

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 641

Short Title: Archer Lodge Incorporated. (Local)

Sponsors: Representative Daughtry.

Referred to: Local Government I, if favorable, Finance.

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

BEGINNING at a point in the center line of Buffalo Road, being a common corner with the northwest corner of Edenton subdivision; thence easterly along the northern line of Edenton subdivision (not encompassing said subdivision) to a point in the line of Tax Parcel 16J04047P; thence southward along the line of said parcel to a point in the run of Buffalo Creek; thence meandering northward along the run of Buffalo Creek to the point at which Buffalo Creek intersects with Lake Wendell Road; thence westward along the centerline of Lake Wendell Road to its intersection with Buffalo Road; thence northward along the centerline of Buffalo Road to a new intersection with Lake Wendell Road; thence westward along the centerline of Lake Wendell Road to its intersection with Medlin Road; thence along the centerline of Medlin Road southwestward to the point at which Medlin Road intersects with the western property line of Tax Parcel 16J02039C; thence following the western property line of said parcel to the northwestern corner of Tax Parcel 16I01016; and southward along said property line to the northeastern corner of Tax Parcel 16I01011A; thence along the northern boundary of said property and continuing along the northern boundary of Tax Parcels 16I01011B, 16I01012, and 16I01013G to the southwestern corner of Tax Parcel 16I01013G and the northwestern corner of Tax Parcel 16I01013K; thence along the western line of Tax Parcel 16I01013K to the northeastern corner of Tax Parcel 16I02003Q; thence along the northern boundary of Tax Parcels 16I02003Q, 16I02003G, and 16I02003; thence southward along the western line of Tax Parcel 16I02003 to a point in the centerline of Medlin Road; thence southward along the centerline of Medlin Road along the northwestern property lines of Tax Parcels 16I02003E and 16I02003O to the northwestern corner of Tax Parcel 16I02003N; thence southeasterly along the line of Tax Parcel 16I02003O to a point in the line of Tax Parcel 16I02022T; thence along the line of said parcel in a counterclockwise direction to the northwestern corner of Tax Parcel



1 16I02012; thence southward along the western line of said parcel and continuing along the
2 western lines of Tax Parcels 16I02011H, 16I02011I, and 16I02010F to a point in the centerline
3 of Covered Bridge Road; thence eastward along the centerline of Covered Bridge Road to the
4 northwestern corner of Tax Parcel 16I02010J; thence southward along the western boundaries
5 of Millstone Manor and Saddle Brook subdivisions (encompassing said subdivisions); thence
6 continuing along the western and southern boundary of Cooper Farms subdivision to a common
7 corner, being the southwestern corner of Tax Parcel 16J03075T and the northwestern corner of
8 Tax Parcel 16J03073F; thence continuing in a southerly direction along the western lines of
9 Tax Parcels 16J03073F, 16J03073D, 16J03073G, and 16J03073B to the point where said line
10 meets the northeastern corner of Tax Parcel 16J03073E; thence across a 50' right of way and
11 southwesterly along the northern line of Tax Parcels 16J03073E and 16J03078A; thence
12 southward along the western line of Tax Parcel 16J03078A to a point in the centerline of Loop
13 Road; thence northeasterly along the centerline of Loop Road to the northwest corner of Tax
14 Parcel 16J03077B; thence southward along the western lines of Tax Parcels 16J03077B,
15 16J03061, 16J04003G, 16J04003, 16J04003F, and 16J04003E to a point in the line of Tax
16 Parcel 16J04002F; thence continuing counterclockwise along the western line of Tax Parcel
17 16J04002F to the northwestern corner of Tax Parcel 16J04199C; thence along the western lines
18 of Tax Parcels 16J04199C and 16J04002A to a point in the centerline of Castleberry Road;
19 thence along the centerline of Castleberry Road in a southerly direction to a point, being the
20 southwestern corner of Tax Parcel 16K05012D; thence along the southern and eastern lines of
21 said parcel to the southeastern corner of Tax Parcel 16K05012S; thence along the southeastern
22 lines of Tax Parcels 16K05012S, 16K05012W, 16J04018A, 16J04031A, and 16J04026G to the
23 northeastern corner of Tax Parcel 16J04026G, in the eastern line of River Hills subdivision;
24 thence along the eastern boundary of River Hills subdivision and continuing along the eastern
25 line of River Bend subdivision (encompassing said subdivisions) to the southeastern corner of
26 Tax Parcel 16J04001S, being a common corner with parcels 16J04001T and 16J04001A and
27 also being the northwestern corner of Watson's Mill subdivision; thence along the northern
28 boundary of Watson's Mill subdivision (not encompassing said subdivision) to the southeastern
29 corner of Tax Parcel 16J04005; thence northward along the eastern line of Tax Parcel 16J04005
30 to the southwestern corner of Tax Parcel 16J04014E; thence along the southern line of said
31 parcel to a point in the line of Tax Parcel 16J04006A; thence counterclockwise along the line of
32 said parcel to a point in the line of Tax Parcel 16J04007; thence easterly along the southern line
33 of said parcel to its southeastern corner; thence northward along the lines of parcels 16J04007,
34 16J04009, and 16J03059 to the southwestern corner of Tax Parcel 16P99014I; thence along the
35 southern line of said parcel and continuing along the southern line of Tax Parcel 16J04011Q to
36 a point in the centerline of South Murphrey Road; thence continuing across South Murphrey
37 Road and along the southern line of Tax Parcel 16J04011 to a point in the line of Tax Parcel
38 16J04011P; thence counterclockwise around the perimeter of Tax Parcel 16J04011P to a point
39 in the line of Tax Parcel 16J03053B; thence southeasterly along the line of Tax Parcel
40 16J03053B and along the southern line of Tax Parcel 16J04013C to the northwestern corner of
41 Horseman's Run subdivision; thence in a counterclockwise direction around the perimeter of
42 Horseman's Run subdivision (encompassing said subdivision) to a point in the centerline of
43 Buffalo Road; thence northward along the centerline of Buffalo Road to the point and place of
44 BEGINNING.

45 "ARTICLE III. GOVERNING BODY.

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

49 "Section 3.2. **Manner of Electing Council; Term of Office.** The qualified voters of the
50 entire Town shall elect the members of the Council. Except as provided in this section, they
51 shall serve four-year terms. In 2009, five members of the Council shall be elected. The three

1 persons receiving the highest numbers of votes shall be elected to four-year terms, and the two
2 persons receiving the next highest numbers of votes shall be elected to two-year terms. In 2011,
3 and quadrennially thereafter, two members shall be elected to four-year terms. In 2013, and
4 quadrennially thereafter, three members shall be elected to four-year terms. Vacancies on the
5 Town Council shall be filled in accordance with G.S. 160A-63.

6 "Section 3.3. **Manner of Electing Mayor; Term of Office; Duties.** The qualified voters of
7 the entire town shall elect the Mayor. In 2009, and quadrennially thereafter, the Mayor shall be
8 elected for a term of four years. The Mayor shall attend and preside over meetings of the Town
9 Council, shall advise the Town Council from time to time as to matters involving the Town of
10 Archer Lodge. The Mayor may only vote on matters before the Council in order to break a tie.

11 "Section 3.4. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.** The
12 Mayor Pro Tempore shall be elected from among the members of the Town Council at the
13 organizational meeting after the initial election in November 2009 and shall serve for a term of
14 two years. The Mayor Pro Tempore shall act in the absence or disability of the Mayor. If the
15 Mayor and Mayor Pro Tempore are both absent from a meeting of the Town Council, the
16 members of the Town Council present may elect a temporary chairman to preside in the
17 absence. The Mayor Pro Tempore shall have the right to vote on all matters before the Town
18 Council and shall be considered a member of the Town Council for all purposes.

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

21 "ARTICLE IV. ELECTIONS.

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

24 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter
25 163 of the General Statutes, except that the first election shall be held on November 3, 2009.

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

28 "ARTICLE V. FORM OF GOVERNMENT.

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

31 "ARTICLE VI. TAXES AND BUDGET.

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

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

40 "ARTICLE VII. ORDINANCES.

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

44 "ARTICLE VIII. MISCELLANEOUS.

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

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

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

14 **SECTION 2.** From and after January 1, 2009, the citizens and property in the
15 Town of Archer Lodge shall be subject to municipal taxes levied for the year beginning
16 January 1, 2009, and for that purpose the Town shall obtain from Johnston County a record of
17 property in the area herein incorporated which was listed for taxes as of January 1, 2009, and
18 the businesses in the Town shall be liable for privilege license tax from the effective date of the
19 privilege license ordinance. For fiscal year 2009-2010, ad valorem taxes may be paid at par or
20 face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance
21 with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1,
22 2009. The Town may adopt a budget ordinance for fiscal year 2009-2010 without following the
23 timetable in the Local Government Budget and Fiscal Control Act.

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

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

30 "[]FOR []AGAINST

31 Incorporation of the Town of Archer Lodge."

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

36 **SECTION 6.** At the same time as the election held under Section 3 of this act, the
37 Johnston County Board of Elections shall hold an election for the initial Mayor and Town
38 Council as provided in Articles III and IV of the proposed Charter. If the majority of votes is
39 not cast "FOR Incorporation of the Town of Archer Lodge," the election of officers is null and
40 void. The filing period for candidacies is the same as provided by G.S. 163-294.2.

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