

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Feb 27, 2025
S.B. 206
PRINCIPAL CLERK

S

D

SENATE BILL DRS35086-LMx-58

Short Title: Pinetops Charter Revised & Consolidated. (Local)

Sponsors: Senator Smith (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
PINETOPS.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Pinetops is revised and consolidated to
read:

"THE CHARTER OF THE TOWN OF PINETOPS.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation.** The Town of Pinetops, in Edgecombe County, North Carolina,
and the inhabitants thereof, shall continue to be a municipal body politic and corporate under the
name of the "Town of Pinetops," hereinafter referred to as the "Town."

"Section 1.2. **Grant and Exercise of Powers.** (a) General Powers. The Town shall
continue to be vested with all of the property and rights in property belonging to the Town; shall
have perpetual succession; may sue and be sued; may contract and be contracted with; may
acquire and hold any property, real and personal, devised, bequeathed, sold, or in any manner
conveyed, dedicated to, or otherwise acquired by them; and, from time to time, may hold, invest,
sell, or dispose of the same; may have a common seal, and alter and renew the same at will. The
enumeration of any particular powers, rights, or authorities shall not be held or deemed to be
exclusive. In addition to any powers, rights, or authorities enumerated or implied under this
Charter, the Town shall have and may exercise all the powers, functions, duties, rights, privileges,
and immunities of every kind and nature whatsoever conferred upon the Town under the general
laws of the State of North Carolina, local acts applicable to the Town, and this Charter.

(b) Manner of Exercise. All powers of the Town, whether expressed or implied, shall be
exercised in the manner prescribed by the general laws of the State of North Carolina, local acts
applicable to the Town, and this Charter or, if not prescribed therein, in the manner provided by
ordinance, resolution, or other official act of the Town's governing body.

"Section 1.3. **Corporate Boundaries.** The corporate boundaries of the Town shall be those
existing on the effective date of this Charter, as the same may be modified and updated from time
to time. The official corporate limits shall be set forth and delineated either on the official map
of the Town corporate limits, by a written narrative description of the corporate limits, or through
a combination of such techniques. Such official description of the corporate limits shall be kept
and retained permanently in the office of the Town Clerk. Modifications to the official corporate
limits shall be indicated by appropriate entries upon, or additions to, the map or description, made
by or under the direction of the Town Clerk, in the manner prescribed by law. Upon alteration of
the corporate limits pursuant to law, the appropriate changes to the official map shall be made,



* D R S 3 5 0 8 6 - L M X - 5 8 *

and copies shall be filed in the office of the Secretary of State, the Edgecombe County Register of Deeds, and the Edgecombe County Board of Elections.

"ARTICLE II. GOVERNING BODY.

"Section 2.1. **Mayor and Board; Powers.** The Board of Commissioners (hereinafter "Board") and the Mayor shall be the governing body of the Town. The Board shall consist of five members and the Mayor, each to be elected at-large in the manner provided in Article III of this Charter. All powers of the Town shall be vested in and exercised by the Mayor and Board.

"Section 2.2. **Terms of Mayor and Board.** The Mayor shall be elected to serve for a four-year term, as provided in Article III of this Charter. Each Board member shall serve a four-year term, and the terms shall be staggered, as provided in Article III of this Charter. The Mayor and Board members shall continue to serve until their successors are chosen and qualified.

"Section 2.3. **Duties of the Mayor; Mayor Pro Tempore.** (a) The Mayor shall preside at all meetings of the Board; shall have a casting vote only in case of an equal division; shall be recognized as the official head of the Town for all ceremonial purposes; shall have power to administer oaths; shall execute all official instruments and documents of the Town, unless that authority has been delegated to another official of the Town by the general laws of North Carolina or a Town ordinance; and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon the office of Mayor by the general laws of North Carolina, this Charter, or the ordinances of the Town, not inconsistent therewith.

(b) At its first regular meeting following the regular municipal elections held as provided in Article III of this Charter, the Board shall choose one of its members to serve as Mayor Pro Tempore. A Board member serving as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Board member for all purposes, including whether a quorum is present.

"Section 2.4. **Residency Qualification; Compensation.** (a) No person shall be eligible to file for or be elected to the office of Mayor or Board, or to serve as such, unless he or she is a qualified voter of the Town.

(b) In accordance with general law, the Board may provide for and fix the amount of compensation for the Mayor.

"Section 2.5. **Meetings; Procedure; Adoption of Ordinances; Organizational Meeting; Oaths.** (a) The organizational meeting of the Board shall be held at the time of the first regular meeting of the Board following each regular municipal election. At the organizational meeting, or otherwise before entering upon the duties of their respective offices, the Mayor-elect and each Board member-elect shall take the oath prescribed by general law before a person authorized by law to administer oaths.

(b) The Board shall fix suitable times for its regular meetings, which shall be at least once each month. The Board may change the time of the regular meetings as it deems necessary. Special meetings of the Board may be held in accordance with applicable general law regarding: (i) the authority for special meetings; (ii) procedures for calling; (iii) notice of such meetings; and (iv) conditions upon matters to be addressed at special meetings. Minutes shall be kept of the proceedings of all regular and special meetings. Subject to applicable provisions of Article 33C of Chapter 143 of the General Statutes, the Open Meetings Law of North Carolina, all meetings of the Board shall be open to the public. The Board shall have the authority to adopt rules of procedure not inconsistent with applicable general law, provisions of this Charter, or generally accepted principles of parliamentary procedure.

(c) The Board may adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with general law, local acts applicable to the Town, or the provisions of this Charter, as may be necessary or appropriate for the preservation and promotion of the health, safety, and welfare of the Town and its inhabitants.

"Section 2.6. **Quorum and Voting Requirements.** In the transaction of Board business, the presence of a quorum, whether a Board member may be excused from voting on any matter, and

1 other voting rules and requirements shall be determined in accordance with applicable provisions
2 of general law.

3 "Section 2.7. **Vacancies.** A vacancy in the office of Mayor or Board shall be filled as
4 provided in G.S. 160A-63.

5 "ARTICLE III. ELECTIONS.

6 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in
7 each odd-numbered year in accordance with the uniform municipal election laws of North
8 Carolina in Chapter 163 of the General Statutes. Elections shall be conducted on a nonpartisan
9 basis and the results determined using the nonpartisan plurality method as provided in
10 G.S. 163-292.

11 "Section 3.2. **Special Elections.** Special elections may be held only as provided by general
12 law or local acts applicable to the Town.

13 "Section 3.3. **Election of Mayor.** A Mayor shall be elected every four years and shall serve
14 a four-year term.

15 "Section 3.4. **Election of Board.** All members of the Board shall be elected at-large by the
16 qualified voters of the Town and shall each serve staggered four-year terms. In 2025, and every
17 four years thereafter, two Board members shall be elected. In 2027, and every four years
18 thereafter, three Board members shall be elected.

19 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

20 "Section 4.1. **Form of Government.** The Town shall operate under the mayor-council form
21 of government in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

22 "Section 4.2. **Town Administrator.** The Board may appoint a Town Administrator to
23 perform such duties as assigned by the Board.

24 "Section 4.3. **Town Attorney.** The Board shall appoint one or more persons to serve as Town
25 Attorney. The Town Attorney shall serve at the pleasure of the Board and shall be its legal
26 adviser. The Town Attorney shall also serve as legal counsel to the Town and its departments
27 and offices. As directed by the Board, the Town Attorney shall represent the Town in all
28 litigation and legal proceedings before courts of law, administrative boards and commissions,
29 and other legal tribunals. The Town Attorney shall perform such other duties of a legal nature
30 pertaining to the Town, as may be directed by the Board, or as may be imposed by law upon
31 the Town Attorney. The Board may engage other attorneys to provide legal services for the
32 Town as it deems advisable.

33 "Section 4.4. **Town Clerk.** The Board shall appoint a Town Clerk to give notice of meetings
34 of the Board, to make and maintain full and accurate minutes of the proceedings of the Board, to
35 be the custodian of all books, records, documents, and other Town records, and to surrender the
36 same to his or her successor in office. The Town Clerk shall be the custodian of the official seal
37 of the Town and shall affix the official seal to, and attest on behalf of the Town the execution of,
38 all deeds, contracts, and other official documents, all in accordance with applicable laws and
39 ordinances. The Town Clerk shall perform such other duties as provided by general law and as
40 directed by the Board.

41 "Section 4.5. **Finance Director.** The Board shall appoint an administrative officer of the
42 Town to perform the duties of the finance officer under State law. The Finance Director shall
43 perform such other duties as may be assigned by general law, directed by the Board, or prescribed
44 by rules and regulations of the North Carolina Local Government Commission.

45 "Section 4.6. **Consolidation of Offices.** The Board may create, change, abolish, and
46 consolidate offices, positions, departments, councils, commissions, and agencies of Town
47 government and generally organize and reorganize Town government in order to promote orderly
48 and efficient administration of Town affairs, except as may be otherwise provided by this Charter
49 and by the applicable general laws of the State of North Carolina.

50 "ARTICLE V. CONTRACTS AND FINANCE.

1 "Section 5.1. **Contracts According to General Law.** All contracts awarded by the Town
2 shall be executed in accordance with the provisions of the General Statutes, local acts applicable
3 to the Town, or the provisions of this Charter.

4 "Section 5.2. **Official Depository for Town Funds; Control and Management of Town**
5 **Accounts.** All moneys received by the Town, or in connection with the business of the Town,
6 shall be paid promptly into the Town's depository. The Town's official depository shall be an
7 institution designated by the Board in accordance with applicable general laws, including,
8 without limitation, laws regarding qualifications for the selected depository, the security for
9 deposits, and interest thereon. All interest on moneys belonging to the Town shall accrue to the
10 benefit of the Town. All moneys and accounts of the Town shall be maintained, managed, held,
11 disbursed, and invested in accordance with applicable provision of this Charter and the general
12 law of the State of North Carolina.

13 "Section 5.3. **Annual Audit.** In accordance with applicable statutes, as soon as possible after
14 the close of each fiscal year, an independent audit shall be conducted of all accounts of the Town.
15 Such audit shall be performed by a qualified individual or firm to be selected by the Board. The
16 firm or individual selected to perform the audit shall have no personal interest, directly or
17 indirectly, in the affairs of the Town or of any of its officers and shall otherwise satisfy all
18 applicable legal and professional standards and requirements for this work."

19 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of Pinetops
20 and to consolidate certain acts concerning the property, affairs, and government of the Town. It
21 is intended to continue without interruption those provisions of prior acts that are expressly
22 consolidated into this act, so that all rights and liabilities which have accrued are preserved and
23 may be enforced.

24 **SECTION 3.** This act does not repeal or affect any acts concerning the property,
25 affairs, or government of public schools or any acts validating official actions, proceedings,
26 contracts, or obligations of any kind.

27 **SECTION 4.** Chapter 64 of the Private Laws of 1921 (Extra Session), having served
28 the purpose for which it was enacted or having been consolidated into this act, is expressly
29 repealed. The provisions of this act shall have no effect on the validity of Chapter 577 of the
30 Session Laws of 1963.

31 **SECTION 5.** The Mayor and members of the Board of Commissioners of the Town
32 of Pinetops serving on the date this act becomes law shall serve until the expiration of their terms
33 or until their successors are elected and qualified. Thereafter, those offices shall be filled as
34 provided in Articles II and III of the Charter contained in Section 1 of this act.

35 **SECTION 6.** This act does not affect any rights or interests that arose under any
36 provisions repealed by this act.

37 **SECTION 7.** All existing ordinances, resolutions, and other provisions of the Town
38 of Pinetops not inconsistent with the provisions of this act shall continue in effect until repealed
39 or amended.

40 **SECTION 8.** Whenever a reference is made in this act to a particular provision of
41 the General Statutes and the provision is later amended, superseded, or recodified, the reference
42 shall be deemed amended to refer to the amended General Statute or to the General Statute that
43 most clearly corresponds to the statutory provision that is superseded or recodified.

44 **SECTION 9.** If any provision of this act or application thereof is held invalid, such
45 invalidity shall not affect other provisions or applications of this act that can be given effect
46 without the invalid provision or application and, to this end, the provisions of this act are declared
47 to be severable.

48 **SECTION 10.** This act is effective when it becomes law. No action or proceeding
49 pending on the effective date of this act by or against the Town of Pinetops or any of its
50 departments or agencies shall be abated or otherwise affected by this act.