

Town of Eastover - Town Council Meeting

Tuesday, June 3, 2008, 7:00 p.m.

Eastover Community Center

Mayor Charles G. McLaurin, Presiding

**Council Members: Lawrence Buffaloe, Willie Geddie, Cheryl Hudson, Donald Hudson,
Benny Pearce, and Sara Piland**

MINUTES OF MEETING – June 3, 2008

Mayor Charles G. McLaurin, Council Members Cheryl Hudson, Donald Hudson, Lawrence Buffaloe, Willie Geddie, Sara Piland and Benny Pearce were in attendance at the June 3, 2008 Eastover Town Council Meeting. Attorney John Jackson and Mr. Matt Rooney of the Cumberland County Joint Planning Department were also in attendance.

Call to Order: Mayor Charles McLaurin called the June 3, 2008 meeting of the Eastover Town Council to order at 7:00 p.m., and welcomed all in attendance.

Invocation / Pledge of Allegiance: Council Member Benny Pearce gave the invocation. Council Member Lawrence Buffaloe led the attendees in The Pledge of Allegiance.

Public Comments: There were no public comments.

Approval of Agenda: Council Member Sara Piland made a motion to change the order of the Agenda to move “Public Hearing Agenda” Item numbers one (Public Hearing –Proposed Budget) and two (Approval of Proposed Budget) to Item numbers three (Rezoning Case No. P08-23) and four (Site Plan Review Case No. 08-082); and note “No Action Taken” on Item Number one on the “Discussion Agenda” (Presentation from the Woodmen of the World). Council Member Piland stated that the presentation of the flag from the Woodmen of the World would be presented to the Eastover Civic Club on Thursday night. The motion was 2nd by Council Member Donald Hudson. The motion was carried unanimously.

Consent Agenda: Council Member Donald Hudson made a motion to approve the May 6, 2008 Minutes and the May 20, 2008 Special Meeting Minutes. Council Member Sara Piland requested that the May 6, 2008 Minutes be revised to correct two names on page 3 of the minutes. The motion was 2nd by Council Member Sara Piland with amendment to the May 6, 2008 Minutes. The motion was carried unanimously.

Modified Agenda: Attorney Jackson suggested that we list the “Approval of Agenda” separate form the “Consent Agenda”. Therefore, if we need to modify the agenda we can do so. The Town Council agreed that we list the “Approval of Agenda” as a separate item. As the Town Council had already voted to approve the “Consent Agenda” in which the “Agenda” was included, the Council must now make a motion to approve the “Modified Agenda” as previously approved. A motion to amend the “Agenda” as previously approved was made by Council Member Sara Piland and 2nd by Council Member Donald Hudson. The motion was carried unanimously.

Public Hearing:

Item #1: Consideration for approval; Mr. Matt Rooney, Planner for the Cumberland County Joint Planning Department gave a presentation to the Eastover Town Council on **Case No. P08-23:** Rezoning of 2.19 Acres from R6A/CU residential/Conditional use (Antique Shop) to O&I(P) planned office and Institutional or to a more restrictive Zoning district, located at the corner of Murphy Road and 3135 & 3139 Dunn Road, submitted by Mr. Craig Wheeler, owned by Gregory and Laurie Barnes.

The Cumberland County Joint Planning Board reviewed and approved the site information based on the findings that the request is consistent with the Eastover Area Detailed Land Use Plan, which calls for medium density residential and activity node within the general vicinity. The request is reasonable due to the immediate area transitioning to primarily non-residential uses and is consistent with the uses within the surrounding area; and upon development, connection to public utilities will be required.

Developer Craig Wheeler spoke briefly and stated that it will be called Eastover Christian Academy. The school will have a Summer Day Camp for children ages 5 through 12 years of age and an After School Program for children ages 5-12. It will be a Christian School and Child Care for ages 1 –12 years of age.

Attorney John Jackson stated that at a Public Hearing the Mayor should ask if anyone wishes to speak for or against the issue. Also, at the end of the Public Hearing a motion to close the Public Hearing should be made and second by the Town Council.

A motion to close the Public Hearing was made by Council Member Sara Piland and 2nd by Council Member Benny Pearce. The motion was carried unanimous.

Item #2: Consideration for approval; Mr. Matt Rooney planner for the Cumberland County Inspections & Planning Department gave a slide presentation to the Eastover Town Council concerning **Case No. 08-082**, Phil and Joni Smith Property {C(P) site plan review- County Subdivision Ordinance}: Request approval of alternate yard setback from the side and rear property lines- Section 1040, County Zoning Ordinance: C(P); Total acreage: 0/34 +/-; Location: West side of US Hwy 301 (Dunn Road), North of SR 1831 (Baywood Road). This site plan **Case No. 07-170** was considered and approved back in Dec 4, 2007. The existing building is a one-story brick building. The proposed brick building will have 1400 Square feet and only have a 5.01 feet from the both rear property line and 29.98 feet from the northern side property lines. The previous C(P) zoning district requires a 30-foot setback from the rear and side property lines. The previously approved site plan had the proposed building addition being attached to the existing office building and complying with the required setbacks. The developer is requesting alternate yard setbacks for the proposed parking garage building based on the reasons stated in his request. The Cumberland County Planning and Inspection Staff **recommends denial** of this request based on the developer not providing sufficient justification why the proposed building location would create any less of a drainage problem than what is already approved. The access into the proposed site could be achieved from either location. The developer has the option of doing a “zero lot line subdivision” with the adjacent property owner and getting their consent with that owner to build closer to the property line. The Staff has recommended denial of site plan as proposed.

The developer Mr. Phil Smith stated that he previously was going to join the two building (Case No. 07-170 Dec 4, 2007). But he does not want to do that now; he now wants to separate the two buildings. The new building he wants to build is metal and the existing building is brick. He said it would be an eyesore to put the two buildings together as approved in Dec 07. Twice Mayor McLaurin

asked Mr. Smith if he had obtained approval from the joining property owners concerning the 30 feet offset. Mr. Smith stated that he does not have written approval and the property owner would leave it up to the Town Council. Mr. Smith stated that he would put up a 6 feet high fence around the property and only the office building would be seen. He stated Eastover has just become a town and has the authority to approve this request.

Council Member Sara Piland stated that Eastover had just become a town and we want to set the right precedence. Eastover has adopted the standards of Cumberland County. Council Member Sara Piland stated she had concerns regarding making exceptions to the codes. Council Member Piland asked Mr. Matt Rooney if it was the responsibility of the Planning Board to get the approval from the adjoining property owners. Mr. Rooney stated it is the developer's responsibility to do so. Council Member Sara Piland asked Mr. Rooney what the specific reasons as to why the codes call for setbacks. Mr. Rooney stated it is for safety reasons fire, lighting, and hazards. Council Member Sara Piland made a **motion to support or approve Case No. 08-082 the Planning Staff's recommendation to deny the request for the alternate yard setback**. The Motion was 2nd by Council Member Lawrence Buffaloe. The motion was carried unanimous.

Item #3 & Item #4: The Mayor proposed that a Public Hearing be opened on the proposed budget for fiscal year 2008-2009. If any one would like to comment for or against the proposed budget, please speak now. There were no public speakers.

Council Member Cheryl Hudson gave the Town Council a briefing on the 2008-2009 Budget for the Town of Eastover. She read the Budget Message to the Council. Council Member Cheryl Hudson also presented the Budget Ordinance for Fiscal Year July 1, 2008 to June 30, 2009. The amounts **appropriated in the General fund** for the operation of the Town government and its activities. Administration \$238,400.00; Zoning & Planning \$12,000.00; Police Department \$105,250.00; Fire Department \$217,250.00; Street & Lighting Department \$11,250.00; Parks & Recreation Department \$95,000.00; Contingency Fund \$232.00; a total of \$679,382.00.

It is estimated that the following **revenues will be available in the General Fund** for the fiscal year beginning July 1, 2008 and ending June 30, 2009. They are as follows: Taxes, Current Year \$391,062.00; Tax Penalties & Interest \$1,500.00; Cablevision Fee \$23,520.00; Interest on Investments \$1,800.00; Local Option Sales Tax- Net \$261,000.00; Recreation/Open Space \$500.00; A total of \$679,382.00.

Council Member stated that there is levied a tax rate of twenty & one-half cents (.20 ½) per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 2008. Council Member Cheryl Hudson also stated that the Budget Officer is hereby authorized to transfer appropriations as contained herein under specific conditions. The Budget Office may make cash advances between funds for periods not to exceed 60 days without reporting to the Town Council. The Town Council must approve all advances that extend beyond 60 days. The Town Council must approve all advances that will be outstanding at the end of the fiscal year.

Attorney John Jackson commended Council Member Cheryl Hudson on the preparation of the budget, and Council Member Sara Piland echoed that comment.

Council Member Donald Hudson made a motion to Approve the Proposed Budget and 2nd by Council Member Willie Geddie. The motion was carried unanimously.

Discussion Agenda:

Item #1: The Town Council made a decision to take “no action” on the presentation of the flag from the Woodmen of the World. No one was present to present the flag and had decided to present it to the Civic Club. The flag will be presented to the Eastover Civic Club on Thursday night.

Item #2: Council Member Benny Pearce stated that the contract between The Town of Eastover and the Eastover Fire Department has been verbally approved in concept by Fire Chief Danny Matthews. This is the contract that was presented to the Town Council at the last Town Council meeting on May 6, 2008. Attorney John Jackson will present an original contract for signatures by all parties. Council Member Benny Pearce made a motion to approve the contract and to authorize the Mayor to execute. The motion was 2nd by Council Member Sara Piland. The motion was carried unanimously. Council Member Benny Pearce stated that the Town Council had previously stated they wanted to enhance the Fire Department, not just keep the standard rate that they were getting. Council Member Pearce suggested that we invite Fire Chief's Mark McLaurin and Herman Britt to our July meeting and give the Board a presentation on how their budget is made up and what their needs are. A motion to accept this supplementary suggestion to the contract was made by Council Member Benny Pearce and 2nd by Council Member Sara Piland.

Item #3: Council Member Cheryl Hudson stated that she needs to reorganize some of the departments amounts, so we can pay the Fire Department and Parks & Recreation this will be done on Budget Ordinance Amendment No. 02-2008. Be it ordained by the Governing Board of the Town of Eastover, NC that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2008. To amend the General Fund, the expenditures are to be changed as follows: Fire Department Increase by \$9,750.00; Parks & Recreation increase by \$3,300.00; Administration decrease by \$7,050.00; Police Department decrease by \$3,000.00; Street Department decrease by \$3,000.00; a total of \$13,050.00 increase and \$13,050.00 decrease. This will result in a net increase of \$0.00 in the expenditures of the General Fund. The total General Fund Budget with amendment is \$350,327.00. Council Member Lawrence Buffaloe made the motion to accept the Budget Ordinance Amendment No. 02-2008 and was 2nd by Council Member Donald Hudson.

Item #4: Attorney John Jackson gave the Town Council an update on the voluntary Annexation petition by developer John Koenig. He stated that he had received a letter from Mr. Richard Wiggins on May 30, 2008 that he had requested a consent letter to the City of Fayetteville regarding the portion of land in question. Assistant City Manager Kyle Sonnenberg called his office this afternoon and stated that the City of Fayetteville passed the voluntary annexation petition last night. We can expect a consent letter from the City of Fayetteville. The time for presentation of new bills for the short session has passed. However, there is no reason to not move forward on this if you so choose. There is no reason that we cannot have the conditional annexation in place and tax revenue in place for the next legislative session. Attorney Jackson stated that the City of Fayetteville did adopt a County MIA and a proposed map will be provided at the June meeting. Council Member Sara Piland asked if the MIA on that map includes the prominent no annexation and does not include the 15-year no annexation as agreed by Eastover. Attorney Jackson stated that this is correct. The Mayor thanked Attorney Jackson for this update.

Mayor's Update:

Mayor McLaurin stated that we should send a letter of appreciation to Mr. Barry Dugan for the clean-up job he has done. In time he will need help. Council Member Sara Piland stated that she had spoken to Barry and he would be glad to do the scheduling, but what he needs is individuals willing to

work with the service workers and show them where to clean-up, and check on them in a certain period of time. I am going to ask at the Civic Club Thursday night if anyone would volunteer or anyone in this room willing to volunteer to assist with the service workers.

Mayor McLaurin stated that Bibles and Crosses have been removed from the Veterans Association (VA) and will now be domination neutral.

Mayor McLaurin stated that the Seal of Eastover is still not completed, but thinks it may be close to completion. We are trying to get the Copula on The Town Seal.

Council Members Update:

Council Member Sara Piland stated that we had received some good news. The news was that the U.S. Postal Service has approved Eastover using Eastover, NC 28312 as their mailing address. The exception to this would be the residents that now have a Wade, NC address. These residents must continue to use Wade, NC as their address for now. The U.S. Postal Service will attend a Special Town Council Meeting at 11:00 a.m. on June 17, 2008 at the Eastover Town Hall to address this issue.

Council Member Sara Piland stated that Howard Piland, Jr. would give a presentation on our new Web site. This briefing will be held at our next Town Council meeting on July 1, 2008.

Council Member Cheryl Hudson stated that we had an Inspection by the Fire Marshall's Office and we had two violations. We must have a new fire extinguisher and the power line that is running through the wall to the water heater must be changed. She also stated that the Town Clerk has a Public Notice posted in the Town Hall concerning individuals wanting a permit to open a business. They must go to the Cumberland County (Old) Court House, Inspections Department, and speak with someone in Zoning. They must also go to the Fire Marshall's Office located on 131 Dick Street. Buildings must be inspected prior to occupancy.

Mr. Matt Rooney, Planner for the Cumberland County Planning & Inspections Department stated that it is confirmed that The Town of Eastover's resident population count is 3,600.

Motion to Adjourn at 8:00 p.m.

Mayor Charles G. McLaurin requested a motion to adjourn. A motion to adjourn was made by Council Member Benny Pearce, and 2nd by Council Member Lawrence Buffaloe. The motion was approved unanimously.

Town of Eastover

Charles G. McLaurin, Mayor

Attest: _____, Town Clerk
Jane F. Faircloth