

**Town of Eastover - Town Council Meeting
Tuesday, September 2, 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 – September 2, 2008

Mayor Charles G. McLaurin, Council Members Cheryl Hudson, Lawrence Buffaloe, Donald Hudson, Sara Piland, Willie Geddie, and Benny Pearce were in attendance at the September 2, 2008 Eastover Town Council Meeting. A quorum was present at the Town Council Meeting. Attorney John Jackson town attorney, and Mr. Matt Rooney of the Cumberland County Joint Planning & Inspections Department were also in attendance.

I. Call to Order: Mayor Charles McLaurin called the September 2, 2008 meeting of the Eastover Town Council to order at 7:00 p.m., and welcomed all in attendance.

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

III. Public Comments: There were no public comments.

IV. Recognitions: Mayor Charles G. McLaurin read a Proclamation from the Town Of Eastover declaring September 17-24, 2008 as “Constitution Week”. Council Member Benny Pearce made a motion to approve the Proclamation, and the motion was 2nd by Council Member Lawrence Buffaloe. The motion was carried unanimously.

V. Approval of Agenda: Council Member Sara Piland made a motion to approve the Agenda as presented. The motion was 2nd by Council Member Willie Geddie. The motion was carried unanimously.

VI. Consent Agenda: Council Member Sara Piland made a motion to approve the August 5, 2008 Minutes and the August 19, 2008 Special Meeting Minutes. The motion was 2nd by Council Member Donald Hudson. The motion was carried unanimously.

VII. Public Hearing:

1. Annexation Petition- Estate Builders, LLC property.

Mayor Charles McLaurin made a motion to **open the Public Hearing**.

There were no speakers for or against the annexation at the Public Hearing. The Town Council chose to go forward with the annexation. Council Member Sara Piland made a motion to **close the Public Hearing**, and the motion was 2nd by Council Member Benny Pearce.

Attorney John Jackson stated that the next step would be to direct preparation of an Ordinance to annex the property and determine the effective date. We would need a pre clearance from the Fire Department. Mr. Jackson stated that there is no rush as the Legislature is not in session at this time.

Council Member Donald Hudson made a motion to for the Town of Eastover to go forward with the annexation and prepare the Ordinance. The motion was 2nd by Council Member Cheryl Hudson. The motion was carried unanimously.

2. Public Hearing Case No. P08-37: Rezoning of 0.34 +/- acres from C(P) Planned Commercial to C1(P) Local Business or to a more restrictive zoning district, located at 3849 Dunn Road, submitted and owned by Philip N. & Joni L. Smith. (Eastover)

Mayor Charles G. McLaurin made a motion to **open the Public Hearing**.

There was one speaker in favor and no speakers in opposition.

Mr. Philip Smith signed-up in favor of the C1(P) zoning, but stated he would speak only if needed.

Mr. Matt Rooney from the Cumberland County Planning & Inspections Department gave a presentation on Case No. P08-37. Mr. Rooney stated that the initial zoning is C(P) – December 1979 . Nonconformities, existing structure legal nonconforming for side yard (Southern property Line). The surrounding land use is residential (including multi-family & manufactured homes) convenience retail with gasoline sales, restaurant salon shopping center, vacant commercial building, government & medical offices, and animal feed processing and distribution. Mr. Rooney stated that water and sewer is available. Dunn Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2007-2013 MTIP. This is a Priority #3 in the Highway portion of the LRTP. Mr. Rooney stated that the members present at the August 19, 2008 meeting voted unanimously to follow the amended staff recommendation and approve the rezoning to C1(P) Planned Local Business.

Mayor Charles McLaurin requested a motion to close the Public Hearing. Council Member Sara Piland made a motion to **close the Public Hearing on Case No. P08-37**. The motion was 2nd by Council Member Cheryl Hudson. The motion was carried unanimously.

Council Member Sara Piland made a motion to approve the C1(P) rezoning for Case No. P08-37. The motion was 2nd by Council Member Cheryl Hudson. The motion was carried unanimously.

3. Public Hearing Case No. P08-38: Rezoning of 0/92 +/- acres from O&I(P) Planned Office and Institutional to C(P) Planned Commercial or to a more restrictive zoning district, located on the West side of Dunn Road, between Church Street and School Street, submitted by Chuck Furr, owned by Eastover Development Partners, LLC. (Eastover)

Mayor Charles McLaurin made a motion to **open the Public Hearing on Case No. P08-38**.

Mr. Matt Rooney of the Cumberland County Planning & Inspections Department gave the Town Council a briefing on Case No. P08-38. Frontage and location: 1,259.00' +/- on Dunn Road; depth is 155.00', +/- . There are no soil limitations on the property. The jurisdiction, Town of Eastover adjacent property between Church Street & School has current use. Water & sewer is available on the property. The average daily traffic count (2006) is 5000 on Dunn Road (US JWY 301). Mr. Rooney stated that Dunn road is identified in the Highway Plan as a Major thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2007-2013 MTIP. This is a Priority #3 in the Highway portion of the LRTP. Mr. Rooney stated that Staff recommends approval of the C(P) Planned Commercial district based on the following

(1) The recommendation is consistent with the Eastover Area Detailed Land Use Plan, which calls for heavy commercial at this location.

(2) The request, if approved, will allow for the property under the same ownership to have consistent zoning.

(3) The subject property is located on a major thoroughfare.

Mayor Charles McLaurin requested a motion to close the Public Hearing. Council Member Sara Piland made a motion to **close the Public Hearing on Case No. P08-38**. The motion was 2nd by Council Member Lawrence Buffaloe. The motion was carried unanimously.

Council Member Benny Pearce made a motion to approve the rezoning of Case No. P08-38 to C(P) Planned Commercial. The motion was 2nd by Council Member Cheryl Hudson. The motion was carried unanimously.

VIII. Discussion Agenda:

Agenda Item # 1:

Attorney Jackson stated that the Sheriff's Office contract has been modified. The effective date of the contract needs to be determined. Mr. Jackson stated that a sheet should be inserted for the Finance Officer to sign with a statement stating that the instrument has been pre audited in the manner required by The Local Government and Fiscal Control Act, and a place for him to sign as to form. The Clerk and Mr. Jackson will take care of this action.

Council Member Sara Piland stated that a Deputy has been in the area prior to the contract. Mr. Jackson stated that if we feel we should pay for these services then wait until the Sheriff's Office bills for these services. The effective date stated in the contract is September 8, 2008. Mr. Jackson stated that we are under no legal obligation to pay prior to that date. Mr. Jackson recommends we use September 8, 2008 as the effective date of the contract as the Sheriff's Office has done. The contract goes from September 8, 2008 through June 2009.

Council Member Lawrence Buffaloe made a motion to approve the Sheriff Department Contract as presented with the effective date of September 8, 2008. The motion was 2nd by Council Member Donald Hudson. The motion was carried unanimously.

Agenda Item # 2:

Council Member Sara Piland briefed the Mayor and the Town Council concerning the cost for an Embarq FAX line for their consideration. The basic line charge is \$32.38 per month, miscellaneous charge & taxes (estimated \$4-\$6) \$5.00. Basic service with **option one** - long distance options at 400 minutes annually at \$24.00 (6 cents per minute). Basic service with **option two** - Business Anytime -\$5 monthly (plus 7 cents per minute). Example \$5 plus 30 minutes = \$7.10. Council Member Sara Piland recommended "Business Anytime Plan". The Town Council discussed the options and determined that Business Anytime was the best option at an estimated cost of \$44.48 monthly, with an annual cost of approximately \$533.76.

Council Member Cheryl Hudson made a motion to approve the Basic Anytime option with Embarq. The motion was 2nd by Council Member Donald Hudson. The motion was carried unanimously.

Agenda Item # 3:

Council Member Benny Pearce briefed the Mayor and the Town Council on the Street Lighting project for the Town of Eastover. The primary step is for Mr. Jay Stancil from the Department of Transportation (DOT) in Raleigh to give us a coding or classification for the areas that we are going to put street lighting. Council Member Pearce stated that this is going to take months to accomplish this project. Council Member Pearce stated that he had emailed each Council Member a copy of the letter and classification from the DOT. This information showed the Design Foot-candles, Design Uniformity and the average daily traffic for the segment of Dunn Road (US 301) requested from Mr. Jay Stancil. These values are valid for a period of one year from the date of their email after which we would need to resubmit if the encroachment has

not been requested. All further file references must be referred as “Eastover –090208”.

Council Member Sara Piland asked if we were going “Green”. Council Member Benny Pearce stated that were going with the least expensive. It is going to be energy efficient. They will use Sodium Vapor lights. The Mercury Vapor lights are no longer used. We may have to add some poles along the route.

At this time no vote was necessary. Council Member Benny Pearce will keep the Council updated.

Agenda Item # 4:

Council Member Cheryl Hudson gave a briefing on the proposed contract for purchasing accounting software from Southern Software. Council Member Cheryl Hudson explained the pros and cons of the two separate software packages. One has the payroll module at a cost of \$15,195.45, and the module without the payroll is at a cost of \$9,943.45. A total cost difference of \$5,242.00. If we are going to start retirement and benefits we need the payroll module. Council Member Cheryl Hudson stated that Southern Software is the software most of the municipalities in Cumberland County are using and most auditors are familiar with this software.

Attorney John Jackson presented several questions concerning the software to be purchased from Southern Software. He stated that the limited liability is limited to ten or fifteen thousand dollars. If we had catastrophic failure it would cost a great deal, and this is an unusual provision he does not like to see. This company does have a good track record. Some of these companies do not allow copying of a database to another software program if we changed companies. Some companies say their software is proprietary and do not want their competitors to see their software. It is worth while to have them to consider even if it is just a letter that they will in the event of termination of the contract they will provide allow us to capture the database. The third thing is that he did not want this to be a deal breaker, but as our attorney he wanted to bring these things to our attention. Mr. Jackson stated the Town Council can decide whatever you want, but wanted us to know the risk. Mayor McLaurin asked if there had been any problems with other towns on this software. Mr. Jackson stated not to his knowledge. Council Member Donald Hudson stated that he felt we should ask these questions to Southern Software to prevent any future problems.

Council Member Cheryl Hudson stated that she would prefer to have Attorney Jackson’s questions answered from Southern Software before a vote on the software. Council Member Cheryl Hudson stated that she would get the answers and present them at the next Town Council Meeting. Council Member Benny Pearce asked if the NC League of Municipalities recommended Southern Software, and stated that we should inform them of the questions raised by our attorney. Council Member Cheryl Hudson stated yes they did recommend Southern Software.

No decision was made on purchasing Southern Software at this time. Council Member Cheryl Hudson made a motion to table Southern Software until the next meeting. The motion was 2nd by Council Member Lawrence Buffaloe. The motion was carried unanimously.

Agenda Item # 5

Council Member Sara Piland gave a briefing to the Town Council concerning the Community Forum on Land Use Planning. She stated that we will be at the Community Center on September 18, 2008 at 7:00 to 8:30 p.m. She stated that Mr. Matt Rooney would be in attendance at the Forum. The attendees would be broken up into small groups for discussions. Persons living outside the Town and persons having businesses in Eastover would be welcome. Attorney Jackson stated that this is a group that will give ideals, property owners, renters could give ideals also. The Town Council will summarize the results and would have the final say. Council Member Sara Piland stated that she hoped there would be about 70 to 80 people show up for the Forum.

IX. Receive Mayor's Update:

1. Mayor Charles McLaurin stated that Mr. Jimmy Teal from Fayetteville Cumberland County Appearance Committee. Mr. Teal wants someone appointed to represent Eastover and meets the 1st Monday at City Hall. It does not have to be a Council Member, just wanted someone really interested in the community. The Council could just give him some ideals.
2. Mayor Charles McLaurin stated that everyone knows the problems everyone has been having concerning the company data bases not being updated to include Eastover, NC. Most businesses do not update their database but every six months. Council Member Sara Piland stated that she was at the BB&T Bank recently, and they told her that they were going to get in touch with their IT people and have their database updated. The businesses have not updated their database. The US Postal Service database is updated and does show Eastover, NC.
3. Mayor Charles McLaurin stated he was concerned about newspaper articles not being preserved. The Council discussed various ways things could be preserved. Mayor McLaurin stated that he had called the Fayetteville Observer and asked how they preserve articles and we could purchase items from them if needed. Attorney Jackson suggested asking the Public Library about the preservation of documents.
4. Mayor Charles McLaurin stated that we were having problems getting someone to go to the NC League of Municipalities Conference in Charlotte. Mayor McLaurin stated that he would go but did not want to go alone. Everyone has a conflict and he feels we should save the money and plan to attend next year. The Council Members agreed with the Mayor on this issue.
5. Mayor McLaurin stated that the Deputy had approached him about traffic problems at Armstrong School. Mayor McLaurin asked the Town Clerk about the traffic as she picks up her grandson every day at Armstrong School. The Town Clerk stated that two teachers approached her and asked who owned School Street. They wanted to route the traffic of vehicles picking up students to that street, and it would not block the Fire Department and would be much safer entering and exiting the school. The situation now is very dangerous and they expect a bad accident to occur, as the cars coming from both directions into the school block the flow of traffic on Dunn Road and cars turning at the I-95 turn lane. The cars have no place to pull off the road. Mr. Herman Britt from the Eastover Fire Department was present and he was in agreement with this issue. The street by the Fire Department is so close to the exit to Business

I-95 it is very dangerous. Also there are no school markings on Dunn Road as the school is not on Dunn Road, it is located directly behind the Fire Department. The teachers stated that they have been trying for five years to use School Street and they are told it is a privately owned road and they cannot use it. The Town Clerk stated that she would relay the message to the Town Council and see what they can do.

Council Member Sara Piland stated that she thought Cumberland County Schools owned the road. Council Member Cheryl Hudson stated that the School Principal should initiate action. Council Member Sara Piland stated that she would call Mr. Kinlaw with the school system and assess the situation.

6. Mayor Charles McLaurin stated that he was going to talk with Mr. Barry Dugan concerning the Logo for the Eastover Civic Club. Council Member Sara Piland stated that they just needed some help in designing the Logo. Mayor McLaurin stated that he would be glad to help but wanted them to have input.

7. Mayor Charles McLaurin stated that selling car tags for Eastover has been mentioned again. This would be a good thing for the Eastover Civic Club or the Eastover Fire Department to use as a fundraiser. Council Member Benny Pearce has gotten a price of \$6.00 per tag. Mr. Herman Britt of the Eastover Fire Department stated that he would take it to the Board to see if they wanted to sell the tags as a fund-raiser. Council Member Sara Piland stated that Council Member Benny Pearce was going to take this to the Eastover Civic Club on Thursday night, and she felt they would be interested in selling the tags.

8. Mayor Charles McLaurin stated that on Friday night September 5, 2008 at the Eastover Central Recreation Center is having a movie night. The Town Council has been invited to attend. No time was given but he has the phone number to call 484-1999.

9. Mayor Charles McLaurin stated that problems on South bound I-95 for people trying to get to Dunn Road. They are getting off on River Road or 295 to Ramsey Street. We need to contact the Department of Transportation and see if they will put some signage up so people can find Dunn Road to Eastover. Council Member Sara Piland asked Council Member Willie Geddie if he could would contact his person at DOT and see if he could get the signage put up in this area. Council Member Willie Geddie stated that he would check into this. The sign should say food lodging and Dunn Road or Eastover.

X. Receive Council Members Update:

Council Member Sara Piland stated that the Eastover Recreation Center has no playground or equipment for preschool children. Most of our citizens have to take their children to Stedman, Wade or to Fayetteville to find a playground. Council Member Piland stated that school children in Eastover need a playground. Mayor McLaurin stated that there is eight acres available at the Eastover Central Recreation Center and they plan to make walking trails and playgrounds, but cannot do so right now. Council Member Sara Piland asked about land at the Eastover Ball Park and Mayor McLaurin stated that the Ball Park had purchased that land. Council Member Cheryl Hudson stated that this is something we should pursue considering the

amount of Parks & Recreation Tax the Town of Eastover pays versus the amount the rest of the County is paying in Parks & Recreation Tax. Mayor McLaurin stated that he would ask Mr. Barefoot from the Parks & Recreation Department to come talk to us about this issue.

XI. Motion to Adjourn at 8:10 p.m.

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

Town of Eastover

Charles G. McLaurin, Mayor

Attest: _____, **Town Clerk**
Jane F. Faircloth