

**Town of Eastover - Town Council Meeting
Tuesday, November 4, 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 – November 4, 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 November 4, 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 November 4, 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 Donald Hudson gave the invocation and led the attendees in The Pledge of Allegiance.

III. Public Comments:

There were no public comments.

IV. Approval of Agenda:

Council Member Lawrence Buffaloe made a motion to approve the Agenda as presented. The motion was 2nd by Council Member Cheryl Hudson. The motion was carried unanimously.

V. Consent Agenda:

Council Member Sara Piland made a motion to approve the October 7, 2008 Minutes as presented. The motion was 2nd by Council Member Cheryl Hudson. The motion was carried unanimously.

VI. Public Hearings:

(1) Mayor Charles McLaurin made a motion to open the Public Hearing on Case No. P08-50.

There were no speakers for or against Case No. P08-50

Public Hearing Case No. P08-50: A Zoning Map Correction of 2.72 +/- acres to R30 Residential; Located at 1956, 1964 & 1976 Middle Road, Owned by Larry W. & Diane W. Fussell, Winburn L. & Mary H. Fussell, and David Q. & Deborah W. Williams; Staff initiated. (Eastover)

Mr. Matt Rooney from the Cumberland County Planning & Inspections Department gave a briefing concerning Case No. P08-50. Mr. Rooney stated that during the initial zoning into the Town of Eastover, the R30 zoning district previously approved, September 21, 1998, on the subject property was omitted on the zoning map. This is not a rezoning request; it is to correct a zoning map error to reflect the approved R30 zoning district. Currently the lots are incorrectly zoned A1 that calls for minimum lot size of two acres, making these lots nonconforming. Eastover's initial zoning was adopted on December 4, 2007. Mr. Rooney stated that Staff recommends approval of this zoning map correction. The Cumberland County Planning & Inspections Staff initiated Case No. P08-50, as an effort to correct a mapping error and recommends the zoning map be corrected to reflect the approved zoning of R30 Residential District.

Mayor McLaurin called for a motion to **close the Public Hearing on Case No. P08-50**. The motion to close the Public Hearing was made by Council Member Benny Pearce. The motion was 2nd by Council Member Lawrence Buffaloe. The motion was carried unanimously.

Council Member Donald Hudson made a motion to **approve Case No. P08-50** as recommended by the Staff. The motion was 2nd by Council Member Lawrence Buffaloe. The motion was carried unanimously.

(2) Mayor Charles McLaurin made a motion to open the Public Hearing on Case No. P08-55.

There were no speakers for or against Case No. P08-55

Public Hearing Case No. P08-55: A Zoning Map Correction of 2.0+/- Acres to RR Rural Residential/ CU Conditional Use Overlay District (Used Auto Sales and a Residence) and Permit; Located at 3565 Beard Road; Owned by John B. & Della W. Patterson; Staff Initiated. (Eastover)

Mr. Matt Rooney from the Cumberland County Planning & Inspections Department gave a presentation on Case No. P08-55. Mr. Rooney stated the Cumberland County Planning &

Inspections Staff initiated Case P08-55 in an effort to correct a mapping error. This property was rezoned to RR Rural Residential / Conditional Use Overlay (used auto sales and the existing residence) along with the approval of the Permit on February 17, 2003 while still under the jurisdiction of the County. The zoning was inadvertently presented to and adopted by Eastover Town Council as RR Rural Residential (the Overlay and Permit were not included). The County Planning & Inspections Staff recommends the zoning map be corrected to reflect the approved zoning of RR Rural Residential/CUD Conditional Use Overlay District and Permit. Mr. Rooney stated that since this is a Conditional Use Overlay District he would like the minutes to reflect that the application submitted by the applicant become part of the record to be used by the Town Council in making your decision. The applicant is asking for an office building behind the existing home, with a maximum of five cars in display area, number of employees is one. Should the Town Council approve this action the applicant would be able to do the things stated in the application. Mr. Rooney stated that this is a zoning map correction.

Mayor Charles McLaurin called for a motion to **close the Public Hearing on Case No. P08-55**. Council Member Sara Piland made a motion to close the Public Hearing on Case No. P08-55. The motion was 2nd by Council Member Lawrence Buffaloe. The motion was carried unanimously.

Council Member Sara Piland stated that she would make a motion in accordance with State law. I move that the Eastover Town Council find that this **Conditional Use District Application** is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that the following Conditional Use be approved. The Rural Residential Conditional Use Overlay District Used Auto Sales and a residence, and I make this motion for the Council's consideration. The motion was 2nd by Council Member Cheryl Hudson. The motion was carried unanimously.

Council Member Sara Piland moved that the Eastover Town Council finds that this **Conditional Use Permit application**, if completed as proposed and subject to the conditions recommended by the Planning Board:

- (I) Will not materially endanger the public health and safety, and
- (II) Will not substantially injure the value of adjoining or abutting property, and
- (III) Will be in harmony with the area in which it is to be located, and
- (IV) Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Eastover Town Council.

The motion was 2nd by Council Member Donald Hudson. The motion was carried unanimously.

VII. Discussion Agenda:

Agenda Item # 1:

Consider approval of the U.S. Communities Contract (Herald Office Systems) for a copier lease for the Town Hall.

Attorney Jackson stated that he reviewed the contract and finds it to be acceptable. Mr. Jackson stated that he did get Herald Office Systems to take out the provision/clause, that due to inflation the cost could be increased. It appears appropriate and is in legal form for consideration of passage of the Town Council, if so desired.

Council Member Cheryl Hudson made motion to move forward with leasing of the copier. The motion was 2nd by Council Member Sara Piland. The motion was carried unanimously.

Agenda Item # 2:

Consider approval of the N.C. Statewide Emergency Management Mutual Aid and Assistance Agreement.

Attorney Jackson stated that this is a standard Statewide Agreement. The only thing unusual about this is that we do not have any assets in which to assist anyone. This would not involve the Fire Departments and EMS people, as they are contracted. In the case of us asking for assistance we should be aware that there could be some cost associated with this. This is normally for a Town that has assets. This is just a formality and we should be included in the Statewide Agreement.

Mayor McLaurin asked for a motion to approve the N.C. Statewide Emergency Management Mutual Aid and Assistance Agreement. Council Member Willie Geddie made a motion to approve the Agreement. The motion was 2nd by Council Member Sara Piland. The motion was carried unanimously.

Agenda Item # 3:

Consider approval of Case No. 08-166. Joyce and Ottis A. Thames Property Subdivision Review – County Subdivision Ordinance; Zoning: R40; Acreage; 1.50+/- (Parent Tract: 18.43+/-); Location: South Side of SR 1722 (Beard Road), West of US HWY 301 (Dunn Road). (Eastover)

Mr. Ottis A. Thames signed up as a speaker for Case No. 08-166.

Mr. Matt Rooney from the Cumberland County Planning & Inspections Department gave a briefing on Case No. 08-166. He stated that the developer is proposing to divide a 1.5- acre lot out of an 18.43-acre tract located on SR 1722 (Beard Road). The proposed lot meets the minimum 40,000 square feet requirement for lot size. The subject property has 1,200 feet of road frontage along SR 1722 (Beard Road). This site is served by public water and sewer provided by the Eastover Sanitary District. The current zoning is R40. Staff is recommending approval of the proposed subdivision subject to the condition contained in your packets. These

are standard conditions with the exception of Condition #10 Pre-Plat –Related. Condition #10 states that one fire hydrant must be installed along SR 1722 (Beard Road) within 500 feet of the subject lot; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, Cumberland County Subdivision Ordinance) The closest fire hydrant is located at the Church on Beard Road. The staff recommends approval based on these conditions. Council Member Benny Pearce asked if the owner was aware of this requirement. Mr. Ottis Thames replied that he was aware and would comply with the condition, and he is ready to put in another fire hydrant as required. Mr. Rooney stated that the Town has chosen to comply with the Cumberland County Ordinance concerning fire hydrants unless they choose to do otherwise. Mr. Thames has no problem with the 500 feet distance and is prepared to comply with the ordinance. Mr. Thames had no further comments.

Mayor Charles McLaurin asked for a motion to approve Case No. 08-166 with the conditions stated by the Cumberland County Staff. Council Member Benny Pearce made a motion to approve Case No. 08-166. The motion was 2nd by Council Member Cheryl Hudson. The motion was carried unanimously.

Agenda Item # 4:

Consider approval of Workman’s Compensation Insurance through the NC League of Municipalities.

Council Member Cheryl Hudson gave the Town Council a briefing concerning the Workman’s Compensation Insurance coverage for the Town of Eastover. This is additional insurance coverage since we do have an employee.

Council Member Cheryl Hudson made a motion to approve the insurance as stated in your packet. The motion was 2nd by Council Member Sara Piland. The motion was carried unanimously.

Agenda Item # 5

Consider approval of Budget Amendment No. 01-2008-2009 for Budget Year July 1, 2008 to June 30, 2009.

Council Member Cheryl Hudson gave a briefing on Budget Ordinance Amendment No. 01-2009. Be it ordained by the Governing Board of the Town of Eastover, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2009. To amend the General fund, the expenditures are to be changed as follows: Administration – Increase of \$556,250.00; Police Department - decrease of \$45,000.00; Street Department increase of \$8,750.00. A total amendment of \$565,000.00 increase, and \$45,000.00 decrease. This will result in a net increase of \$520,000.00 in the expenditures of the General Fund. To provide the additional revenue for the above, the following revenues will be increased. Revenues: NC Sales Tax Increase of \$400,000.00 and NC Franchise Tax Increase of 120,000.00. This makes total revenues of \$520,000.00. The total General Fund Budget with amendment is \$1,199,382.00. Copies of this budget amendment shall be furnished to the Clerk of the Governing Board for her direction.

Council Member Cheryl Hudson made a motion to approve the Budget Amendment No. 01-

2009. The motion was 2nd by Council Member Benny Pearce. The motion was carried unanimously.

Agenda Item # 6

Consider approval of proposed ordinance for speed limit signs, basically 35 MPH unless otherwise posted.

Council Member Sara Piland stated that Attorney Jackson had sent to us the Town of Hope Mills and the Town of Spring Lake's Ordinance on speed limit signs. Council Member Piland feels that we need to go to the Department of Transportation (DOT) and request a review of the speed limits to be changed on DOT roads, as we can only put signs on private streets. Attorney John Jackson stated that we should identify what we want to change (problem areas) prior to going to the DOT. Council Member Piland asked Attorney Jackson to draft a letter to the DOT for justification purposes, after the Town Council identifies the problem areas. The Town Council agreed to set up a **committee to identify those areas**. The Committee reports back to the Town Council on the findings. Mr. Jackson asked for information to put into the letter to the DOT. The Town Council members agreed to table this agenda item until the information needed is obtained.

Agenda Item # 7

Update from Attorney John Jackson on adoption of Cumberland County Ordinances.

Attorney Jackson stated that he attempted to talk with Mr. Butch Raynor at the County Attorney's Office, and has called Attorney Ralph at the Cumberland County sheriff's Office and he has not returned my call. Council Member Benny Pearce stated that he had talked with Mr. Grainger Barrett and he stated that unless we specifically adopted the sound and dog ordinance Cumberland County's Ordinance would not apply. He stated that there is a State Ordinance that would apply to malicious dogs. Mr. Jackson stated that there is a mechanism with the State to enforce the Vicious Dog Ordinance, and we need to have a certified copy to attach to our Ordinance to keep our records straight. The problem is that next Monday morning they may amend the Ordinance, and we would not have anyone at the meeting, and the clerk forgets to send us an update one for our records. There is a maintenance problem. We should do this by Ordinance and if anyone is charged and comes into the Town Hall to see our Ordinance, we would have it on hand.

Mayor McLaurin stated that the Sheriff's Deputy brought this to his attention. Council Member Sara Piland stated that the Sheriff's Department brought this to the Deputy's attention. Attorney Jackson stated that he would go over to the Sheriff's Department and rattle someone.

Council Member Sara Piland stated that the only Ordinances we know about are the noise and dog and perhaps a curfew. Since we do not know all the Ordinances, Council Member Sara Piland asked Mr. Jackson if he could get us a list of all Ordinances, and then we can tell him the ones we need to adopt. Attorney Jackson stated he would have to go over to the Cumberland County Attorney's Office and sit until he gets the Ordinances. Mayor McLaurin stated that we would move on until we get the information from Attorney Jackson.

Agenda Item # 8

Consider approval of Resolution No. 8-2008 – Imposing a Gross Receipts Tax on Heavy Equipment in lieu of Property Tax.

Attorney John Jackson briefed the Town Council on the Resolution of the Town Council of the Town of Eastover, NC; Imposing a Gross Receipts Tax on Heavy Equipment in Lieu of Property Tax. Pursuant to Senate Bill 1852, being an act to resolve problems with applying property tax to heavy equipment rented on a short-term basis by replacing the property on this equipment with a tax on the gross receipts from renting the equipment. This resolution will provide for the substitution of the lost tax if you choose to do so. This is just a substitution for the tax that the Legislature took away, and they have allowed by ordinance the imposition of a tax on leasing as a substitute. The County has offered by this proposed ordinance, and they will collect, levy the tax, report and payment of tax, etc.

Council Member Sara Piland made a motion to approve the Resolution No. 8-2008 as proposed. The motion was 2nd by Council Member Willie Geddie. The motion was carried unanimously.

VIII. Receive Mayor's Update:

1. Mayor McLaurin reminded the Town Council of the Mayor's Coalition Meeting (Breakfast) on November 14, 2008 at 8:00 a.m. at the Eastover Community Center. Eastover is the host for the Meeting this quarter. He would like for all Town Council Members to attend if possible. There will be approximately 35 persons in attendance.
2. Mayor McLaurin stated that we had received a letter from the Mr. Brandon King from NC State University concerning an ordinance for the "Protection of Trees". Mr. King would like to have a copy for his study, if we have such an ordinance. All Council Members agreed that we definitely need such an ordinance

IX. Receive Council Members Update:

1. Mayor McLaurin asked the Town Clerk to assign a different person each meeting to say the Invocation, and lead in the Pledge of Allegiance to the Flag. He stated that the individual could have some else to do this for the person assigned, if so desired (i.e. pastor or friend).
2. Mayor McLaurin asked Council Member Sara Piland to discuss the 2030 Growth Plan. Council Member Piland stated that it looks like the earliest we can have the 2nd Community Forum will be in perhaps January 2009. Council Member Piland requested that Mr. Matt Rooney provide the Town Council with feedback from the first Community Forum at the December Town Council Meeting. Further, we need to talk about what the objectives of the 2nd Community Forum should be. She stated that she felt the Town needs to help people narrow down exactly what they want and to set priorities. Council Member Piland stated that Eastover

wants to have the 2nd Community Forum in the January 2009 timeframe.

Council Member Lawrence Buffaloe asked if this had any relationship with the County's 2030 Growth Plan, and is this information going to be feed into it? Council Member Piland stated the Community Forum is what we are doing and we should make the County aware of what Eastover's is saying. Council Member Buffaloe stated there should be a link between the 2030 Growth Plan and Eastover's Community Forum. Council Member Piland stated this could be our primary objective at the 2nd Community Forum. The objective would be to help make Eastover's Residents aware, and understands the 2030 Growth Plan for Cumberland County. The approach could be this is what was said in Eastover in September, and this is what the 2030 Growth Plan says, and hopefully reconciles the two.

Council Member Piland stated that the 2030 Growth Plan has not been approved by the County Commissioners as of this date. Mr. Rooney stated that he did not think there was a specific timeline for adoption of the 2030 Growth Plan but that the Plan certainly could be discussed. Council Member Buffaloe asked Mr. Rooney for a time frame to discuss the Community Forum results and 2030 Growth Plan. Mr. Rooney stated that would take about 30 to 45-minutes to present the information. Council Member Piland stated that she thought a separate meeting would be needed to hear the presentation. Council Member Buffaloe asked why this could not be done at one meeting depending on the agenda? He stated that this would save an extra meeting. The decision on the 2nd Community Forum and 2030 Growth Plan briefing is to have it at the February Town Council Meeting, and delay as many other agenda items as possible to the March Town Council Meeting.

2. Mayor McLaurin asked Ms. Judy McLaurin to give the Town Council an update on the Cumberland County Appearance Committee. Ms. McLaurin has been appointed to represent Eastover on the Appearance Committee. Ms. McLaurin stated they were working on the Landscaping for the County. They have been working on this for two years and are finally near completion. There is an Award Program and nominee's to be submitted in December 2008. The award nomination will be for a landscaping project improvement. Eastover should have something to submit. Ms. McLaurin gave the Town Council Members a packet for nominations for this award. Mayor McLaurin thanked Ms. Judy McLaurin for her efforts. Ms. McLaurin stated that she hopes she can represent Eastover well.

3. Mayor McLaurin stated that he would like to see a welcome sign and flowers planted in areas coming into Eastover. Attorney Jackson stated that we would have some major problems getting this approved by the State. Attorney Jackson stated that we should get an easement from the State to do so. Council Member Benny Pearce stated that he had talked with Mr. Barry Dugan and he was interested in doing something like this, and about getting an easement from someone's private property to put Welcome signs and flowers etc. He stated that we could do this through the Civic Club. Council Member Sara Piland stated that the Civic Club would actually fund these projects. There has been about \$4,000 dollars given to the Civic Club to enhance a similar project. The Civic Club needs to decide what they are going to do with these funds.

4. Mayor McLaurin asked if anyone had heard anything about the Eastover License Plates? Council Member Benny Pearce stated that they are in the process of being made. He stated that he had seen the facsimile of them and he thinks people will purchase them.

5. Council Member Sara Piland suggested that a committee be formed to hire a Town Manager. At the last Town Council Meeting we agreed to get an Interim Town Manager, and we have not moved forward with this action. Council Member Piland suggested that we form a committee to do an employment search for an Interim Town Manager and ask that committee to move that as hastily as possible toward that end. I think we should go back and take advantage of the services from the NC League of Municipalities and see what names they have, and any we may want to throw in the pot for consideration. We can see if they are interested in what we can offer. She suggested that Council Members Donald Hudson as Chair of the Committee, and Council Member Benny Pearce to serve on this committee. They both agreed to do so.

Mayor McLaurin stated that he wanted to put Council Member Willie Geddie and Council Member Lawrence Buffaloe on the DOT Committee about the speed limit issue, with Council Member Sara Piland as Chair. Council Member Sara Piland stated that we can have all Council Members on the committee, but we need a core group to just move forward and get it done.

6. Attorney John Jackson told the Town Council that the Planning Staff was real good. I want to call your attention to the Quasi Judicial proceeding that we had tonight. That went nice and easy, because there was no one to speak for, or against it tonight. But literally that is kind of a special deal and the next step. The person that was denied something or did not get what they wanted, and wanted to appeal, it would go directly to the Superior Court for a review. It really is a formal protocol for doing that. I have taken what the Planning Board has done and they have created a script. I have one here and we will get the clerk to make copies for all of the Town Council and Mayor. If in fact you do not have the right things in the records, as these are “findings of fact” and you as a judicial body must have “findings of fact”. If they are not in the records they will get tossed out. Most smaller towns must go through this procedure, as they do not have a Board of Adjustment in which to delegate. If we do not go through this procedure all that hard work you do is for naught, as they are very particular in this type of review. The motions are very critical, as they must contain these “findings of fact”.

When the word tree came up, when serving on the RULAC for Fort Bragg, I was trying to get the County as the keeper of the rural area to be concerned with forested areas, and hopefully put them in the boundary's around Fort Bragg. Mr. Jackson stated that we need a Deforestation Agreement, as the deforestation that is happening per year. In fifty years where are our grandchildren going to see a tree? From a health standpoint we need the trees, and wetlands.

Council Member Sara Piland stated that we create this by residential and non-residential standards. We need to get things in place now. Look at the construction going on, they are clearing all the trees.

X. Motion to Adjourn at 8:05 p.m.

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

Town of Eastover

Charles G. McLaurin, Mayor

Attest: _____, Town Clerk
Jane F. Faircloth