for incorporation.

This the 17th day of November, 2000

(Seal)

Wilkes County Board of Elections





Douglas L. Winslow, Chairman



Keith A. Erwin, Director

6000

1 1

*

PETITION FOR INCORPORATION

The undersigned registered voters who are also residents of the Millers Creek community, and its environs, of Wilkes County, State of North Carolina, hereby petition for incorporation of said community and its environs pursuant to N.C.G.S. & 120-163 et seq., according to and within the parameters of the map, Charter and other Exhibits attached hereto.

The proposed name of the municipality is: Millers Creek

An accurate map of the proposed municipality is attached hereto and incorporated herein by reference as Exhibit #1. A Charter of the proposed town is attached hereto and incorporated herein by reference as Exhibit #2.

A proposed list of four initial services which the municipality shall provide to its residents no later than the first day of the third fiscal year following the effective date of the incorporation is as follows:

Fire Protection

Water

Solid Waste Disposal

Law Enforcement

A proposed plan for provision of a reasonable level of the aforesaid municipal services at a reasonable tax rate within the stated period is attached hereto and incorporated by reference as Exhibit #3.

The following seven persons shall serve as the interim governing board of the town:

1. Buck Parsons
2. Ravaughn Ashley
3. Harold Bowlin
4. Clyde Bumgarner
5. Joyce Dyer
6. John Higgins
7. Archie Nichols

The estimated population of the new municipality is: 4,000

Figures regarding the assessed valuation, degree of development and population density of the new municipality are attached hereto and incorporated herein by reference as Exhibit #4.

Recommendations concerning the form of government and manner of election of town officials of the new municipality are contained in the Charter which is attached hereto.

* This is a small portion of the signatures supporting the incorporation of Millers Creek. The remaining signatures may be found in the BIA drafting

1

The proposed municipality shall have a budget ordinance with an add valorem tax levy of at least five cents (\$.05) on the one hundred dollar (\$100.00) valuation upon all taxable property within its corporate limits.

This proposed municipality does not contain any noncontiguous areas.

The proposed municipality has a permanent population of at least 100 persons, and has a population density of at least 250 persons per square mile.

At least 40% of the proposed area of the new municipality is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.

No portion of the proposed area for incorporation is included within the boundary of another incorporated municipality.

The signatures on this petition shall be verified by the County Board of Elections.

1 NAME Sandra Arch ① 911 ADDRESS same
① ADDRESS N 3rd St
Millers Creek, NC

2 MCNAME A. Mary Parsons ← Removed signed statement
① ADDRESS PO Box 44 - 170 Green Acres 911 ADDRESS 170 Green Acres
Millers Creek, NC 28651 unoffice

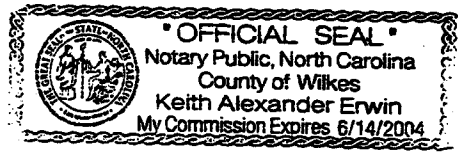
yes ✓ 3 MCNAME Dale Parson 911 ADDRESS 170 Green Acres
② ADDRESS PO 44 MC
28651

4 ③ NAME Dan O M J 911 ADDRESS 155 LOUETTE
ADDRESS Box 1305 HOME ROAD
Millers Creek, NC 28651

yes ✓ 5 MCNAME Bevil C. Greene 911 ADDRESS _____
④ ADDRESS 225 Shearman Rd
Millers Creek, N.C. 28651

yes ✓ 6 MCNAME Bevil C. Greene 911 ADDRESS _____
⑤ ADDRESS 225 Shearman Rd
Millers Creek, NC 28651

17 RR NAME Janet Greene 911 ADDRESS _____
⑥ ADDRESS 171 Brookside Ln
Millers Creek, N.C. 28651



10 ✓ NAME Gayle Benton
8 ADDRESS 1754 Graham Ave

911 ADDRESS SAME

⑦ Myers Millers Creek
N.C.
NAME J. Crow

911 ADDRESS SAME

9 ADDRESS 1310 Kirby Ave.
⑧ MILLERS CREEK NC

10 NAME Christi Crow
⑨ ADDRESS 136 Kirby Ave.
Millers Creek NC.

911 ADDRESS _____

yes ✓ NAME John E Overby
11 ADDRESS 182 Kirby Ave
Millers Creek NC.

911 ADDRESS SAME

yes ✓ NAME Barbara Overby
12 ADDRESS 172 Kirby Ave
Millers Creek, NC 28651

911 ADDRESS Same

yes ✓ NAME Chp Dore
mc ADDRESS 175 Adams Ln
10 Millers Creek N.C. 28651

911 ADDRESS Same
Green Acres Adams Ln.

yes ✓ NAME Anull B. Bare
mc ADDRESS 175 Adams Ln.
Millers Creek, N.C. 28651

911 ADDRESS Same
Green Acres Adams Ln

yes ✓ NAME Mark Cantor
11 mc ADDRESS 150 Adams Lane
Millers Creek, N.C. 28651

911 ADDRESS Same
Green Acres Adams Ln

yes ✓ NAME Boris Cantor
12 mc ADDRESS 150 Adams Lane
Millers Creek, N.C. 28651

911 ADDRESS Same
" "

yes ✓ NAME George R. McNeil
13 17 ADDRESS P.O. Box 742
Millers Creek N.C. 28651
151 Adams Lane

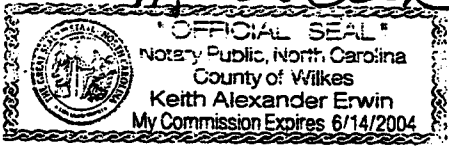
911 ADDRESS 151 Adams Lane

yes ✓ NAME Dorothy Harris McNeil
14 18 ADDRESS P.O. Box 742
Millers Creek N.C. 28651
151 Adams Lane

911 ADDRESS 151 Adams Lane

15 19 NAME Alamy Rankin
ADDRESS 371 Greensboro Rd
Millers Creek N.C. 28651

911 ADDRESS Same



1 m.c. NAME Ruth Carter
 ADDRESS 370 Green Acres Rd
Millers Creek, Va.
 William Thomas

911 ADDRESS Same

17 m.c. NAME Tom Kilby
 ADDRESS 399 Green Acres Rd.
Millers Creek N.C. 28651

911 ADDRESS Same

22 m.c. NAME Deborah Paul Kilby
 ADDRESS 399 Green Acres Rd.
Millers Creek N.C. 28651

911 ADDRESS Same

23 m.c. NAME Robin Rhodes
 ADDRESS 421 Green Acres Rd.
Millers Creek, NC 28651

911 ADDRESS same

24 m.c. NAME David Rhodes
 ADDRESS 421 Green Acres Rd.
Millers Creek, NC 28651

911 ADDRESS same

19 26 25 NAME James Lee Poff
 ADDRESS 121 Morrisfield Ln. #7
Worrel, Hillsboro NC 28697

911 ADDRESS same

26 NAME Deluel Mout
 ADDRESS P.O. Box 523
Miller Creek NC 28651

911 ADDRESS 438 Green Acres Rd.

27 m.c. NAME Frances Mout
 ADDRESS P.O. Box 523
Miller Creek NC 28651

911 ADDRESS 438 Green Acres Rd.

28 NAME Virginia Pauline Poff
 ADDRESS 398 Miller Creek Rd
Miller Creek, NC 28651

911 ADDRESS _____

29 m.c. NAME Pauline Poff
 ADDRESS 348 Miller Creek Rd.
Miller Creek, N.C. 28651

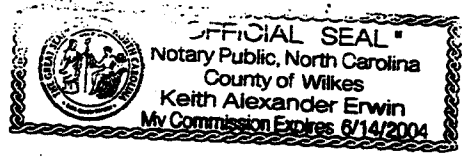
911 ADDRESS _____

30 NAME Daniel Mout
 ADDRESS 476 Green Acres Rd.
Millers Creek N.C. 28651

911 ADDRESS Same

31 NAME China Faw
 ADDRESS 476 Green Acres Rd.
Miller Creek N.C. 28651

911 ADDRESS _____



26) 32 NAME Allen T. W 911 ADDRESS SAME
ADDRESS 476 Green Acres
Millers Creek NC 28651

33 NAME Eric Bungerner 911 ADDRESS _____
ADDRESS 500 Green Acres
Millers Creek NC 28651

34 NAME Sherry Bungerner 911 ADDRESS _____
ADDRESS 506 Green Acres
Millers Creek NC 28651

35 NAME Paul K. Holland 911 ADDRESS _____
ADDRESS 146 Green Acres
Millers Creek NC 28651

36 NAME Pat Holbrook 911 ADDRESS _____
ADDRESS 146 Green Acres
Millers Creek NC 28651

37 NAME Linda Love 911 ADDRESS 228 Hill St.
ADDRESS 228 Hill St. Green Acres
Millers Creek, N.C. 28651 Millers Creek, NC 28651

38 NAME Dore Love 911 ADDRESS 228 Hill St
ADDRESS P.O. Box 931 Green Acres
North Wilkesboro, NC 28659 Millers Creek, NC 28651

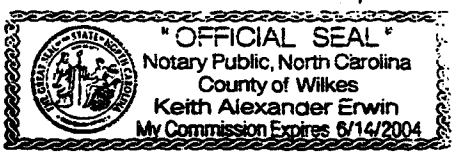
39 NAME Carl Osborne 911 ADDRESS same
ADDRESS 176 W. Greencrest Dr.
Millers Creek, NC 28651

40 NAME Marion Osborne 911 ADDRESS same
ADDRESS 176 W. Greencrest Dr.
Millers Creek, N.C. 28651

41 NAME Tony Tulbert 911 ADDRESS _____
ADDRESS 128 W. Greencrest Dr
Millers Creek, N.C. 28651
P.O. Box 684

42 NAME La Donna Donna Tulbert 911 ADDRESS _____
ADDRESS 128 W. Greencrest Dr.
Millers Creek, NC 28651

43 NAME Edna Yates 911 ADDRESS same
ADDRESS 245 Lbms St.
N. Wilkesboro, N.C.



(5)

(6)

6

NO 44
NAME Robert B Beaman
ADDRESS 242 Long St.
N. Wilkesboro, N.C. 28659

911 ADDRESS 242 Long Street
North Wilkesboro, N.C. 28659

32 45
NAME Mistad Wilcox
ADDRESS P.O. Box 2251
N. Wilkesboro, N.C. 28659

911 ADDRESS 242 Long Street
N. Wilkesboro N.C. 28659

46
NAME L. C. HAYNES
ADDRESS Box 203
N. Wilkesboro NC 28659

911 ADDRESS 203 Long St

47 c
NAME Tanice Y. Dale
ADDRESS 223 Long St
N. Wilkesboro, NC 28659

911 ADDRESS SAME

48 c
NAME Kim M. Dale
ADDRESS 223 Long St.
N. Wilkesboro, N.C. 28659

911 ADDRESS SAME

49
NAME Junior Haynes
ADDRESS 186 Long St.
North Wilkesboro NC 28659

911 ADDRESS _____

50
NAME Jeanette M. Haynes
ADDRESS 186 Long St.
North Wilkesboro NC 28659

911 ADDRESS _____

51
NAME Pearl Haynes
ADDRESS 179 Long St.
North Wilkesboro NC 28659

911 ADDRESS _____

52
NAME Clyde Michael
ADDRESS 3679 Boone Trail
North Wilkesboro, NC 28659

911 ADDRESS Same

53
NAME Mary B Michael
ADDRESS 3679 Boone Trail
North Wilkesboro, NC 28659

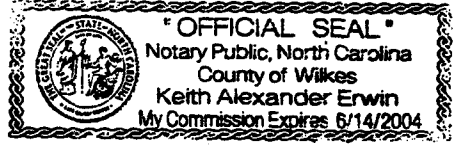
911 ADDRESS Same

33 54 c
NAME Wade McHugh
ADDRESS 2709
John King McHugh 28659

911 ADDRESS same

55
NAME Payl M. Kilby
ADDRESS 2719 Boone Trail
N. Wilkesboro N.C.
28691

911 ADDRESS Same



NAME TROY METZ
ADDRESS 2737 BOONE TRAIL
NO. WILKESBORO, NC 28659

911 ADDRESS SAME AS

NAME Robin Metz
ADDRESS 2737 Boone Trl.
N. WILKESBORO, NC 28659

911 ADDRESS SAME

NAME Kirchie Church
ADDRESS 2501
Boone Trail
N. Wilkesboro, N.C. 28659

911 ADDRESS SAME

NAME Doris Church
ADDRESS 2501 Boone Trail
N. Wilkesboro, N.C. 28659

911 ADDRESS SAME

NAME Meledy Ellen
ADDRESS 147 N. Rhyme Rd.
N. Wilkesboro, NC 28659

911 ADDRESS _____

NAME Jessie Rhyme
ADDRESS 123 N Rhyme
North Wilkesboro NC 28659

911 ADDRESS North Wilkesboro NC 28659

NAME Bivie Norton
ADDRESS 105 N. Rhyme Rd.
North Wilkesboro

911 ADDRESS Same

NAME Rita ^{Donald} Spear
ADDRESS 364 S Rhyme Rd
N. Wilkesboro

911 ADDRESS N. Wilkesboro, 28659

NAME David Parker
ADDRESS 312 S. Rhyme Rd.
North Wilkesboro, N.C. 28659

911 ADDRESS Same

NAME Lina Parker
ADDRESS 312 S Rhyme Rd
N. Wilkesboro NC 28659

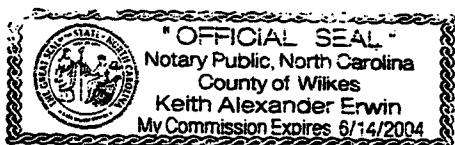
911 ADDRESS Same

NAME JONATHAN C EDSEL
ADDRESS 129 S. RHYME RD.
N. WILKESBORO, NC 28659

911 ADDRESS Same

NAME Amanda M Farmer
ADDRESS 129 S. Rhyme Rd.
N. Wilkesboro, NC 28659

911 ADDRESS Same



68 NAME Jackie Spicer
ADDRESS 132 Reeves Lane
N.W. N.C. 28659

911 ADDRESS
SAME

69 NAME Johnny Spicer
ADDRESS 132 Reeves Lane
N.W. N.C. 28659

911 ADDRESS
SAME

70 NAME Linda Rash
ADDRESS 153 Reeves Lane
N.W. N.C. 28659

911 ADDRESS
SAME

71 NAME Candice Foster
ADDRESS P.O. Box 249
Millers Creek NC 28657

911 ADDRESS
SAME

72 NAME Kimberly Crites
ADDRESS 1501 REEVES Lane
N. Wilkesboro, NC 28659

911 ADDRESS
SAME

73 NAME Harnie Miller
ADDRESS 2423 Boone Trail
N. Wilkesboro N.C. 28659

911 ADDRESS
Same

74 NAME Kaye Miller
ADDRESS 2423 Boone Trail
N. Wilkesboro N.C. 28659

911 ADDRESS
Same

75 NAME Hazel Dancy
ADDRESS 137 Gate St
N. Wilkesboro N.C.

911 ADDRESS
Same

76 NAME Richard Sprinkle
ADDRESS 205 Gate St
N. Wilkesboro N.C. 28659

911 ADDRESS
Same

77 NAME Frances Patak
ADDRESS 235 Gates Street
North Wilkesboro N.C.

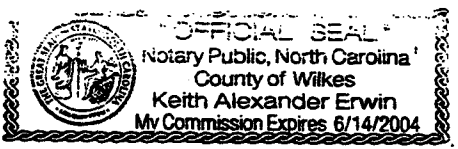
911 ADDRESS
Same

78 NAME Ted Patak
ADDRESS 235 Gates Patak
North Wilkesboro N.C.

911 ADDRESS
Same

79 NAME Jimmy Elliott
ADDRESS 215 Gate St.
North Wilkesboro, N.C.

911 ADDRESS



8

9

50 SC NAME Wendy Elliott 911 ADDRESS same
51 ADDRESS 265 Gate St
N.W. NC 28659

52 NAME Nora Parsons 911 ADDRESS same
51 ADDRESS 136 Gate St,
North Wilkesboro, NC.

52 NAME Jacky Severt 911 ADDRESS same
ADDRESS 4910 Boone Trail
Millers Creek NC.

53 NAME Skylene Severt 911 ADDRESS same
53 ADDRESS 4910 Boone Trail
Millers Creek NC.

54 NAME Paul H. Sker 911 ADDRESS _____
54 ADDRESS 563 Green Acres
Millers Creek N.C. same

55 NAME Patricia Sker 911 ADDRESS _____
55 ADDRESS 563 Green Acres mill rd same
millers Creek, NC

56 NAME Iron Foster 911 ADDRESS _____
56 ADDRESS 4760 N/6
Millers Creek, N.C.

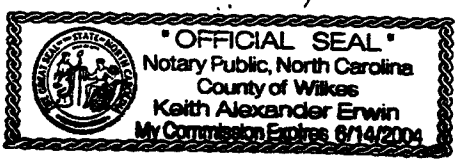
57 NAME Dwight Church 911 ADDRESS _____
ADDRESS 16091H Boone Trail
Millers Creek N.C. 28651 same

58 NAME Kimberly 911 ADDRESS _____
58 NAME Hum Daco same
ADDRESS 145 meadow
Dr Millers Creek NC 28651

59 MCNAME Michael Rust 911 ADDRESS _____
59 NAME MIKE RUST
ADDRESS 379 GREEN ACRES MYERS
M.C.

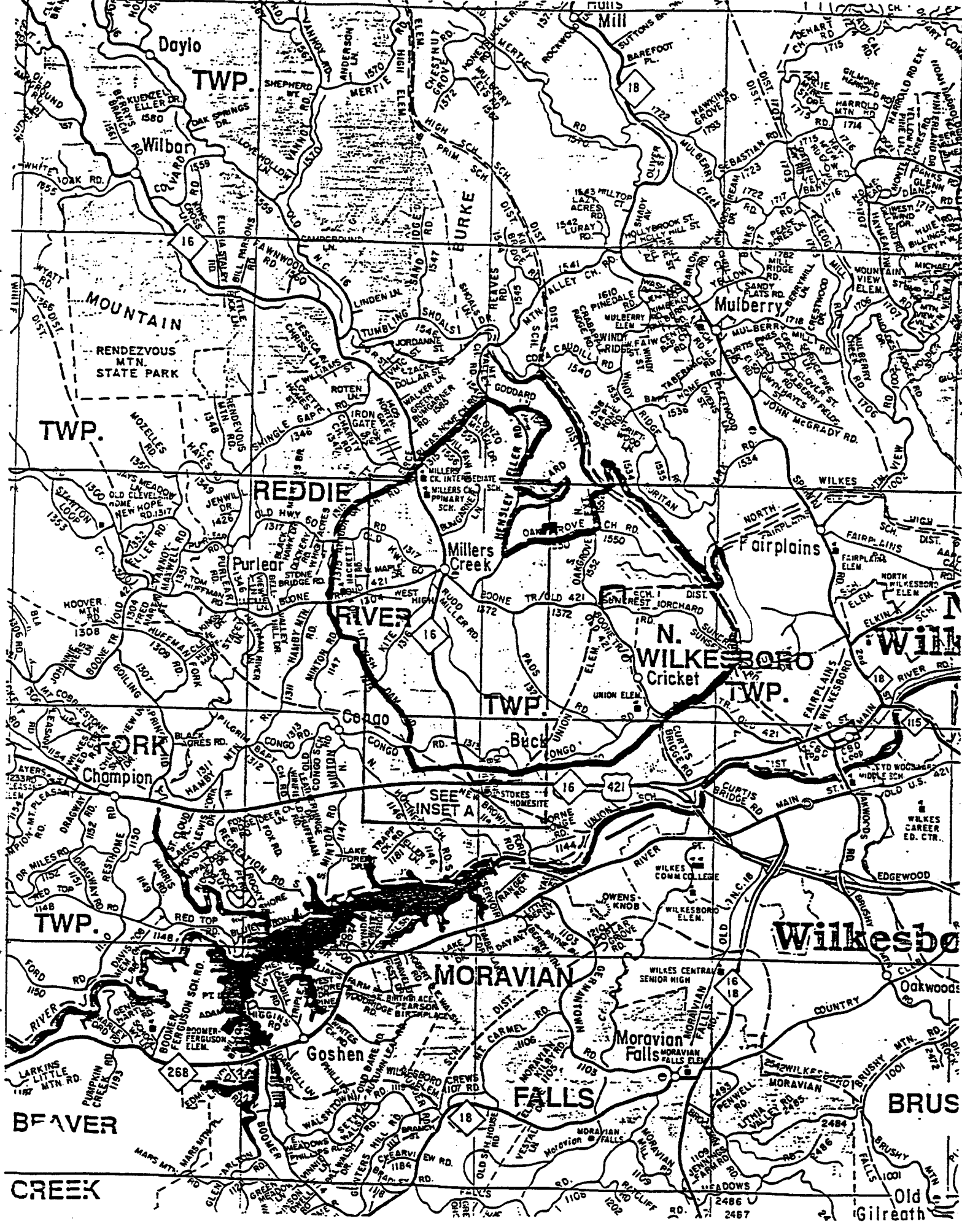
60 MCNAME REBANK RUST 911 ADDRESS _____
60 ADDRESS 379 GREEN ACRES MYERS
M.C.

91 NAME WAYNE Johnson 911 ADDRESS _____
ADDRESS 150 Bobwhite Rd
Millers Creek, NC 28651



91 (KAP)

91



Daylo
TWP.

Wilbur

MOUNTAIN
RENDEZVOUS MTN.
STATE PARK

TWP.

REDDIE

Millers Creek

Mulberry

Fairplains

N. WILKESBORO
Cricket

WILKESBORO

CHAMPION

SEEVENS
INSET A

Wilkesboro

MORAVIAN

Moravian Falls

FALLS

BRUS

BEAVER

CREEK

Old
Gilreath



TOWN OF WILKESBORO

"Where the Mountains Begin"

P.O. Box 1056 • 203 West Main Street
Wilkesboro, North Carolina 28697

Phone (336) 838-3951 • Fax (336) 838-7616

March 12, 2001

To Whom It May Concern:

The Town of Wilkesboro owns and operates a water treatment plant and wastewater treatment plant. We currently supply water to the Cricket and Millers Creek area through contracts with water associations. We would not anticipate any changes if the Millers Creek area incorporates.

We currently do not have any plans to provide sewer service to the area in question. However, if this area wishes to tie into our sewer system in the future we would gladly consider a proposal. In anticipation of this request we have designed into an existing project an encasement pipe to be placed at Millers Creek where it crosses U.S. 421.

We cannot anticipate the future in Millers Creek, but we are willing to discuss utility needs for the community when the time is appropriate.

If you have any questions please feel free to call.

Sincerely,

Kenneth D. Noland
Town Manager

NORMAN CALL
Mayor

KENNETH D. NOLAND
Town Manager
E-mail: wilkesboro@wilkes.net

JOSEPHINE CASS
Town Clerk/Finance Officer

COMMISSIONERS
JAMES S. HARTLEY
MIKE INSCORE
GLENN JOHNSON

Mayor Pro Tem
TOMMY BUMGARNER

APPENDIX D

**Assessment of Petition
by
Town of Millers Creek
for
Incorporation**

Relative to NC G.S. 120-163 and NC G.S. 120-164

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance staff has reviewed the petition for incorporation from the Town of Millers Creek as it relates to NC G.S. 120-163 and NC G.S. 120-164. These sections of the General Statutes refer to the petition and notification requirements.

G.S. 120-163 (a) requires that a petition be signed by 15% of the registered voters (but by not less than 25 voters) of the area asking for incorporation. The proposed Town of Millers Creek has submitted a petition with signatures.

G.S. 120-163 (b) requires that "[t]he petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt." G.S. 120-163 (d) requires that the petitioners must present to the Commission the verified petition from the county board of elections. The petition submitted by the proposed Town of Millers Creek has been verified by the county board of elections.

G.S. 120-163 (c) requires that the petition must include a number of items. These are:

- A proposed name for the city. The petition of the Town of Millers Creek does include a proposed name.
- A map of the city. The petition of the Town of Millers Creek does include a map.
- A list of proposed services to be provided by the proposed municipality. The petition of the Town of Millers Creek does include a list of proposed services.
- The names of three persons to serve as interim governing board. The petition of the Town of Millers Creek includes the names of three persons to serve as an interim council.
- A proposed charter. The petition of the Town of Millers Creek does include a proposed charter.
- A statement of the estimated population. The petition of the Town of Millers Creek does include a statement of the estimated population.
- Assessed valuation. The petition of the Town of Millers Creek does include an estimate of assessed valuation.
- Degree of development. The petition of the Town of Millers Creek does include degree of development.
- Population density. The petition of the Town of Millers Creek does include population density.
- Recommendations as to form of government and manner of election. The petition of the Town of Millers Creek does include recommendations as to form of government and manner of election.

According to G.S. 120-163, the proposed municipality may not contain any non-contiguous areas. According to an examination of the map presented with the petition, the proposed Town of Millers Creek does not contain any non-contiguous areas.

According to G.S. 120-164, not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located.
- (2) All cities within that county or counties.
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

The petition included copies of the notification letters for Ronda, North Wilkesboro, Wilkesboro, and Elkin. Therefore, all required notifications letters have been sent.

According to G.S. 120-164, "[t]he petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission."

Copies of notice published in the Wilkes Journal-Patriot for Wednesday, November 01, 2000 and Wednesday, November 08, 2000 were included.

APPENDIX E

**Assessment of Petition
by
Town of Millers Creek
for
Incorporation**

Relative to NC G.S. 120-166.

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance staff has reviewed the petition for incorporation from Millers Creek as it relates to NC G.S. 120-166. That section of the General Statute refers to the nearness of the proposed new 'Town of Millers Creek' to other municipalities. Part (a) of that section sets criteria based on the nearness of the proposed new town to existing municipalities and their respective populations. Note that the General Statute requires that the population values be in accordance with the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. These relationships are presented in the following table.

Critical Distance	Population of Neighboring Municipality
1 mile	5,000 to 9,999
3 miles	10,000 to 24,999
4 miles	25,000 to 49,999
5 miles	50,000 and over

The Town of North Wilkesboro (population 3,384) and the Town of Wilkesboro (population 2,964) are both within one (1) mile of the proposed boundaries for Millers Creek, but neither exceeds the neighboring municipal population threshold. There are no additional towns within three (3), four (4), or five (5) miles of the proposed boundaries of Millers Creek.

The proposed new Town of Millers Creek is not entirely on an island so Subsection (b)(1) does not apply. Millers Creek is not separated by a major river or natural feature from surrounding municipalities so Subsection (b)(2) does not need to be applied. Finally, the petition indicated no evidence that Subsection (b)(4) applies (a petition for annexation to nearby city that was not approved).

Please note that a boundary description was not included in the petition, however a clearly defined and detailed map was presented as part of the petition.

The Commission is not precluded from making a positive recommendation on the petition for incorporation relative to the proposed Town of Millers Creek, in accordance with NC G.S. 120-166.(a).

Information sources: The foregoing assessment was based on information contained in the petition, GIS data provided by Understanding Systems Incorporated for Wilkes County GIS Department, and the most recently updated DOT GIS data that was provided by NC CGIA. A buffer analysis (an ArcView GIS utility) was performed on the proposed boundary that was presented on the map attached to the petition. The 1990 Census population values were retrieved from the NC Office of State Planning web site (www.ospl.state.nc.us/demog/muntot99.html).

Note: 1

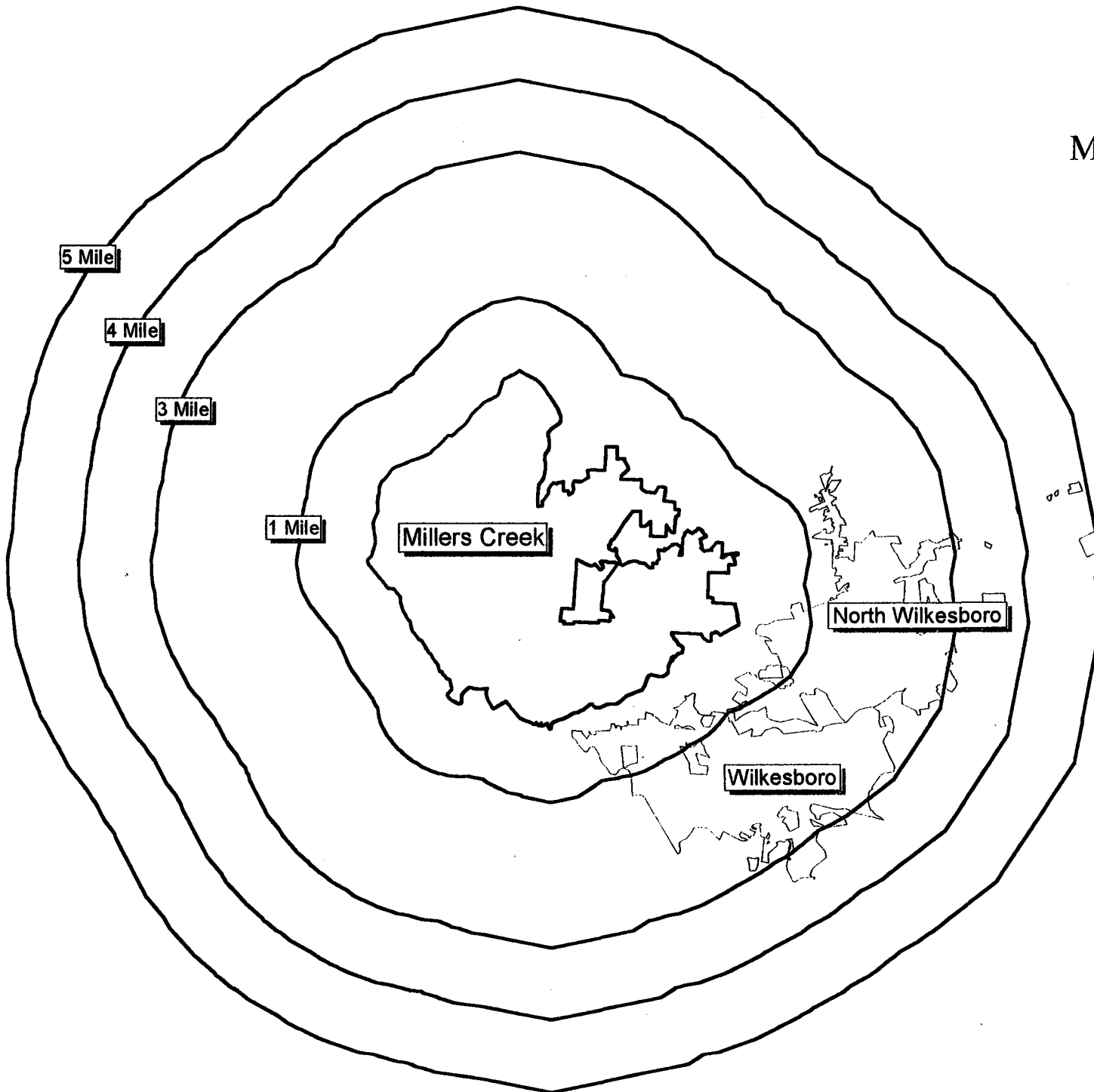
§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
- (3) The nearby municipality by resolution expresses its approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25.)

Proposed Millers Creek
Wilkes County
Municipal Incorporation Study
Phase 1



Legend

	Millers Creek Area
	Buffers
	North Wilkesboro
	Wilkesboro



Map prepared 01-08-00

APPENDIX F

**Assessment of Petition
by
Millers Creek
(Wilkes County)
for
Incorporation**

**Relative to NC G.S. 120-167
through NC G.S. 120-170**

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of Millers Creek relative to NC G.S. 120-167 through G.S. 120-170. The following discussion addresses each of these sections of the General Statutes.

NC G.S. 120-167 Additional criteria; population.

NC G.S. 120-167 refers to population and requires that the permanent population must be at least 100 and a population density of at least 250 persons per square mile. The Division of Community Assistance performed a land use survey of the subject area. That survey identified 2,883 dwelling units in the subject area. The 1990 US Census Bureau data indicates an average of 2.55 persons per household for Wilkes County and an occupancy rate of 92.23 percent. This suggests that 6,780 persons are likely to reside in those 2,883 dwellings with a population density of 499 persons per square mile. It appears that NC G.S. 120-167 is satisfied.

NC G.S. 120-168 Additional criteria; development.

NC G.S. 120-168 refers to development and requires that at least 40 percent of the area must be “developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.”(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

DCA used a land use survey combined with an analysis of available tax information to determine the degree of development. The survey considered parcels as “developed” if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. Vacant parcels, forested parcels, or agricultural parcels were considered “undeveloped.”

DCA’s analysis indicated that 37.3 percent of the subject area is developed (see Table 1 and Map A). It appears that NC G.S. 120-168 is not satisfied.

**Table 1:
Development Relative to NC G.S. 120-168**

Land Use	Acres
Commercial	194
Industrial	94
Institutional/Governmental	133
Residential	2,677
Undeveloped	5,207
Open Space	0
Total	8,305
Total Developed Acreage	3,098
% Developed	37.3%

NC G.S. 120-169 Additional criteria; area unincorporated.

NC G.S. 120-169 requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Town of Millers Creek with the most recently updated Wilkes County (GIS) data as well as the NC DOT geographic information system (GIS) data that was provided by NC CGIA and found no evidence that any of the subject area is part of an incorporated municipality. It appears that NC G.S. 120-169 is satisfied.

NC G.S. 120-169.1 Additional criteria; services.

NC G.S. 120-169.1(b) requires that the area to be incorporated submit a plan for a reasonable level of municipal services. To meet the requirements of this section, the persons submitting the plan for incorporation must propose to provide at least four of the following services:

- 1) Police protection.
- 2) Fire protection.
- 3) Solid waste collection or disposal.
- 4) Water distribution.
- 5) Street maintenance.
- 6) Street construction or right-of-way acquisition.
- 7) Street lighting.
- 8) Zoning.

The petition does include a plan for providing four out of eight of the above services. Millers Creek proposes to provide solid waste collection, fire protection, water distribution, and police protection. Police protection will be provided under arrangements with the Wilkes County Sheriff's Department. It appears that NC G.S. 120-169.1(b) is satisfied.

NC G.S. 120-170 Findings as to services.

NC G.S. 120-170 requires that the proposed municipality provide, at a reasonable tax rate, the services requested by the petition, and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. To help quantify this requirement DCA considered the gross property assessment value of the proposed municipality as its tax base. DCA compared the property tax rates, and property tax revenues of ten municipalities that have a population size similar to that of the proposed Town of Millers Creek.

For fiscal year 1997-98 the average property tax rate and revenue for the comparison communities were \$0.36/\$100 assessment and \$1,689,733 respectively. In order for the proposed Town of Millers Creek to generate similar revenues it would have to levy a property tax rate of \$0.87/\$100 assessment (assuming a total assessment of \$205,742,860 and a collection rate of 93.5 percent).¹

**Table 2:
Property Tax Rate and Revenues Comparison**

Municipality	Population 1995	Tax Rate/\$100 FY1997-98	Property Tax Revenue
Apex	6,875	.52	\$3,621,005
Black Mountain	7,384	.40	\$1,398,803
Brevard	6,067	.52	\$1,520,403
Clayton	6,555	.53	\$1,530,736
Clemmons	6,520	.09	\$ 788,482
Conover	6,477	.38	\$2,363,939
Hamlet	6,785	.60	\$1,075,287
Indian Trail	6,360	.10	\$382,996
Lewisville	7,094	.062	\$ 341,396
Pinehurst	7,094	.35	\$3,874,286
Average Tax Rate \$0.36/\$100			
Average Property Tax Revenue \$1,689,733			

The proposed Town of Millers Creek, in comparison to communities of similar size, may not be capable of providing at a reasonable tax rate the types of services usually provided by municipalities of comparable size. It appears that NC G.S. 120-170 is not satisfied.

Conclusion

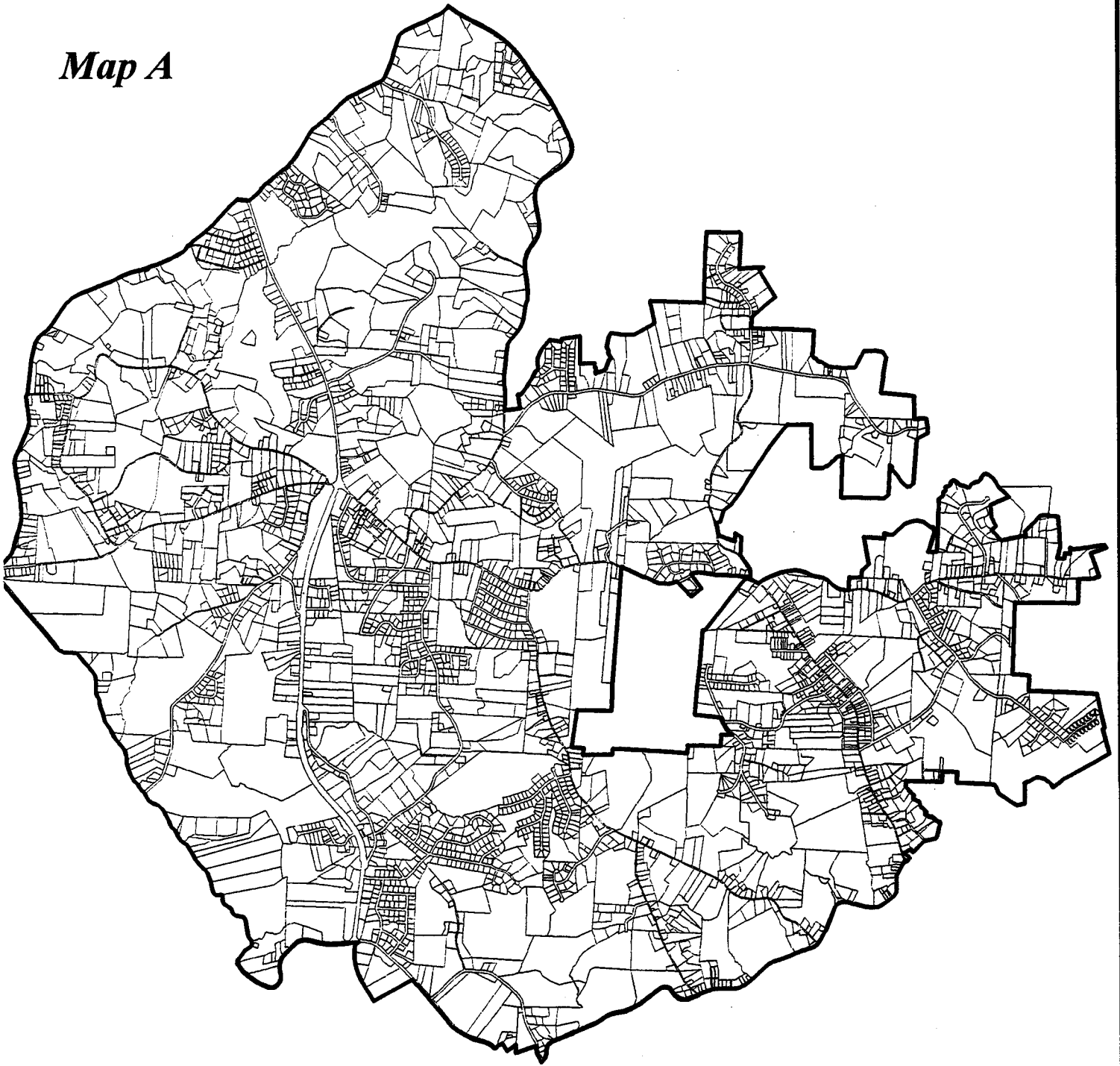
It appears that the proposed Town of Millers Creek does not satisfy the North Carolina General Statutes 120-168 and 120-170. **The Commission is precluded from making a positive recommendation on the incorporation of the proposed Town of Millers Creek relative to General Statutes 120-168 and 120-170.**

¹ In reality, the actual amount of revenue needed by the proposed municipality could be either higher or lower than this estimate.

Information sources:




Petition for Incorporation of the Town of Millers Creek
1990 US Census Summary Tape File 1A (referenced 02/01)
Wilkes County GIS Department, Parcel Data and Assessment Data
North Carolina League of Municipalities (referenced 02/01)
<http://nclmorg.coolwebhosting.com/General/Reports/TaxRate/Tax97tab.txt>
North Carolina Office of State Treasurer (referenced 02/01)
<http://www.treasurer.state.nc.us/frlgc.htm>
NC DOT GIS Data Layers, Distributed by NC CGIA (2000)

Map A



**Millers Creek
Municipal Incorporation
Phase II Study**

Legend

-  Millers Creek Limits
-  Developed
-  Undeveloped



0 .75 Miles



Map prepared 02/23/01

APPENDIX G

Proposed Town of Millers Creek
c/o Buck Parsons
P.O. Box 310
Millers Creek, NC 28651

March 13, 2001

Co-chair: Representative, Mary Jarell
Co-chair: Senator, Flecher Hartsell
and Members of the Commission

We the acting interim board for the proposed town of Millers Creek want to follow up on our spoken intent at the hearing held March 1, 2001, in Taylorsville, NC. On that night, we advised you that we will revise our map to reflect a 40% or better percentage of developed property in the proposed Town of Millers Creek. The map revisions will be turned in before the Joint Legislative Commission on Municipal Incorporations meets next week.

Sincerely,



Buck Parsons
Acting Chairman for
Proposed Town of Millers Creek



Ravaghn Ashley



Harold Bowlin



Clyde Bumgarner



John Higgins



Archie Nichols



APPENDIX H

**Assessment of Petition
by
Millers Creek (Modification)
(Wilkes County)
for
Incorporation**

**Relative to NC G.S. 120-167
through NC G.S. 120-170**

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of Millers Creek relative to NC G.S. 120-167 through G.S. 120-170. The following discussion addresses each of these sections of the General Statutes.

NC G.S. 120-167 Additional criteria; population.

NC G.S. 120-167 refers to population and requires that the permanent population must be at least 100 and a population density of at least 250 persons per square mile. The Division of Community Assistance performed a land use survey of the subject area. That survey identified 2,857 dwelling units in the subject area. The 1990 US Census Bureau data indicates an average of 2.55 persons per household for Wilkes County and an occupancy rate of 92.23 percent. This suggests that 6,719 persons are likely to reside in those 2,857 dwellings with a population density of 546 persons per square mile. It appears that NC G.S. 120-167 is satisfied.

NC G.S. 120-168 Additional criteria; development.

NC G.S. 120-168 refers to development and requires that at least 40 percent of the area must be “developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.”(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

DCA used a land use survey combined with an analysis of available tax information to determine the degree of development. The survey considered parcels as “developed” if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. Vacant parcels, forested parcels, or agricultural parcels were considered “undeveloped.”

DCA’s analysis indicated that 41.4 percent of the subject area is developed (see Table 1 and Map A). It appears that NC G.S. 120-168 is satisfied.

Table 1:
Development Relative to NC G.S. 120-168

Land Use	Acres
Commercial	194
Industrial	94
Institutional/Governmental	133
Residential	2,668
Undeveloped	4,378
Open Space	0
Total	7,467
Total Developed Acreage	3,089
% Developed	41.4%

NC G.S. 120-169 Additional criteria; area unincorporated.

NC G.S. 120-169 requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Town of Millers Creek with the most recently updated Wilkes County (GIS) data as well as the NC DOT geographic information system (GIS) data that was provided by NC CGIA and found no evidence that any of the subject area is part of an incorporated municipality. It appears that NC G.S. 120-169 is satisfied.

NC G.S. 120-169.1 Additional criteria; services.

NC G.S. 120-169.1(b) requires that the area to be incorporated submit a plan for a reasonable level of municipal services. To meet the requirements of this section, the persons submitting the plan for incorporation must propose to provide at least four of the following services:

- 1) Police protection.
- 2) Fire protection.
- 3) Solid waste collection or disposal.
- 4) Water distribution.
- 5) Street maintenance.
- 6) Street construction or right-of-way acquisition.
- 7) Street lighting.
- 8) Zoning.

The petition does include a plan for providing four out of eight of the above services. Millers Creek proposes to provide solid waste collection, fire protection, water distribution, and police protection. Police protection will be provided under arrangements with the Wilkes County Sheriff's Department. It appears that NC G.S. 120-169.1(b) is satisfied.

NC G.S. 120-170 Findings as to services.

NC G.S. 120-170 requires that the proposed municipality provide, at a reasonable tax rate, the services requested by the petition, and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. To help quantify this requirement DCA considered the gross property assessment value of the proposed municipality as its tax base. DCA compared the property tax rates, and property tax revenues of ten municipalities that have a population size similar to that of the proposed Town of Millers Creek.

For fiscal year 1997-98 the average property tax rate and revenue for the comparison communities were \$0.36/\$100 assessment and \$1,689,733 respectively. In order for the proposed Town of Millers Creek to generate similar revenues it would have to levy a property tax rate of \$0.88/\$100 assessment (assuming a total assessment of \$203,106,420 and a collection rate of 93.5 percent).¹

Table 2:
Property Tax Rate and Revenues Comparison

Municipality	Population 1995	Tax Rate/\$100 FY1997-98	Property Tax Revenue
Apex	6,875	.52	\$3,621,005
Black Mountain	7,384	.40	\$1,398,803
Brevard	6,067	.52	\$1,520,403
Clayton	6,555	.53	\$1,530,736
Clemmons	6,520	.09	\$ 788,482
Conover	6,477	.38	\$2,363,939
Hamlet	6,785	.60	\$1,075,287
Indian Trail	6,360	.10	\$382,996
Lewisville	7,094	.062	\$ 341,396
Pinehurst	7,094	.35	\$3,874,286
Average Tax Rate \$0.36/\$100			
Average Property Tax Revenue \$1,689,733			

The proposed Town of Millers Creek, in comparison to communities of similar size, may not be capable of providing at a reasonable tax rate the types of services usually provided by municipalities of comparable size. It appears that NC G.S. 120-170 is not satisfied.

Conclusion

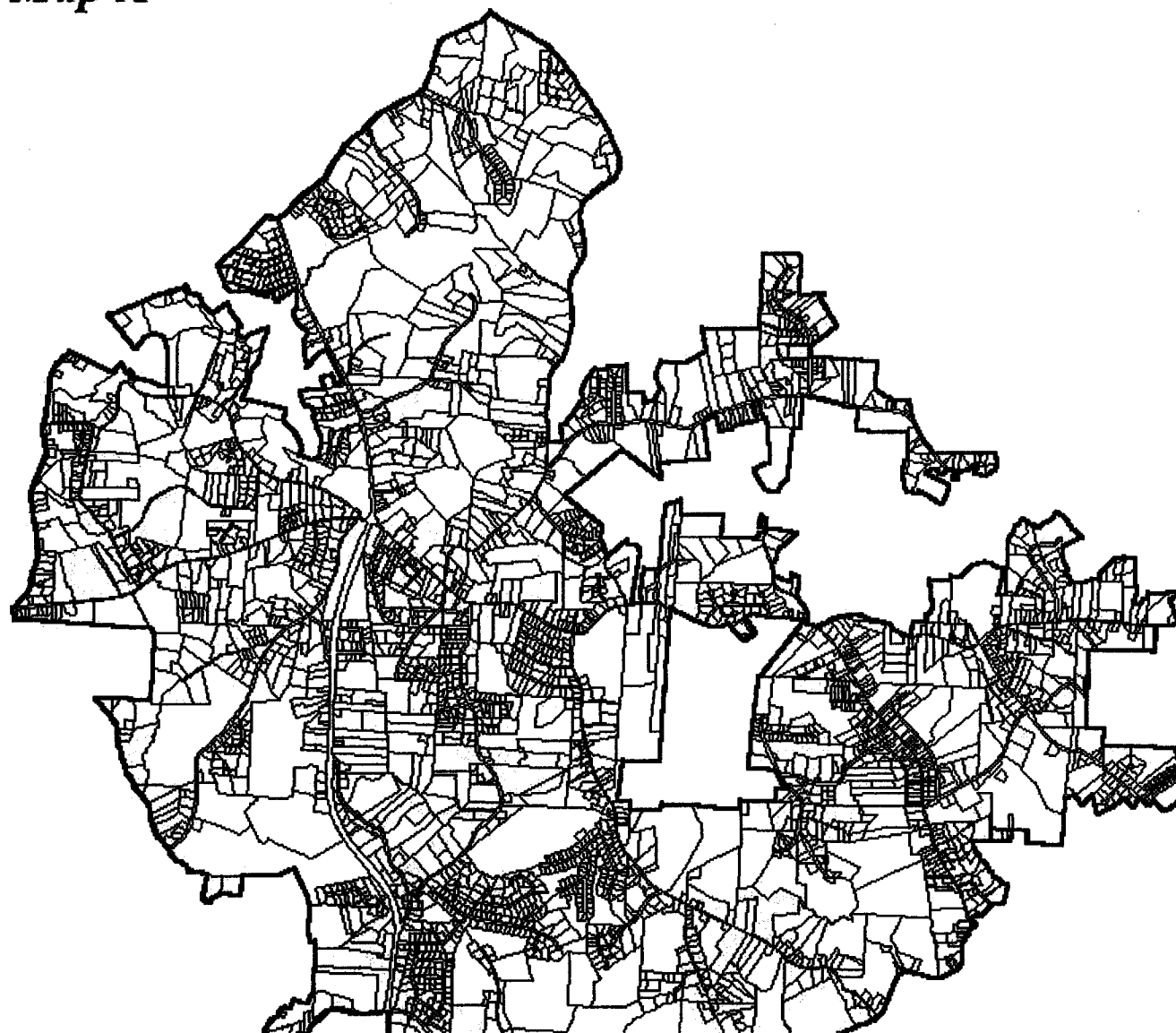
It appears that the proposed Town of Millers Creek does not satisfy the North Carolina General Statutes 120-168 and 120-170. **The Commission is precluded from making a positive recommendation on the incorporation of the proposed Town of Millers Creek relative to General Statutes 120-168 and 120-170.**

¹ In reality, the actual amount of revenue needed by the proposed municipality could be either higher or lower than this estimate.

Information sources:

Petition for Incorporation of the Town of Millers Creek
1990 US Census Summary Tape File 1A (referenced 02/01)
Wilkes County GIS Department, Parcel Data and Assessment Data
North Carolina League of Municipalities (referenced 02/01)
<http://nclmorg.coolwebhosting.com/General/Reports/TaxRate/Tax97tab.txt>
North Carolina Office of State Treasurer (referenced 02/01)
<http://www.treasurer.state.nc.us/frlgc.htm>
NC DOT GIS Data Layers, Distributed by NC CGIA (2000)

Map A



Fiscal Research Analysis of Millers Creek Incorporation (G.S. 120-169.1(c))

1. Sales Tax Revenue Change:

Wilkes County distributes sales tax revenues on a per capita basis. This analysis uses 1999-00 actual sales tax distribution to show how that distribution would have changed had Millers Creek been incorporated at that time.

Current

County	Municipalities	Population	% Population	Sales Tax Distribution	% Distribution
Wilkes		63317	89.6%	10,600,326	89.5%
	Elkin	71	0.1%	11,939	0.1%
	North Wilkesboro	3854	5.5%	645,864	5.5%
	Ronda	367	0.5%	61,409	0.5%
	Wilkesboro	3091	4.4%	517,887	4.4%
TOTAL		70700	100%	11,837,425	100%

With Incorporation

County	Municipalities	Population	% of Population	New Sales Tax Revenue	Change (Approx)
Wilkes		63,317	81.7%	9,673,597	(926,729)
	Elkin	71	0.1%	10,847	(1,092)
	North Wilkesboro	3,854	5.0%	588,816	(57,049)
	Ronda	367	0.5%	56,070	(5,339)
	Wilkesboro	3,091	4.0%	472,244	(45,643)
	<i>Millers Creek</i>	6,780	8.8%	1,035,851	1,035,851
	TOTAL	77,480	100%	11,837,425	0

2. Powell Bill Allocation Change

Annually state street aid or Powell Bill allocations are made to incorporated municipalities which establish their eligibility and qualify as provided by G.S. 136-41.1-.3. The amount allocated to each municipality is based on both population and qualifying street miles within the municipality.

Fiscal Research Analysis of Millers Creek Incorporation (G.S. 120-169.1(c))

FY 1999-00 populations based allocations assumed a total, statewide municipal population of 3,937,293 and available funds of \$99,886,364.46. This created a per capita distribution rate of \$ 25.37.

Adding the new population of Millers Creek (6780) to the statewide total creates a new population of 3,944,073 and a per capita allocation of \$25.33. The impact of this change on Catawba municipalities is as follows:

Municipalities	Population	Original Allocation	New Allocation	Change
Elkin	71	1,801	1,798	(3)
North Wilkesboro	3,854	97,776	97,622	(154)
Ronda	367	9,311	9,296	(15)
Wilkesboro	3,091	78,419	78,295	(124)
<i>Millers Creek</i>	6,780		171,737	171,737

The incorporation could also have a marginal impact on the distribution of funds based on mileage. However, Fiscal Research is not aware of the number of qualifying miles in Millers Creek. Therefore, no estimate is available on this portion of the Powell Bill allocation.

3. Utility Excise Tax:

Of the 3.22% state excise tax rate on the in-state gross receipts of gas, power and light and telephone companies, 3.09 percentage points (or 96% of collections) are distributed to the respective municipalities within which these services took place. In 1998-99 the statewide total was \$161.1 million.

Because Millers Creek only incorporates new areas (areas not currently a part of another municipalities) no revenue shift is expected. Any revenue received by Millers Creek from this tax would be new or drawn from the NC General Fund.