

**Town of Pinetops  
Board of Commissioners  
Regular Monthly Meeting (Also available via Zoom)  
Minutes  
February 6, 2024  
Pinetops Town Hall**

**A. Call Regular Meeting to Order**

Mayor Harrell called the Regular Meeting to Order. All members were present except for Commissioner Zach Bullock.

**B. Invocation**

The Invocation was led by Mayor Pro-Tem Taylor.

**C. Pledge of Allegiance**

Mayor Harrell led the Pledge of Allegiance.

**D. Proposed Agenda**

Commissioner Webb made a motion to approve the proposed agenda. The motion was seconded by Commissioner Sugg. Motion carried unanimously.

**E. Consent Agenda**

Commissioner Webb made a motion to approve the January 2, 2024, Minutes as written. Commissioner Sugg seconded the motion. Motion passed unanimously.

**F. Public Comments**

Mayor Harrell opened the floor for public comment.

1. Daniel Webb with the Southwest Edgecombe Fire Department came before the Board to see if they would partner with them again this year for the annual tractor pull. The Tractor Pull has been scheduled for May 17<sup>th</sup> & May 18<sup>th</sup>. As per the agreement that was reached last year, they would cover the security needs inside the gate and the town would be responsible for security needed outside the gate. Commissioner Webb made a motion for the town to partner with Southwest Edgecombe Fire Department for the tractor pull schedule May 17<sup>th</sup> & 18<sup>th</sup>. Commissioner Sugg seconded the motion. Motion carried.
  
2. Commissioner Taylor advised the Board that she has received numerous complaints over the last month pertaining to a sick dog hanging out at the school. The callers expressed concern for the kids at the school that are interacting with the dog. Chief Harrell responded that Edgecombe Animal Control has been called out numerous times on this dog but to date they have not been able to get close enough to him for apprehension.

## G. Departmental Reports

- 1. Police Department:** Chief Harrell read over the police report for the month of January 2024. The police department answered and/or initiated 937 official police actions during the month. A detailed copy of the entire police report is hereby attached to the minutes. The current report shows the staffing as follows: (6) full-time officers, (1) graduated BLET trainee who has another 2 weeks of in-service training (6) Radio Communicators (3 full-time & 3 part-time).
- 2. Public Works Department:** Cody Lancaster, Public Works Supervisor presented the water and wastewater totals report for the month of January 2024. The total water produced was 5.8 million gallons and the total wastewater was 8.10 million gallons. There were 0 reported water leaks for the month. There were 2 electrical outages reported during the month. One outage was caused by a tree limb and only affected a few customers while the other outage was town wide. That outage lasted around 6 hours and was caused by a vehicle striking one of Wilson's main utility poles.

All items from the past DEQ inspection have been completed except for the check valve at Well 7. This final task should be completed within the next couple of weeks.

All storm catch basins were cleaned of debris a total of five times over the course of the month. This task is done after or during any rainstorm we receive.

As of January 31<sup>st</sup> the Public Works is down to 5 employees due to an employee resigning. The job has been posted so hopefully the position will be filled in a timely manner.

- 3. Fire Department:** Chief Burress presented a copy of the fire report for the month of January 2024. There were 16 service calls for the month. A detailed copy of the fire report is hereby attached to these minutes. There was no cemetery report for the month since 0 lots were sold.
- 4. Finance Department:** Ms. Keesler presented the financial report for the month of January 2024. The general fund had a gain of \$ 17,206.96. The electric fund had a gain of \$ 6,046.17 for the month. The water/sewer fund ended the month with a gain of \$25,813.80. A Paid Check Report and Budget to Actual Report was also presented for the month of January. The adjusted ending balance for the month of January was \$ 1,940,998.16. A detailed copy of the reports is hereby attached to the minutes.

As requested by the Board at the last meeting the Finance Officer transferred an additional \$500,000 from the central depository account into the public insured money market account. There was \$350,000 transferred from electric and \$150,000 from the water/sewer department.

The Finance Officer asked the Board to review and sign if they agree with the letter to the LGC addressing the towns "Response to Auditor's Finding, Recommendations, and Fiscal Matters." Once signed the response letter will be forward to the LGC for review.

The two areas of concern are (1) General Fund Balance Available "Low", and (2) Water & Sewer Capital Assets Condition Ratio.

- 5. Administrator Report:** Administrator Ventresco took time to review his report and informed the Board of the progress made so far on each item. A detailed copy of the Administrator report is hereby attached to the minutes.

One item mentioned was the fact the Administrator has been receiving quotes to upgrade the backup generator at the Town Hall.

The new sign for the Pinetops Event Center has been ordered. The heating at the center had to be repaired at a cost of \$900. The emergency exit signs, and lighting still need to be installed at the center.

All property owners that were cited for delapidated/damaged structures have responded and seem to be working on getting all issues resolved.

There were a couple of additional properties in need of receiving nuisance/unkept letters according to Commissioner Taylor and Commissioner Ransome. Commissioner Ransome mentioned the overgrown lot behind Auto Bills. Commissioner Taylor mentioned a cement house located on the corner of Burnette across from the park.

#### **H. Items for Discussion.**

- 1. Schedule 1<sup>st</sup> Budget Planning Session (Feb 13<sup>th</sup> or Feb 20<sup>th</sup>)**

The 1<sup>st</sup> Budget Planning Session has been scheduled for February 20<sup>th</sup> from 8:00 a.m. to 1:00 p.m. at the Pinetops Event Center. The Finance Officer told the Board that she will send out the proposed budget prior to the planning session.

- 2. Auditor Presents Report for FYE 06/2023 at March Meeting**

Auditor, Rebekah Barr is scheduled to appear at the March meeting to present the audit report for FYE 6/2023. The Finance Officer told the Board that she will send out copies of the Audit Report prior to the meeting if she receives them before her scheduled presentation.

- 3. Purchasing Policy & Procedures**

Commissioner Webb made a motion to increase the amount for unbudgeted discretionary expenses from \$5,000 to \$10,000. By doing this it will allow the Town Administrator more flexibility. Commissioner Sugg seconded the motion. Motion carried.

- 4. Any Other Business**

#### **I. Action Items/New Business.**

- 1. Appoint 2 Board Members to serve on Housing Committee**

At the last meeting Administrator Ventresco informed the Board that they needed to appoint two Board Members to serve on the Housing Committee. At that time, he thought the CDBG housing grant application process was scheduled for the Spring but

has since learned that it is in early Fall. The Board decided to table the appointment to name two Board Members to serve on the Housing Committee until the March meeting.

**2. Any Other Business**

The Wooten Company will be added to the March meeting to discuss the Sewer AIA and the process of applying for any available grants for the sewer. Since there will be a Public Hearing and a couple of guests scheduled for the March meeting the Board decided to begin that meeting at 5:30 pm. Instead of the normal 6:00 p.m. A notice will be posted on the door with the time change.

Commissioner Taylor requested that a Town Newsletter be included with the March billing. She wanted to know if we could mention in the newsletter that citizens need to pull their cans back to the house once they are emptied.

Commissioner Taylor inquired about whether the town has received an inventory from the Fire Department. The Town Administrator stated he had not mentioned it yet to the Fire Chief. The Board asked that it be done and received no later than June 30<sup>th</sup> of each year.

**J. Adjournment**

Commissioner Webb made a motion to adjourn. Commissioner Taylor seconded the motion. Motion passed unanimously.

Date: 3/5/2024

  
\_\_\_\_\_  
Mayor Brenda Harrell

ATTESTED:

  
\_\_\_\_\_  
Finance Officer/Town Clerk Tammy Keesler



# Town of Pinetops

NORTH CAROLINA est. 1903

Post Office Drawer C  
Pinetops, North Carolina 27864

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## **Information Regarding Street Renaming 3/03/2024**

There have been several concerns and questions presented to the Town of Pinetops in reference to the recent renaming of Deputy David Sean Manning Street to NW and SW 1<sup>st</sup> Street, the original name of the street. The Town of Pinetops believes in transparency in all issues involving public concern. The following is a summary of the background and timeline relevant to this matter.

1. Edgecombe County Sheriff's Deputy David Sean Manning was tragically killed in a motor vehicle collision on March 11, 2018.
2. Deputy Manning's family consulted with the Mayor at the time, Steve Burrell, and asked him to rename the street in front of the Pinetops Town Hall (NW and SW 1<sup>st</sup> Street) to Deputy David Sean Manning Street. Residents that were affected by this change were not contacted and a public hearing on the matter was not conducted. Also, the proper change was not made with the US Postal Service in reference to the street name change.
3. On **June 24, 2018**, NW and SW Street in Pinetops was re-named Deputy David Sean Manning Street. Shortly after the name change, residents of Deputy David Sean Manning Street expressed concerns to the Town that they were unable to receive mail properly due to the address change and that they had not been included in the renaming decision.
4. A new Town Board was elected in November of 2019. The elected officials consisted of newly appointed Mayor Brenda Harrell, newly appointed Commissioner Dennis Sugg, Commissioner Barbara Taylor, newly appointed Commissioner Oscar Mabry, Commissioner Donald Webb and Commissioner Florence Pender. (Commissioner Pender retired from her seat during her term and Commissioner Wanda Harrison was appointed.)
5. Minutes from Town of Pinetops Board meeting on **03-06-20**:  
After ongoing complaints from citizens residing on the affected street, Commissioner Barbara Taylor expressed that she had been in contact with the Manning family about the issue and they wished to resolve it "one way or another." Town Attorney Brian Pridgen suggested that the town adopt policy and procedures pertaining to requesting that a street name be changed and for the Board to follow the same once adopted.
6. Minutes from Town of Pinetops Board meeting on **04-21-20**:  
Commissioner Mabry made a motion to instruct the town attorney to create a new policy for the town as it relates to renaming streets. Commissioner Webb seconded the motion and it was passed.

7. **Minutes from Town of Pinetops Board meeting on 05-05-20:**  
A new policy was presented that required the following relevant information:
  - A petition to change the name of the street must be presented and signed by no less than 75% of the property owners who own frontage on the street/road.
  - Name changes of the street will be considered by the board of commissioners at a public hearing that shall be published at least ten (10) days prior to the date of same.
  - If the name change is approved the Town, Town staff will notify E911 telephone service providers, local utility companies, all Town departments, all requisite Edgecombe County Government departments, North Carolina Department of Transportation-Division of Highways, US Postal Service, residents and property owners affected.
  
8. **Minutes from Town of Pinetops Board meeting on 10-03-23:**  
A "petition to change street name" received from citizen Ada Morgan was presented to the Board of Commissioners. Mrs. Morgan requested that Deputy David Sean Manning Street be changed back to First Street. The petition contained over 75% of the signatures from the property owners who own frontage on the road as stated via the town policy requirement. The minutes reflect that the main reason for the request was that residents on the street were having trouble receiving mail/packages. After the acceptance of the petition the next step to hold a public hearing on the matter was presented. Commissioner Taylor made a motion to waive the associated fees and proceed with the public hearing. Commissioner Sugg seconded the motion and it passed.
  
9. The notice of public hearing was published by The Tar River Times, which is a local newspaper. The notice was published on 10-19-23 and 10-26-23.
  
10. **Minutes from Town of Pinetops Board meeting on 11-14-23:**  
After the Board of Commissioners agreed that all requirements of the street renaming ordinance were met, Mayor Harrell opened the floor for any public comment on the matter. Ada Morgan, a resident living on the affected street, spoke and expressed that her main reason for asking for the request was due to not being able to have packages delivered to the addresses on the street. No one spoke in opposition to the name change. Commissioner Oscar Mabry made a motion to adopt the resolution renaming, "Deputy David Sean Manning Street" to "NW and SW First Street." Commissioner Taylor seconded the motion. The name change took effect 90 days after the approval.

**In summary:**

Prior to the renaming of NW and SW 1st Street in 2018, no public notice was provided nor was the input of those living on the affected street sought or received. Residents of 1<sup>st</sup> Street were displeased with the name change and asked the Board of Commissioners to reverse the decision. The subsequent Board sought to correct the issue by adopting a formal street renaming process and permitting the affected property owners to utilize this process to formally address the name change. These procedures were followed by the residents of 1<sup>st</sup> Street and the Board of Commissioners to ensure a fair process in this matter.

The Town of Pinetops offers anyone wishing to follow the proper procedure of the ordinance to present the same to the current Board of Commissioners. Meetings of the Town Board of Commissioners are held on the first Tuesday of every month at 6pm. Please attend these meetings as the Town believes in public interaction. Feel free to contact the Town at anytime at 252-827-4435.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF PINETOPS  
AMENDING THE ZONING CODE

WHEREAS, the Town of Pinetops Zoning Ordinance contains comprehensive zoning regulations; and

WHEREAS, it is the desire of the Board of Commissioners to amend certain provisions of the Zoning Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PINETOPS, that its Zoning Ordinance and other land development ordinances, if any, are hereby amended as follows:

1. Article 3 of the Town of Pinetops Zoning Ordinance is amended by adding new Section 31.83 to read as follows:

Section 31.83      Event Center

A. Where Required: R-20, B-1, B-2, and B-3.

B. The hours of operation allowed shall be 8 a.m. to 10 p.m.

C. Minimum Lot Area: One and one-half (1.5) acres.

D. The amount of noise generated shall not disrupt the activities of the adjacent land uses.

E. Principal access must be from a collector or higher capacity road for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day.

F. Screening. Parking lots shall be screened from adjoining single-family residential uses by a bufferyard. The required buffer yard shall comply with the requirements of Article VI.

G. Security Fencing. Outdoor swimming pools shall be protected by a fence in accordance with the County Health Department's public pool regulations.

H. Exterior lighting shall not project into adjoining residential lots.

2. Article 2, Section 25.02 of the Town of Pinetops Zoning Ordinance is amended to incorporate the new Event Center use established in Paragraph 1 herein to allow such use in zoning districts R-20, B-1, B-2, and B-3 by Special Use Permit, marked as "S" in the Table of Uses.

3. Article 3 of the Town of Pinetops Zoning Ordinance is amended by adding new Section 31.83 to read as follows:

Section 31.84 Physical Fitness Center

- A. Where Required: R-20, B-2, B-2, B-3, and OI.
  - B. The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
  - C. Minimum Lot Area: One and one-half (1.5) acres if located within the R-20 zoning district.
  - D. The amount of noise generated shall not disrupt the activities of the adjacent land uses.
  - E. Principal access must be from a collector or higher capacity road for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day.
  - F. Screening. Parking lots shall be screened from adjoining single-family residential uses by a bufferyard. The required buffer yard shall comply with the requirements of Article VI.
  - G. Security Fencing. Outdoor swimming pools shall be protected by a fence in accordance with the County Health Department's public pool regulations.
  - H. Exterior lighting shall not project into adjoining residential lots.
4. Article 2, Section 25.02 of the Town of Pinetops Zoning Ordinance is amended to reflect the amendments made herein in Paragraph 3 to allow a Physical Fitness Center in zoning districts R-20, B-1, B-2, and B-3 by Zoning Permit, marked as "P" in the Table of Uses.
  5. Article 12, Section 24.1 of the Town of Pinetops Zoning Ordinance is amended by adding a definition to read as follows:

Event Center. A commercial establishment and associated grounds engaged in the hosting and production of pre-planned events like birthday parties, corporate parties, or reunions. Typical secondary uses include kitchens or meal preparation space, facilities to accommodate live or recorded music, and outdoor recreation facilities.



6. Article 12, Section 24.1 of the Town of Pinetops Zoning Ordinance is amended by adding a definition to read as follows:

Physical Fitness Center. A facility where members or nonmembers use equipment or space for the purpose of physical exercise. Such uses may include indoor swimming pools, athletic courts, tracks, or other similar features. Retail sales of hand-held fitness equipment, clothing, or health foods may occur as a secondary use.

7. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
8. That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.
9. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED, this 5<sup>th</sup> day of March, 2024.

TOWN OF PINETOPS

Brenda Harrell  
Brenda Harrell, Mayor

ATTEST:

Sammy Heuler  
Town Clerk



AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF PINETOPS  
AMENDING THE ZONING CODE

WHEREAS, the Town of Pinetops Zoning Ordinance allows for certain uses to be approved by issuance of special use permits.

WHEREAS, the North Carolina General Statutes require that such special uses meet certain minimal criteria for issuance.

WHEREAS, it is the desire of the Board of Commissioners to amend the zoning ordinance to make it consistent with State law requirements.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PINETOPS, that its Zoning Ordinance and other land development ordinances, if any, are hereby amended as follows:

SECTION 1. The following specific sections of the Zoning Ordinance are hereby amended as follows:

Section 95.13 Hearing Procedures for Quasi-Judicial Decisions.

B. Quasi-Judicial Nature of Hearing. The Board of Planning and Adjustment shall hold an evidentiary hearing prior to rendering a decision on the special use permit. A decision by the Board of Planning and Adjustment on a Special Use Permit shall be based on the competent, material, and substantial evidence in the record.

C. A Special Use Permit shall be approved upon a finding of fact by the Board of Planning and Adjustment that:

- (1) The use will not materially endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (2) The use meets all required conditions; and
- (3) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the town and its environs.

D. Conditions. The Board of Planning and Adjustment may apply conditions of approval that are reasonable and appropriate in accordance with N.C.G.S. § 160D-705(c). Conditions made part of a special use permit must be agreed to in writing by the applicant.

E. Appeal. Appeal of a quasi-judicial decision shall be in the nature of certiorari to the Superior Court and in accordance with NCGS §§ 160D-406, 160D-1402, and 160D-1405.

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED, this 5<sup>th</sup> day of March, 2024.

TOWN OF PINETOPS

Brenda Harrell  
Brenda Harrell, Mayor

ATTEST:

Sammy Heesler  
Town Clerk



AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF PINETOPS  
AMENDING THE ZONING CODE

WHEREAS, the Town of Pinetops Zoning Ordinance contains public notice requirements that are more expansive than what is required by the North Carolina General Statutes.

WHEREAS, these standards could create confusion in the service process for rezonings.

WHEREAS, it is the desire of the Board of Commissioners to amend the zoning ordinance to make it consistent with State law requirements.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PINETOPS, that its Zoning Ordinance and other land development ordinances, if any, are hereby amended as follows:

SECTION 1. The following specific sections of the Zoning Ordinance are hereby amended as follows:

Section 130.05            Legislative Hearing Requirements

C.        With respect to map amendments, the Zoning Administrator shall provide first-class mail notice of the legislative hearing to the owners of record for tax purposes of all properties whose zoning classification is changed by the proposed amendment as well as all owners of parcels of land abutting the parcel proposed to be rezoned. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. The Zoning Administrator may take any other action deemed to be useful or appropriate to give notice of the legislative hearing.

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED, this 5<sup>th</sup> day of March, 2024.

TOWN OF PINETOPS

Brenda Harrell  
Brenda Harrell, Mayor

ATTEST:

Sammy Heeler  
Town Clerk



AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF PINETOPS  
AMENDING THE ZONING CODE

WHEREAS, the Town of Pinetops Zoning Ordinance does not provide for a definition or specified zoning district for mental health, emotional or physical rehabilitation day program facility

WHEREAS, it is the desire of the Board of Commissioners to amend the zoning ordinance to define this use and designate which zoning district(s) the use is permitted in.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PINETOPS, that its Zoning Ordinance and other land development ordinances, if any, are hereby amended as follows:

SECTION 1. The following specific sections of the Zoning Ordinance are hereby amended as follows:

ARTICLE XII

21.4 Definitions

Mental health, emotional or physical rehabilitation day program facility.

(1) An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, intellectually disabled, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than 18 hours within any 24-hour period.

(2) "Dangerous to others" means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

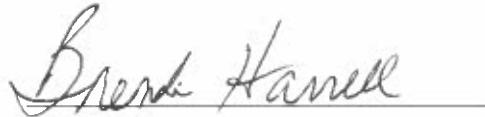
SECTION 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED, this 5<sup>th</sup> day of March, 2024.

TOWN OF PINETOPS



Brenda Harrell, Mayor

ATTEST:



Town Clerk

