

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

D

**SENATE BILL 535*
PROPOSED COMMITTEE SUBSTITUTE S535-PCS55501-LB-76**

Short Title: Archer Lodge Incorporated.

(Local)

Sponsors:

Referred to:

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF ARCHER LODGE, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Archer Lodge is enacted to read:

"CHARTER OF THE TOWN OF ARCHER LODGE.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Archer Lodge are a body corporate and politic under the name 'Town of Archer Lodge.' The Town of Archer Lodge has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

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

Beginning at a point on the centerline of Covered Bridge Road with an intersection of Millstone Manor S/D (PB 31/377). Thence in a southwesterly direction along the centerline of Covered Bridge Road approximately 570 feet to a corner with lot #5 of Millstone Manor S/D (PB 31/377), thence in a northwesterly direction along lot #5 following an unnamed branch (PB 31-377) following the same unnamed branch to a corner with lot 19 (PB 35/77), thence southeasterly along Millstone Manor S/D to a point (PB 69/90), thence northwesterly along Millstone Manor S/D lot numbers 55 and 56 and along a drainage easement (PB 69/90) to an unnamed branch to a corner with lot 20 where the unnamed branch intersects with Big Arm Branch (PB 70/236), thence along Big Arm Branch to its intersection with "Ben's Prong," thence along "Ben's Prong" to Lot 15, Millstone Manor S/D (PB 70/236), thence along Ben's Prong Branch (DB 3636/97), (Parcel #16J03034A) to its intersection with (Parcel #16J03033F), thence following this line in a northerly direction to its intersection with (Parcel #16J02024B), thence in a southwesterly direction, thence northwesterly, thence northeasterly (PB 28/217) to an intersection with (Parcel #16J03021), thence following this parcel line in a northeasterly direction to its intersection with (Parcel #16I02017A), thence southeasterly along this line to its intersection with (Parcel #16J03024B), thence in a northeasterly direction along this line to its intersection with (Parcel #16J03033D), thence in a southeasterly direction along this line to its intersection with (Parcel #16J03033F), thence in a northeasterly direction along this line (Parcel #16J03033D) to its intersection with (Parcel #16I02024), thence in a northwesterly direction along this line to its intersection with (Parcel #16J03024C), thence



* S 5 3 5 - P C S 5 5 0 1 - L B - 7 6 *

1 along this line in a northwesterly direction to its intersection with (Parcel #16I02017A), thence
2 continuing northwesterly along (Parcel #16I02024) to its intersection with Big Arm Branch,
3 thence northeasterly along Big Arm Branch to an intersection with (Parcel #16J02037), thence
4 in an easterly direction to a point on the centerline of Buffalo Road (SR 1003), thence
5 following the centerline of Buffalo Road to its intersection with (Parcel #16J02038T), thence
6 following the perimeter of this parcel (16J02038T) to an intersection with the centerline of
7 Buffalo Road, thence in a northerly direction along the centerline of Buffalo Road to an
8 intersection with (Parcel #16J02038B), thence in a westerly direction following this property
9 line to its most northwesterly point with (Parcel #16J02038C), thence in an easterly direction to
10 a corner with (Parcel #16J02038J), thence following the most easterly perimeter of this parcel
11 to an intersection with the centerline of Buffalo Rd., thence along this centerline in a northerly
12 direction to an intersection with (Parcel #16J02038J), thence in a northwesterly direction
13 following the perimeter of (Parcel #16J02038 J) to its intersection with (Parcel #16J02038D),
14 thence following this parcel line in an easterly direction to its intersection with the centerline of
15 Buffalo Road, thence southerly along the centerline of Buffalo Road to its intersection with
16 (Parcel #16J02026), thence following the perimeter of this line to its intersection with Fletcher
17 Road (SR 1770), thence easterly along the centerline of Fletcher Road to its intersection with
18 (Parcel #16J02026), thence in a northeasterly direction following the perimeter of (Parcel
19 #16J02026) to its intersection with (Parcel #16J02011A), thence southerly along this property
20 line to its intersection with (Parcel #16J02027A), thence southerly along this property line to its
21 intersection with (Parcel #16K01025M), thence following this line to its intersection with
22 (Parcel #16J02009), thence in an southerly direction following the perimeter of this line to its
23 intersection with (Parcel #1601025A), thence with this line to its intersection with (Parcel
24 #16J02007A), thence in a southeasterly direction following this property line along its
25 perimeter to its intersection with (Parcel #16J02005E), thence following the run of an unnamed
26 branch (PB 27/435) to its intersection with the centerline of Wall Road (SR 1747). Thence from
27 the preceding point continuing southeasterly and subsequently northeasterly along Archer's
28 Glen S/D (PB 36/29), thence northwesterly along Jimmie Barne's (Parcel #16K03026A) to a
29 corner with Phyllis Edwards (DR 1938/207), thence southeasterly along her line to its
30 intersection with Donald Driver's line (DR 680/382), thence northeasterly along Driver's line,
31 thence southeasterly to an intersection with Paul Tippet's line, thence northeasterly along this
32 line (DB 958/348), thence northeasterly along Charles Tippet's line, (DB 2645/444) to a point
33 in the centerline of Wendell Road (SR 1701), thence in a northeasterly direction along the
34 centerline of Wendell Road (SR 1701) to a point in the centerline of Wendell Road and Buffalo
35 Creek (PB 64/181), thence southeasterly along Phyllis Edwards' line (PB 64/181), thence
36 southeasterly along Barnes View S/D (PB 64/101), thence northeasterly following "Old Buffalo
37 Creek," a parcel owned by Creekside Land Development Corporation (DR 2691/428), to where
38 it runs into Buffalo Creek, thence in a southeasterly direction following Buffalo Creek to its
39 intersection with (Parcel #16K03031), thence southerly along this line to its intersection with
40 Creekside S/D (Section 9B), from this point continuing in a northeasterly direction along the
41 property line of (Parcel #16K03031) to its intersection with Buffalo Creek, thence southerly
42 along Buffalo Creek to its intersection with Creekside S/D, Section 6 (PB 54/201) and (Parcel
43 #16K04022A), thence following the Creekside S/D Boundary line to a point at its intersection
44 with (Parcel #16K04022), thence in an easterly direction following the perimeter of this parcel
45 to its intersection with the centerline of Covered Bridge Road (SR 1700), thence in an easterly
46 direction along the centerline of Covered Bridge Road to its intersection with (Parcel
47 #16K04021A), thence southeasterly along this property line to its intersection with Tafton S/D
48 Phase 2 (PB 59/495), thence in an easterly direction along this line to its intersection with
49 Buffalo Creek, thence in a southeasterly direction along Buffalo Creek to its intersection with
50 Wyndfall S/D Section 5 (PB 64/273), (Parcel #16J04047O), thence in a southwesterly direction
51 following this property line to a point on the centerline of Carrie Drive, thence southeast along

1 this centerline and continuing to follow (Parcel #16J04047O) to its intersection with Buffalo
2 Creek, thence following Buffalo Creek in a southwesterly direction to its intersection with Hog
3 Pen Branch, thence northwesterly following Hog Pen Branch (Edenton S/D, PB 73/54), (PB
4 55/270), (PB 58/127) to a point on the centerline of Buffalo Road (SR 1003), thence
5 southeasterly along Buffalo Road (SR 1003), thence southwesterly and following Horseman's
6 Run S/D (PB 44/237) and (PB 41/383), thence southwesterly along Jerry Pace's line (DB
7 883/277) to a point on Tim's Creek (PB 25/221), thence in a northeasterly direction along Tim's
8 Creek to its intersection with (Parcel #16J03049), thence in a westerly direction along this
9 property line to a point at the intersection of Mineral Springs Branch (PB 25/221) and (Parcel
10 #16J03050B), thence in a southerly direction following this line to a point where it intersects
11 with (Parcel #16J03053B), thence in a westerly direction to its intersection with (Parcel
12 #16J04011A), thence in a southerly direction to its intersection with (Parcel #16J04011P),
13 thence continuing in a southerly direction and around (Parcel #16J04011P) to its intersection
14 with Sandy Creek Drive, thence in a westerly direction, including all of Sandy Creek Drive, to
15 the centerline of South Murphrey Road (SR 1703), thence northeasterly along the centerline to
16 an intersection with (Parcel #16J04010), thence westerly to an intersection with (Parcel
17 #16P99041I), thence continuing westerly to an intersection with (Parcel #16J03059), thence
18 southerly to the intersection of (Parcel #16J04009) and (Parcel #16J04007), thence in a westerly
19 direction along Phillip Barnes' property (Parcel #16J04009) to its intersection with (Parcel
20 #16J04009A), thence in a southerly direction to a point on (PN #16J04008) and including all of
21 (PN #16J04009A and 16J04008), from the corner of (PN #16J04008) to its intersection with
22 the centerline of Castleberry Road (SR 1705), thence in a southwesterly direction along this
23 centerline to an intersection with Plantation Point Phase 5 (DB 1878/444), thence southeasterly
24 along this line to a point centerline in a southwesterly direction to its intersection with Lot #230
25 (PN #16J04007F) of Plantation Point S/D Section 5, thence in a southwesterly direction to an
26 intersection with (PN #16J04005), thence following this property line in a southeasterly
27 direction to its intersection with Watson's Mill S/D (PB 73/349), (PB 63/241) to a point at
28 River Bend S/D (PB 31/143), thence in a southeasterly direction following the River Bend S/D
29 line, thence following River Bend S/D to a point, thence northwesterly along River Bend S/D
30 to a point on the centerline of Castleberry Road (SR 1705), thence following the centerline of
31 Castleberry Road (SR 1705) in a northeasterly direction at a point in the centerline, thence in a
32 northwesterly direction along William Holloway's line (DB 3167/343) to a point on a creek
33 adjoining Riverwood S/D (PB 47/167), thence along this line (Perry Creek) in a northeasterly
34 direction and continuing along Perry Creek (PB 57/436), thence northeasterly along Perry
35 Creek James Allen's line (DB 595/217) to a point at the intersection of Phillip Barnes' line (PR
36 16J03060), thence southeasterly following his property line to a point at the centerline of
37 Castleberry Road (SR 1705), thence northeasterly along Castleberry Road to a point with the
38 intersection of J.T. Smith's line (PN # 16J03057), (DB 1448/893), thence northwesterly along
39 Smith's line to its intersection with Charles Johnson's line (PR 16J03056), (DB 978/679),
40 thence with Johnson's line in a northwesterly direction to its intersection with Phillip H. Barnes'
41 property (PR 16J03063), (DB 3304/201), thence westerly and southwesterly along Phillip H.
42 Barnes' property (PN # 16J03062), (DB 3304/201) to a point on James Allen's line (DB
43 595/217), thence westerly along James Allen's line where it intersects with Perry Creek, thence
44 in a southwesterly direction along Perry Creek to an intersection with Elizabeth Badgett's line
45 (PB 57/436), thence northwesterly along Badgett's line to a point on the centerline of Loop
46 Road (SR 1706), thence in a northeasterly direction along the centerline of Loop Road (SR
47 1706) to a point where lot #1 of Mooneyham Estates (PB 33/231) intersects with Loop Road,
48 thence in a northwesterly direction along lot #1 of Mooneyham Estates, thence in a
49 northeasterly direction along lot #1 (PB 33/321) to a point in the eastern right-of-way of an
50 existing 50' access easement, thence northeasterly along this easement to an intersection in the
51 line of Cooper Farms S/D (PB 54/267), (PB 45/141), thence following Cooper Farms S/D to its

1 intersection with Saddlebrook S/D (PB 23/127), thence northeasterly along the Saddlebrook
2 S/D line to its intersection with Millstone Manor S/D (PB 35/77), thence following this line
3 southwesterly thence northeasterly to its intersection with the centerline of Covered Bridge
4 Road (SR 1700) at its Point of Beginning.

5 "ARTICLE III. GOVERNING BODY.

6 "Section 3.1. **Structure of Governing Body, Number of Members.** The governing body
7 of the Town of Archer Lodge is the Town Council and the Mayor. The Council has five
8 members.

9 "Section 3.2. **Manner of Electing Council, Term of Office.** The qualified voters of the
10 entire Town shall elect the members of the Council. Except as provided in this section, they
11 shall serve four-year terms. In 2011, five members of the Council shall be elected. The three
12 persons receiving the highest numbers of votes shall be elected to four-year terms, and the two
13 persons receiving the next highest numbers of votes shall be elected to two-year terms. In 2013
14 and quadrennially thereafter, two members shall be elected to four-year terms. In 2015 and
15 quadrennially thereafter, three members shall be elected to four-year terms. Vacancies on the
16 Town Council shall be filled in accordance with G.S. 160A-63.

17 "Section 3.3. **Manner of Electing Mayor, Term of Office, Duties.** The qualified voters of
18 the entire town shall elect the Mayor. In 2011 and quadrennially thereafter, the Mayor shall be
19 elected for a term of four years. The Mayor shall attend and preside over meetings of the Town
20 Council and shall advise the Town Council from time to time as to matters involving the Town
21 of Archer Lodge. The Mayor may vote only on matters before the Council in order to break a
22 tie.

23 "Section 3.4. **Manner of Electing Mayor Pro Tempore, Term of Office, Duties.** The
24 Mayor Pro Tempore shall be elected from among the members of the Town Council at the
25 organizational meeting after the initial election in November 2011 and shall serve for a term of
26 two years. The Mayor Pro Tempore shall act in the absence or disability of the Mayor. If the
27 Mayor and Mayor Pro Tempore are both absent from a meeting of the Town Council, the
28 members of the Town Council present may elect a temporary chairman to preside in the
29 absence. The Mayor Pro Tempore shall have the right to vote on all matters before the Town
30 Council and shall be considered a member of the Town Council for all purposes.

31 "Section 3.5. **Compensation of Mayor and Town Council.** The Mayor and members of
32 the Town Council may be reimbursed for ordinary and necessary expenses.

33 "ARTICLE IV. ELECTIONS.

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

36 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter
37 163 of the General Statutes, except that the first election shall be held on November 8, 2011.

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

40 "ARTICLE V. FORM OF GOVERNMENT.

41 "Section 5.1. **Form of Government.** The Town of Archer Lodge operates under the
42 mayor-council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

43 "ARTICLE VI. TAXES AND BUDGET.

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

48 "Section 6.2. **Present Use Value.** If an area described in this Ordinance includes
49 agricultural land, horticultural land, or forestland that on the effective date of incorporation is
50 land that is being taxed at present-use value, the land shall continue to be valued for tax
51 purposes at present-use value as long as the land so qualifies.

1 "ARTICLE VII. ORDINANCES.

2 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of
3 Archer Lodge is authorized to adopt such ordinances as the Town Council deems necessary for
4 the governance of the Town.

5 "ARTICLE VIII. MISCELLANEOUS.

6 "Section 8.1. **Conflicts of Interest.** No person, or member of the person's immediate
7 family, who is employed by or is an official, appointed or elected, of the Town of Archer
8 Lodge, shall do business with the Town unless such activity is approved by the Town Council.
9 All officials of the Town shall inform the Town Council of any conflicts of interest, and the
10 failure to so inform shall constitute grounds for immediate dismissal or removal for cause. No
11 official of the Town may accept any gratuity from any businessperson or other official if the
12 gratuity is related to that official's official duties.

13 "Section 8.2. **Enlargement of Town Council.** The qualified voters of the Town of Archer
14 Lodge may seek to enlarge the number of members of the Town Council by submitting a
15 petition to that effect signed by twenty percent (20%) of the qualified voters. Upon passage of a
16 resolution as provided in G.S. 160A-102 or upon receipt of a valid petition, the Town Council
17 shall immediately take steps as provided in Part 4 of Article 5 of Chapter 160A of the General
18 Statutes to determine by referendum whether the number of members of the Town Council
19 should be increased. If a majority of the votes cast in the referendum are in the affirmative, a
20 special election shall be held at the earliest possible date to elect the additional members
21 required to enlarge the Town Council to the number set forth in the referendum.

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

26 **SECTION 2.** From and after January 1, 2009, the citizens and property in the
27 Town of Archer Lodge shall be subject to municipal taxes levied for the year beginning
28 January 1, 2009, and for that purpose the Town shall obtain from Johnston County a record of
29 property in the area herein incorporated that was listed for taxes as of January 1, 2009, and the
30 businesses in the Town shall be liable for privilege license tax from the effective date of the
31 privilege license ordinance. For fiscal year 2009-2010, ad valorem taxes may be paid at par or
32 face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance
33 with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1,
34 2009. The Town may adopt a budget ordinance for fiscal year 2009-2010 without following the
35 timetable in the Local Government Budget and Fiscal Control Act.

36 **SECTION 3.** The Johnston County Board of Elections shall conduct an election on
37 November 3, 2009, for the purpose of submission to the qualified voters for the area described
38 in Section 2.1 of the Charter of the Town of Archer Lodge the question of whether or not the
39 area shall be incorporated as the Town of Archer Lodge. Registration for the election shall be
40 conducted in accordance with G.S. 163-288.2.

41 **SECTION 4.** In the election, the question on the ballot shall be:

42 "[]FOR []AGAINST

43 Incorporation of the Town of Archer Lodge."

44 **SECTION 5.** In the election, if a majority of the votes are cast "FOR the
45 Incorporation of the Town of Archer Lodge," Sections 1 and 2 of this act shall become
46 effective on the date that the Johnston County Board of Elections certifies the results of the
47 election. Otherwise, Sections 1 and 2 of this act shall have no force and effect.

48 **SECTION 6.** Until members of the Council are elected in 2011 in accordance with
49 Section 4.1 of the Town Charter and the laws of North Carolina, Jeff Barnes, Clyde
50 Castleberry, Matt Mulhollem, John Perry, and Anne Taylor are appointed to serve as the
51 interim Council, and Mike Gordon is appointed the interim Mayor. They shall possess and

1 exercise the powers granted to the governing body until their successors are elected or
2 appointed and qualified pursuant to Articles III and IV of this Charter. If any person named in
3 this Charter is unable to serve, the remaining interim Council members shall, by a majority
4 vote, appoint a person to serve until the initial municipal election is held in 2011.

5 **SECTION 7.** This act is effective when it becomes law.