

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 641
PROPOSED COMMITTEE SUBSTITUTE H641-PCS50574-LB-27

Short Title: Archer Lodge Incorporated.

(Local)

Sponsors:

Referred to:

March 18, 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 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 southeasterly along Big Arm Branch (PB 70/236) and thence northeasterly along Big Arm Branch to a point in the centerline of Buffalo Road (SR 1003); thence southwesterly along the centerline of Buffalo Road (SR 1003) approximately 295 feet to a point where Jerry Paces' line intersects with Buffalo Road (SR 1003); thence southeasterly along Jerry Paces' line (Parcel #16J02011) (DR 3307/577) to a point with Jane P. Deans' line, thence northwesterly along her line where it intersects with Sherman Battens' corner (PB 69/321); thence northeasterly along Sherman Battens' line (PB 69/321) to an intersection with Jane P. Deans' line (Parcel #16J02007D); thence northeasterly along her line approximately 1,253 feet to a corner with a second parcel owned by her (DR 3493/948); thence southeasterly along this line to its intersection with Robert Lemont's property line (PB 27/435), following Robert Lamont's line southeasterly to its intersection with the centerline of Wall Road (SR 1747); thence from the preceding point continuing southeasterly and subsequently



* H 6 4 1 - P C S 5 0 5 7 4 - L B - 2 7 *

1 northeasterly along Archer's Glen S/D (PB 36/29); thence northwesterly along Jimmie Barnes'
2 (Parcel #16K03026A) to a corner with Phyllis Edwards (DR 1938/207), thence southeasterly
3 along her line to its intersection with Donald Driver's line (DR 680/382); thence northeasterly
4 along Driver's line; thence southeasterly to an intersection with Paul Tippet's line; thence
5 northeasterly along this line (DB 958/348); thence northeasterly along Charles Tippet's line
6 (DB 2645/444) to a point in the centerline of Wendell Road (SR 1701); thence in a
7 northeasterly direction along the centerline of Wendell Road (SR 1701) to a point in the
8 centerline of Wendell Road and Buffalo Creek (PB 64/181); thence southeasterly along Phyllis
9 Edwards line (PB 64/181), thence southeasterly along Barnes View S/D (PB 64/101) thence
10 northeasterly following "Old Buffalo Creek", a parcel owned by Creekside Land Development
11 Corporation (DR 2691/428) to where it runs into Buffalo Creek, thence in a southeasterly
12 direction following Buffalo Creek to its intersection with Covered Bridge Road; thence from
13 the intersection of Covered Bridge Road and Buffalo Creek following Buffalo Creek in a
14 southeasterly direction to its intersection with Hog Pen Branch; thence northwesterly following
15 Hog Pen Branch (Edenton S/D, PB 73/54), (PB 55/270), (PB 58/127) to a point on the
16 centerline of Buffalo Road (SR 1003); thence southeasterly along Buffalo Road (SR 1003),
17 thence southwesterly and following Horseman's Run S/D (PB 44/237) and (PB 41/383), thence
18 southwesterly along Jerry Pace's line (DB 883/277); thence in a westerly direction along Jerry
19 Pace's line (DB 1233/25) to a point on Tim's Creek; thence southwesterly along Tim's Creek
20 (DB 833/277) to a point at the intersection of Tim's Creek and an unnamed branch (DB
21 1169/178), thence westerly along the unnamed branch to a point where it intersects with
22 Martha's Branch and North Farm S/D (PB 70/133), thence along North Farm S/D (PB 72/16),
23 thence along Martha's Branch to a point on said Branch to its intersection with North Farm
24 Cottages (PB 70/248) and (PB 70/250) to a point at the centerline of South Murphrey Road (SR
25 1703); thence in a northeasterly direction along the centerline of South Murphrey Road (SR
26 1003) to its intersection with the intersection of Sandy Creek Drive, thence westerly to a point
27 on Sue Murphy's line (DB 980/348); (PN 16J04011B), thence southwesterly along Sue
28 Murphy's line to its intersection with Lake Side Townes at Plantation Pointe (PB 72/493), (PB
29 68/271), (PB 70/258), (PB 70/259), (PB 55/92); thence along Watson's Mill S/D (PB 73/349),
30 (PB 63/241) to a point at River Bend S/D (PB 31/143); thence in a southeasterly direction
31 following the River Bend S/D line; thence following River Bend S/D to a point, thence
32 northwesterly along River Bend S/D to a point on the centerline of Castleberry Road (SR
33 1705); Thence following the centerline of Castleberry Road (SR 1705) in a northeasterly
34 direction at a point in the centerline, thence in a northwesterly direction along William
35 Holloway's line (DB 3167/343) to a point on a creek adjoining Riverwood S/D (PB 47/167);
36 thence along this line (Perry Creek) in a northeasterly direction and continuing along Perry
37 Creek (PB 57/436); thence northeasterly along Perry Creek James Allen's line (DB 595/217) to
38 a point at the intersection of Phillip Barnes' line (PR 16J03060); thence southeasterly following
39 his property line to a point at the centerline of Castleberry Road (SR 1705); thence
40 northeasterly along Castleberry Road to a point with the intersection of J.T. Smith's line (Parcel
41 # 16J03057), (DB 1448/893); thence northwesterly along Smith's line to its intersection with
42 Charles Johnson's line (PR 16J03056), (DB 978/679); thence with Johnson's line in a
43 northwesterly direction to its intersection with Phillip H. Barnes' property (PR 16J03063); (DB
44 3304/201); thence westerly and southwesterly along Phillip H. Barnes' property (PN
45 16J03062), (DB 3304/201) to a point on James Allen's line (DB 595/217); thence westerly
46 along James Allen's line where it intersects with Perry Creek; thence in a southwesterly
47 direction along Perry Creek to an intersection with Elizabeth Badgett's line (PB 57/436); thence
48 northwesterly along Badgett's line to a point on the centerline of Loop Road (SR 1706); thence
49 in a northeasterly direction along the centerline of Loop Road (SR 1706) to a point where lot #1
50 of Mooneyham Estates (PB 33/231) intersects with Loop Road; thence in a northwesterly
51 direction along lot #1 of Mooneyham Estates; thence in a northeasterly direction along lot #1

1 (PB 33/321) to a point in the eastern right-of-way of an existing 50' access easement; thence
2 northeasterly along this easement to an intersection in the line of Cooper Farms S/D (PB
3 54/267), (PB 45/141); thence following Cooper Farms S/D to its intersection with Saddlebrook
4 S/D (PB 23/127); thence northeasterly along the Saddlebrook S/D line to its intersection with
5 Millstone Manor S/D (PB 35/77); thence following this line southwesterly thence northeasterly
6 to its intersection with the centerline of Covered Bridge Road (SR 1700) at its point of
7 beginning.

8 "ARTICLE III. GOVERNING BODY.

9 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing body
10 of the Town of Archer Lodge is the Town Council and the Mayor. The Council has five
11 members.

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

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

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

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

36 "ARTICLE IV. ELECTIONS.

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

39 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter
40 163 of the General Statutes, except that the first election shall be held on November 8, 2011.

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

43 "ARTICLE V. FORM OF GOVERNMENT.

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

46 "ARTICLE VI. TAXES AND BUDGET.

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

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

5 "ARTICLE VII. ORDINANCES.

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

9 "ARTICLE VIII. MISCELLANEOUS.

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

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

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

30 **SECTION 2.** From and after January 1, 2009, the citizens and property in the
31 Town of Archer Lodge shall be subject to municipal taxes levied for the year beginning
32 January 1, 2009, and for that purpose the Town shall obtain from Johnston County a record of
33 property in the area herein incorporated that was listed for taxes as of January 1, 2009, and the
34 businesses in the Town shall be liable for privilege license tax from the effective date of the
35 privilege license ordinance. For fiscal year 2009-2010, ad valorem taxes may be paid at par or
36 face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance
37 with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1,
38 2009. The Town may adopt a budget ordinance for fiscal year 2009-2010 without following the
39 timetable in the Local Government Budget and Fiscal Control Act.

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

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

46 "[]FOR []AGAINST

47 Incorporation of the Town of Archer Lodge."

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

1 **SECTION 6.** Until members of the Council are elected in 2011 in accordance with
2 Section 4.1 of the Town Charter and the laws of North Carolina, Jeff Barnes, Clyde
3 Castleberry, Matt Mulhollem, John Perry, and Anne Taylor are appointed to serve as the
4 interim Council, and Mike Gordon is appointed the interim Mayor. They shall possess and
5 exercise the powers granted to the governing body until their successors are elected or
6 appointed and qualified pursuant to Articles III and IV of this Charter. If any person named in
7 this Charter is unable to serve, the remaining interim Council members shall, by a majority
8 vote, appoint a person to serve until the initial municipal election is held in 2011.

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