

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 641  
Committee Substitute Favorable 4/23/09  
PROPOSED COMMITTEE SUBSTITUTE H641-PCS30443-LBx-77

Short Title: Archer Lodge Incorporated.

(Local)

Sponsors:

Referred to:

March 18, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCORPORATE THE TOWN OF ARCHER LODGE, SUBJECT TO A  
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

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

6 "CHARTER OF THE TOWN OF ARCHER LODGE.

7 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

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

12 "ARTICLE II. CORPORATE BOUNDARIES.

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

15 Beginning at a point on the centerline of Covered Bridge Road with an intersection of  
16 Millstone Manor S/D (PB 31/377). Thence in a southwesterly direction along the centerline of  
17 Covered Bridge Road approximately 570 feet to a corner with lot #5 of Millstone Manor S/D  
18 (PB 31/377), thence in a northwesterly direction along lot #5 following an unnamed branch (PB  
19 31-377) following the same unnamed branch to a corner with lot 19 (PB 35/77), thence  
20 southeasterly along Millstone Manor S/D to a point (PB 69/90), thence northwesterly along  
21 Millstone Manor S/D lot numbers 55 and 56 and along a drainage easement (PB 69/90) to an  
22 unnamed branch to a corner with lot 20 where the unnamed branch intersects with Big Arm  
23 Branch (PB 70/236), thence along Big Arm Branch to its intersection with "Ben's Prong,"  
24 thence along "Ben's Prong" to Lot 15, Millstone Manor S/D (PB 70/236), thence along Ben's  
25 Prong Branch (DB 3636/97), (Parcel #16J03034A) to its intersection with (Parcel  
26 #16J03033F), thence following this line in a northerly direction to its intersection with (Parcel  
27 #16J02024B), thence in a southwesterly direction, thence northwesterly, thence northeasterly  
28 (PB 28/217) to an intersection with (Parcel #16J03021), thence following this parcel line in a  
29 northeasterly direction to its intersection with (Parcel #16I02017A), thence southeasterly along  
30 this line to its intersection with (Parcel #16J03024B), thence in a northeasterly direction along  
31 this line to its intersection with (Parcel #16J03033D), thence in a southeasterly direction along  
32 this line to its intersection with (Parcel #16J03033F), thence in a northeasterly direction along  
33 this line (Parcel #16J03033D) to its intersection with (Parcel #16I02024), thence in a



\* H 6 4 1 - P C S 3 0 4 4 3 - L B X - 7 7 \*

1 northwesterly direction along this line to its intersection with (Parcel #16J03024C), thence  
2 along this line in a northwesterly direction to its intersection with (Parcel #16I02017A), thence  
3 continuing northwesterly along (Parcel #16I02024) to its intersection with Big Arm Branch,  
4 thence northeasterly along Big Arm Branch to an intersection with (Parcel #16J02037), thence  
5 in an easterly direction to a point on the centerline of Buffalo Road (SR 1003), thence  
6 following the centerline of Buffalo Road to its intersection with (Parcel #16J02038T), thence  
7 following the perimeter of this parcel (16J02038T) to an intersection with the centerline of  
8 Buffalo Road, thence in a northerly direction along the centerline of Buffalo Road to an  
9 intersection with (Parcel #16J02038B), thence in a westerly direction following this property  
10 line to its most northwesterly point with (Parcel #16J02038C), thence in an easterly direction to  
11 a corner with (Parcel #16J02038J), thence following the most easterly perimeter of this parcel  
12 to an intersection with the centerline of Buffalo Rd., thence along this centerline in a northerly  
13 direction to an intersection with (Parcel #16J02038J), thence in a northwesterly direction  
14 following the perimeter of (Parcel #16J02038 J) to its intersection with (Parcel #16J02038D),  
15 thence following this parcel line in an easterly direction to its intersection with the centerline of  
16 Buffalo Road, thence southerly along the centerline of Buffalo Road to its intersection with  
17 (Parcel #16J02026), thence following the perimeter of this line to its intersection with Fletcher  
18 Road (SR 1770), thence easterly along the centerline of Fletcher Road to its intersection with  
19 (Parcel #16J02026), thence in a northeasterly direction following the perimeter of (Parcel  
20 #16J02026) to its intersection with (Parcel #16J02011A), thence southerly along this property  
21 line to its intersection with (Parcel #16J02027A), thence southerly along this property line to its  
22 intersection with (Parcel #16K01025M), thence following this line to its intersection with  
23 (Parcel #16J02009), thence in an southerly direction following the perimeter of this line to its  
24 intersection with (Parcel #1601025A), thence with this line to its intersection with (Parcel  
25 #16J02007A), thence in a southeasterly direction following this property line along its  
26 perimeter to its intersection with (Parcel #16J02005E), thence following the run of an unnamed  
27 branch (PB 27/435) to its intersection with the centerline of Wall Road (SR 1747). Thence from  
28 the preceding point continuing southeasterly and subsequently northeasterly along Archer's  
29 Glen S/D (PB 36/29), thence northwesterly along Jimmie Barne's (Parcel #16K03026A) to a  
30 corner with Phyllis Edwards (DR 1938/207), thence southeasterly along her line to its  
31 intersection with Donald Driver's line (DR 680/382), thence northeasterly along Driver's line,  
32 thence southeasterly to an intersection with Paul Tippett's line, thence northeasterly along this  
33 line (DB 958/348), thence northeasterly along Charles Tippett's line, (DB 2645/444) to a point  
34 in the centerline of Wendell Road (SR 1701), thence in a northeasterly direction along the  
35 centerline of Wendell Road (SR 1701) to a point in the centerline of Wendell Road and Buffalo  
36 Creek (PB 64/181), thence southeasterly along Phyllis Edwards' line (PB 64/181), thence  
37 southeasterly along Barnes View S/D (PB 64/101), thence northeasterly following "Old Buffalo  
38 Creek," a parcel owned by Creekside Land Development Corporation (DR 2691/428), to where  
39 it runs into Buffalo Creek, thence in a southeasterly direction following Buffalo Creek to its  
40 intersection with (Parcel #16K03031), thence southerly along this line to its intersection with  
41 Creekside S/D (Section 9B), from this point continuing in a northeasterly direction along the  
42 property line of (Parcel #16K03031) to its intersection with Buffalo Creek, thence southerly  
43 along Buffalo Creek to its intersection with Creekside S/D, Section 6 (PB 54/201) and (Parcel  
44 #16K04022A), thence following the Creekside S/D Boundary line to a point at its intersection  
45 with (Parcel #16K04022), thence in an easterly direction following the perimeter of this parcel  
46 to its intersection with the centerline of Covered Bridge Road (SR 1700), thence in an easterly  
47 direction along the centerline of Covered Bridge Road to its intersection with (Parcel  
48 #16K04021A), thence southeasterly along this property line to its intersection with Tafton S/D  
49 Phase 2 (PB 59/495), thence in an easterly direction along this line to its intersection with  
50 Buffalo Creek, thence in a southeasterly direction along Buffalo Creek to its intersection with  
51 Wyndfall S/D Section 5 (PB 64/273), (Parcel #16J04047O), thence in a southwesterly direction

1 following this property line to a point on the centerline of Carrie Drive, thence southeast along  
2 this centerline and continuing to follow (Parcel #16J04047O) to its intersection with Buffalo  
3 Creek, thence following Buffalo Creek in a southwesterly direction to its intersection with Hog  
4 Pen Branch, thence northwesterly following Hog Pen Branch (Edenton S/D, PB 73/54), (PB  
5 55/270), (PB 58/127) to a point on the centerline of Buffalo Road (SR 1003), thence  
6 southeasterly along Buffalo Road (SR 1003), thence southwesterly and following Horseman's  
7 Run S/D (PB 44/237) and (PB 41/383), thence southwesterly along Jerry Pace's line (DB  
8 883/277) to a point on Tim's Creek (PB 25/221), thence in a northeasterly direction along Tim's  
9 Creek to its intersection with (Parcel #16J03049), thence in a westerly direction along this  
10 property line to a point at the intersection of Mineral Springs Branch (PB 25/221) and (Parcel  
11 #16J03050B), thence in a southerly direction following this line to a point where it intersects  
12 with (Parcel #16J03053B), thence in a westerly direction to its intersection with (Parcel  
13 #16J04011A), thence in a southerly direction to its intersection with (Parcel #16J04011P),  
14 thence continuing in a southerly direction and around (Parcel #16J04011P) to its intersection  
15 with Sandy Creek Drive, thence in a westerly direction, including all of Sandy Creek Drive, to  
16 the centerline of South Murphrey Road (SR 1703), thence northeasterly along the centerline to  
17 an intersection with (Parcel #16J04010), thence westerly to an intersection with (Parcel  
18 #16P99041I), thence continuing westerly to an intersection with (Parcel #16J03059), thence  
19 southerly to the intersection of (Parcel #16J04009) and (Parcel #16J04007), thence in a  
20 westerly direction along Phillip Barnes' property (Parcel #16J04009) to its intersection with  
21 (Parcel #16J04009A), thence in a southerly direction to the southeastern corner of (Parcel #  
22 16J04008) and including all of (Parcels #16J04009A and 16J04008), thence from the corner of  
23 (Parcel #16J04008) to its intersection with the centerline of Castleberry Road (SR 1705),  
24 thence in a southwesterly direction along this centerline to an intersection with Parcel  
25 #16JO4014E, thence southeasterly and around (Parcel #16J04014E) to its intersection with  
26 (Parcel #16J04007H), thence easterly and around (Parcel #16J04007H) to its intersection with  
27 (PN #16J04005), thence following this property line in a southeasterly direction to its  
28 intersection with Watson's Mill S/D (PB 73/349), (PB 63/241) to a point at River Bend S/D (PB  
29 31/143), thence in a southeasterly direction following the River Bend S/D line, thence  
30 following River Bend S/D to a point, thence northwesterly along River Bend S/D to a point on  
31 the centerline of Castleberry Road (SR 1705), thence following the centerline of Castleberry  
32 Road (SR 1705) in a northeasterly direction at a point in the centerline, thence in a  
33 northwesterly direction along William Holloway's line (DB 3167/343) to a point on a creek  
34 adjoining Riverwood S/D (PB 47/167), thence along this line (Perry Creek) in a northeasterly  
35 direction and continuing along Perry Creek (PB 57/436), thence northeasterly along Perry  
36 Creek (James Allen's line: Parcel #16J03061) to a point at the intersection of Phillip Barnes'  
37 line (PR 16J03060), thence southeasterly following his property line to a point at the centerline  
38 of Castleberry Road (SR 1705), thence northeasterly along Castleberry Road to a point with the  
39 intersection of J.T. Smith's line (PN #16J03057), (DB 1448/893), thence northwesterly along  
40 Smith's line to its intersection with Charles Johnson's line (PR 16J03056), (DB 978/679),  
41 thence with Johnson's line in a northwesterly direction to its intersection with Phillip H. Barnes'  
42 property (PR 16J03063), (DB 3304/201), thence westerly and southwesterly along Phillip H.  
43 Barnes' property (PN #16J03062), (DB 3304/201) to a point on James Allen's line (DB  
44 595/217), thence westerly along James Allen's line where it intersects with Perry Creek, thence  
45 in a southwesterly direction along Perry Creek to an intersection with Elizabeth Badgett's line  
46 (PB 57/436), thence northwesterly along Badgett's line to a point on the centerline of Loop  
47 Road (SR 1706), thence in a northeasterly direction along the centerline of Loop Road (SR  
48 1706) to a point where lot #1 of Mooneyham Estates (PB 33/231) intersects with Loop Road,  
49 thence in a northwesterly direction along lot #1 of Mooneyham Estates, thence in a  
50 northeasterly direction along lot #1 (PB 33/321) to a point in the eastern right-of-way of an  
51 existing 50' access easement, thence northeasterly along this easement to an intersection in the

1 line of Cooper Farms S/D (PB 54/267), (PB 45/141), thence following Cooper Farms S/D to its  
2 intersection with Saddlebrook S/D (PB 23/127), thence northeasterly along the Saddlebrook  
3 S/D line to its intersection with Millstone Manor S/D (PB 35/77), thence following this line  
4 southwesterly thence northeasterly to its intersection with the centerline of Covered Bridge  
5 Road (SR 1700) at its Point of Beginning.

6 "ARTICLE III. GOVERNING BODY.

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

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

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

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

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

34 "ARTICLE IV. ELECTIONS.

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

37 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter  
38 163 of the General Statutes, except that the first election shall be held on November 8, 2011.

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

41 "ARTICLE V. FORM OF GOVERNMENT.

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

44 "ARTICLE VI. TAXES AND BUDGET.

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

49 "Section 6.2. **Present Use Value.** If an area described in this Ordinance includes  
50 agricultural land, horticultural land, or forestland that on the effective date of incorporation is

land that is being taxed at present-use value, the land shall continue to be valued for tax purposes at present-use value as long as the land so qualifies.

"ARTICLE VII. ORDINANCES.

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

"ARTICLE VIII. MISCELLANEOUS.

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

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

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

**SECTION 2.** From and after January 1, 2009, the citizens and property in the Town of Archer Lodge shall be subject to municipal taxes levied for the year beginning January 1, 2009, and for that purpose the Town shall obtain from Johnston County a record of property in the area herein incorporated that was listed for taxes as of January 1, 2009, and the businesses in the Town shall be liable for privilege license tax from the effective date of the privilege license ordinance. For fiscal year 2009-2010, 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 if the taxes had been due and payable on September 1, 2009. The Town may adopt a budget ordinance for fiscal year 2009-2010 without following the timetable in the Local Government Budget and Fiscal Control Act.

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

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

"[ ]FOR [ ]AGAINST

Incorporation of the Town of Archer Lodge."

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

**SECTION 6.** Until members of the Council are elected in 2011 in accordance with Section 4.1 of the Town Charter and the laws of North Carolina, Jeff Barnes, Clyde

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

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