

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE BILL 641  
Committee Substitute Favorable 4/23/09**

Short Title: Archer Lodge Incorporated.

(Local)

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Sponsors:

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Referred to:

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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 northeasterly along Archer's Glen S/D (PB 36/29); thence northwesterly along Jimmie Barnes' (Parcel #16K03026A) to a corner with Phyllis Edwards (DR 1938/207), thence southeasterly along her line to its intersection with Donald Driver's line (DR 680/382); thence northeasterly



1 along Driver's line; thence southeasterly to an intersection with Paul Tippet's line; thence  
2 northeasterly along this line (DB 958/348); thence northeasterly along Charles Tippet's line  
3 (DB 2645/444) to a point in the centerline of Wendell Road (SR 1701); thence in a  
4 northeasterly direction along the centerline of Wendell Road (SR 1701) to a point in the  
5 centerline of Wendell Road and Buffalo Creek (PB 64/181); thence southeasterly along Phyllis  
6 Edwards line (PB 64/181), thence southeasterly along Barnes View S/D (PB 64/101) thence  
7 northeasterly following "Old Buffalo Creek", a parcel owned by Creekside Land Development  
8 Corporation (DR 2691/428) to where it runs into Buffalo Creek, thence in a southeasterly  
9 direction following Buffalo Creek to its intersection with Covered Bridge Road; thence from  
10 the intersection of Covered Bridge Road and Buffalo Creek following Buffalo Creek in a  
11 southeasterly direction to its intersection with Hog Pen Branch; thence northwesterly following  
12 Hog Pen Branch (Edenton S/D, PB 73/54), (PB 55/270), (PB 58/127) to a point on the  
13 centerline of Buffalo Road (SR 1003); thence southeasterly along Buffalo Road (SR 1003),  
14 thence southwesterly and following Horseman's Run S/D (PB 44/237) and (PB 41/383), thence  
15 southwesterly along Jerry Pace's line (DB 883/277); thence in a westerly direction along Jerry  
16 Pace's line (DB 1233/25) to a point on Tim's Creek; thence southwesterly along Tim's Creek  
17 (DB 833/277) to a point at the intersection of Tim's Creek and an unnamed branch (DB  
18 1169/178), thence westerly along the unnamed branch to a point where it intersects with  
19 Martha's Branch and North Farm S/D (PB 70/133), thence along North Farm S/D (PB 72/16),  
20 thence along Martha's Branch to a point on said Branch to its intersection with North Farm  
21 Cottages (PB 70/248) and (PB 70/250) to a point at the centerline of South Murphrey Road (SR  
22 1703); thence in a northeasterly direction along the centerline of South Murphrey Road (SR  
23 1003) to its intersection with the intersection of Sandy Creek Drive, thence westerly to a point  
24 on Sue Murphy's line (DB 980/348); (PN 16J04011B), thence southwesterly along Sue  
25 Murphy's line to its intersection with Lake Side Townes at Plantation Pointe (PB 72/493), (PB  
26 68/271), (PB 70/258), (PB 70/259), (PB 55/92); thence along Watson's Mill S/D (PB 73/349),  
27 (PB 63/241) to a point at River Bend S/D (PB 31/143); thence in a southeasterly direction  
28 following the River Bend S/D line; thence following River Bend S/D to a point, thence  
29 northwesterly along River Bend S/D to a point on the centerline of Castleberry Road (SR  
30 1705); Thence following the centerline of Castleberry Road (SR 1705) in a northeasterly  
31 direction at a point in the centerline, thence in a northwesterly direction along William  
32 Holloway's line (DB 3167/343) to a point on a creek adjoining Riverwood S/D (PB 47/167);  
33 thence along this line (Perry Creek) in a northeasterly direction and continuing along Perry  
34 Creek (PB 57/436); thence northeasterly along Perry Creek James Allen's line (DB 595/217) to  
35 a point at the intersection of Phillip Barnes' line (PR 16J03060); thence southeasterly following  
36 his property line to a point at the centerline of Castleberry Road (SR 1705); thence  
37 northeasterly along Castleberry Road to a point with the intersection of J.T. Smith's line (Parcel  
38 # 16J03057), (DB 1448/893); thence northwesterly along Smith's line to its intersection with  
39 Charles Johnson's line (PR 16J03056), (DB 978/679); thence with Johnson's line in a  
40 northwesterly direction to its intersection with Phillip H. Barnes' property (PR 16J03063); (DB  
41 3304/201); thence westerly and southwesterly along Phillip H. Barnes' property (PN  
42 16J03062), (DB 3304/201) to a point on James Allen's line (DB 595/217); thence westerly  
43 along James Allen's line where it intersects with Perry Creek; thence in a southwesterly  
44 direction along Perry Creek to an intersection with Elizabeth Badgett's line (PB 57/436); thence  
45 northwesterly along Badgett's line to a point on the centerline of Loop Road (SR 1706); thence  
46 in a northeasterly direction along the centerline of Loop Road (SR 1706) to a point where lot #1  
47 of Mooneyham Estates (PB 33/231) intersects with Loop Road; thence in a northwesterly  
48 direction along lot #1 of Mooneyham Estates; thence in a northeasterly direction along lot #1  
49 (PB 33/321) to a point in the eastern right-of-way of an existing 50' access easement; thence  
50 northeasterly along this easement to an intersection in the line of Cooper Farms S/D (PB  
51 54/267), (PB 45/141); thence following Cooper Farms S/D to its intersection with Saddlebrook

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