

**Town of Eastover - Town Council Meeting
Tuesday, June 2, 2009, 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 2, 2009

Mayor Charles G. McLaurin, Council Members Lawrence Buffaloe, Donald Hudson, Sara Piland, Willie Geddie, Cheryl Hudson and Benny Pearce were in attendance at the June 2, 2009 Eastover Town Council Meeting. A quorum was present at the Town Council Meeting. Also in attendance was Mr. Matt Rooney from the Cumberland County Joint Planning & Inspections Department, Mr. John Jackson, Town Attorney, Mr. Thomas Taylor, Interim Town Manager, and Jane Faircloth, Town Clerk.

I. Call to Order:

Mayor Charles McLaurin called the June 2, 2009 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 Sara Piland gave the invocation and led the attendees in The Pledge of Allegiance.

III. Public Comments:

There were no public comments.

Mayor Charles McLaurin recognized Deputy Dave Abels for his outstanding work and his visibility in the Town, as Eastover's Deputy. Mayor McLaurin stated that he had heard many wonderful comments from residents all over Eastover concerning Deputy Abels. The Town Council echoed the same comments to Deputy Abels. Council Member Cheryl Hudson commended Deputy Abels for being such a good role model for teenagers. Mayor McLaurin stated that Deputy Abels is an asset to Eastover and appreciates his efforts in trying to keep the Town safe.

IV. Approval of Agenda:

Town Manager requested that a motion be made to add Item #6 "Approve application and Resolution enrolling in NC Local Government Employees' Retirement System"; Item #7 "Approve and adopt two Resolutions for the Supplemental Retirement Income Plan of North Carolina, also known as NC 401(k)" to the Discussion Agenda. Council Member Sara Piland made a motion to add Item #8 Discuss Land Purchase to the Discussion Agenda.

Council Member Sara Piland made a motion to approve the Agenda with the amendments. The motion to amend the Agenda was 2nd by Council Member Cheryl Hudson. The motion was carried unanimously.

V. Consent Agenda:

Consider approval of the May 5, 2009 minutes.

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

VI. Public Hearing:

Case No. P09-15: Rezoning of 18.2 +/- Acres from RR Rural Residential to R7.5 Residential or to a More Restrictive Zoning District, Located at 4329 Dunn Road and West of Dunn Road (US HWY 301), North of (SR 1722) Beard Road, Submitted by Loyd Landry and Owned by Gene F. Williford, SR. (Eastover)

Council Member Sara Piland made a motion to **defer Case No. P09-15** until the September 7, 2009 Town Council Meeting. She stated that Cumberland County had deferred this Case No. P09-15 and it would be appropriate for us to do so. The motion was 2nd by Council Member Cheryl Hudson. The motion was carried unanimously.

VII. Public Hearing:

Consideration of approval of the Town of Eastover 2009-2010 Budget.

Mayor Charles G. McLaurin **Opened the Public Hearing on the 2009-2010 Budget.**

Mr. Thomas Taylor, Interim Town Manager briefed the Town Council concerning the proposed 2009-2010 Eastover Town Budget. Mr. Taylor stated at the time of incorporation the Town chose to provide five services: Zoning, Police, Fire, Street Lights, and Recreation. The proposed budget for 2009-2010 makes no change in that provision. He said the new budget beginning July 1, 2009 is based on a total valuation of \$242,731,707 as provided by the Cumberland County Tax office. He stated the county will continue to collect taxes for the Town of Eastover and in the past the collection rate has been better than 98%. He said this budget anticipates a collection rate of 93% and the tax rate will continue at 20.5 cents per 100 dollars of valuation. The Fire Department will remain at 10.5 cents, and Recreation will remain at 5 cents. He stated that the budget is very conservative and is 1% less than last year's budget.

Mr. Taylor stated that Cumberland County has just completed a revaluation as required by Statutes every 8 years. Eastover has a valuation gain of 26.5% and for the Town's Budget to be revenue neutral the Tax Collection rate would need to be reduced from 20.5 cents to 17 cents per 100 dollar valuation of property. This would hold true for both Fire Departments and the Recreation Program. Mr. Taylor stated that revenue neutral does provide for an approximate 3% growth over the previous year.

Mr. Taylor stated that the Town has chosen to honor and hold harmless the Fire Departments and Recreation and therefore Eastover and Vander Fire Department will be

funded at 10.5 cents per 100 dollars of valuation and Recreation will be funded at 5 cents.

The Town will be funded at 5 cents per 100 dollars of valuation as suggested by the North Carolina Local Government Commission. Mr. Taylor stated that the budget may change due to Cumberland County’s proposed tax cuts. He stated that he does not feel they will change the Fire Department (10.5 cent) and the Recreation (5 cent) tax. He stated he would not know this information until next week.

Mr. Taylor stated while the 2009-2010 budget does not provide for an expansion of any services it does, however provide for one new part time position, Assistant Town Clerk, and a salary increase for the Town Clerk/Finance Officer. He stated that beginning July 1, 2009 all finance functions will be housed in the Town Hall and the Town will continue to operate with a staff of three. Mr. Taylor stated that he had recommended a 5% match on the 401(k) plan which is a supplement to the Retirement System. He stated that the employee can put as much as they want into the 401(k), however, the Town only will match up to 5%. If the employee puts in 2% the Town will match by 2%. Mr. Taylor stated that our primary sources of income are the Property Taxes, the Local Option Sales Tax and the NC Franchise Tax. Mr. Taylor stated that the State could hold back some Local Option Sales Tax which it has done in some towns.

Mr. Taylor discussed the Budget Ordinance which shows the following:

Section One: The total valuation of the Town of Eastover is estimated to be \$242,731,707. He said it is therefore estimated that the following revenues will be available in General Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Taxes, current year	\$472,700.00
Taxes, prior years	7,000.00
Tax penalties & interest	2,000.00
Interest on investments	1,200.00
NC Franchise Tax	131,000.00
Local Option Sales Tax	660,000.00
	\$1,273,900.00

Section Two: The following amounts are hereby appropriated in the General Fund for the operation for the Town Government and its activities for the fiscal year beginning July 1, 2009 and ending June 30, 2010, in accordance with the chart of accounts heretofore established for this Town:

Administration	\$825,800.00
Zoning & Planning	12,300.00
Police	60,300.00
Fire	247,000.00
Street	15,400.00
Parks & Recreation	113,000.00
	\$1,273,900.00

Section Three: There is hereby levied a tax rate of twenty & one-half cents(\$0.205) per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 2009, for the purpose of raising the revenue listed as “Taxes, Current Year” in the General Fund in Section One of this Ordinance.

Section Four: The Budget Officer is hereby authorized to transfer appropriations as noted in the following:

- a. May transfer amounts between line item expenditures within a department without limitation and without a report being required.
- b. May transfer amounts up to \$2000.00 between departments, including contingency appropriations, within the same fund. Such transfer must be reported to the Town Council at its next regular meeting.
- c. May make cash advances between funds for periods not to exceed 60 days without reporting to the Town Council. Any advances that extend beyond 60 days must be approved by the Town Council. All advances that will be outstanding at the end of the fiscal year must be approved by the Town Council.

Section Five: Copies of the Budget Ordinance shall be furnished to the Town Clerk/Finance Officer and to the Town Council to be kept on file for direction in the disbursement of funds.

Mr. Taylor stated that the Town Council would not necessarily know of changes that would be made in line items within a department until a month later. Mr. Taylor stated if you are uncomfortable with that, he could add a line stating that a memo would immediately be sent to the Town Council Members when changes of \$1,000.00 or more are made. Mr. Taylor stated he did not think it would affect the budget one way or another.

Council Member Sara Piland stated that it would be more acceptable to her, with 2/3 of our budget in administration the Council would benefit from knowing when changes are made. Council Member Lawrence Buffaloe stated he liked the idea of just being notified and not make it so restrictive for the Town Manager. Council Member Piland asked that the Town Manager revise the Ordinance to read “funds could be transferred without dollar limitation within Departments, and a report being forwarded to the Town Council”. All Council Members were in agreement.

Council Member Sara Piland asked that the budget not be approved at this meeting. Council Member Piland stated the Town needs to know what Cumberland County Commissioners are going to do about tax cuts. She stated that she would rather have a special meeting after the Commissioners have convened before we make our decision on the budget. Mr. Taylor stated that we must vote on our budget prior to July 1, 2009, and the Commissioners meeting will be Monday, June 15, 2009.

Mayor McLaurin asked for a motion to **close the Public Hearing on the 2009-2010 Budget**. Council Member Lawrence Buffaloe made a motion to close the Public Hearing. Council Member Donald Hudson 2nd the motion. The motion was carried unanimously.

Council Member Sara Piland made a **motion to schedule a Special Town Council Meeting on Tuesday, June 16, 2009 at 3:30 p.m.** at the Eastover Town Hall, for final discussions and approval of the budget. The motion was 2nd by Council Member Cheryl Hudson. The motion was carried unanimously.

VIII. Discussion Agenda:

Agenda Item #1:

Consider setting date for Public Hearing on the 2030 Growth Vision Plan and Land Use Policies Plan

Mr. Matt Rooney of the Cumberland County Planning & Inspections Department briefed the Town Council on the 2030 Growth Vision Plan and Land Use Policies Plan. Mr. Rooney stated that he had given each Council Member a copy of these plans at the May 19, 2009 Budget Work Session. He stated that Cumberland County has approved both Policy Books. Mr. Rooney asked that the Town Council set a date for a Public Hearing on both of these Policy Plans.

Mr. Rooney stated that the “2030 Growth Vision Plan Policies and Actions” and the “Cumberland County Land Use Policies Plan”, covers Cumberland County, City of Fayetteville, Towns of Hope Mills, Eastover, Falcon, Godwin, Linden, Spring Lake, Stedman, and Wade.

Mr. Rooney stated that the “Land Use Policies Plan” includes residential development, commercial development, shopping center development, business street development, mixed use development, office and institutional development, industrial/manufacturing development, open space, agricultural, and land use policies matrix.

The “2030 Growth Vision Plan” is a draft which includes vision statements, and policies and actions. Mr. Rooney stated that Eastover should schedule a date for a Public Hearing on both Policies.

Council Member Sara Piland made a motion to schedule a **Public Hearing on August 4, 2009** for discussion, more community involvement, and approval of the two Policy Plans for the Town of Eastover. The motion was 2nd by Council Member Donald Hudson. The motion was approved unanimously.

Agenda Item #2:

Consider Town of Eastover Work Program for the Cumberland County Planning and Inspections Department.

Mr. Matt Rooney briefed the Town Council on the Work Program for the Town of Eastover. He stated that based on some of the Zoning and Subdivision Cases we have had. He stated that four recommendations jump-out at him and need to be added to the Work Program. The recommendations are as follows:

- (1) Staff recommendations regarding whether specific zoning districts are consistent with the goals of the Eastover Detailed Land Use Plan and existing and future development.
- (2) Staff recommendations for development standards within the Town of Eastover and Eastover Municipal Influence Area.
- (3) Staff recommendations for possible revisions to the landscaping requirements in the zoning ordinance.
- (4) Staff recommendations for possible revisions to the sign ordinance.

Items 3 and 4 could possibly be combined into an Overlay District for Dunn Road.

Mr. Rooney stated he would be interested in any additions the Town may have. Mayor McLaurin asked if there were any question or comments from the Town Council.

Council Member Cheryl Hudson made a motion to approve the Work Program for the Cumberland County Planning & Inspections Department as presented by Mr. Rooney, and send it the County Director Mr. Lloyd. The motion was 2nd by Council Member Sara Piland.

The motion was approved unanimously.

Agenda Item # 3:

Presentation of the April 30, 2009 Financial Report.

Council Member Cheryl Hudson presented a briefing on the Town of Eastover’s financial status as of April 30, 2009. She stated that the following:

Beginning Bank Balance July 1, 2008	\$ 133,285.29
Plus Deposits	1,038,905.44
Less Disbursements	693,199.21
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	\$ 478,991.52
Accounts Payable:	\$ 5,738.09
Recreation Tax	11,715.27
Fire Departments Tax	12,937.95
Special Fire Tax Fund	44,931.75
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	\$ 57,869.70
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Funds Available:	\$ 421,121.82

Council Member Donald Hudson made a motion to accept the financial report as stated. The motion was 2nd by Council Member Lawrence Buffaloe. The motion was approved unanimously.

Agenda Item #4:

Consider submitting and application to the “NC Small Towns Main Street Program”.

Mr. Taylor, Town Manager stated that he had not had time to look into this Program. Council Member Sara Piland stated that the deadline for application was June 30, 2009. Council Member Piland stated that she had attended a meeting in Raleigh last week concerning this program. She said this is a Community Assistance Program the State offers. She stated that approximately 20 Municipalities apply each year, and only 2 or 3 are accepted. She said the cost would be \$3,000 to \$5,000, with a fee of \$350 for an Economic Outlay Survey. She said the persons conducting this would get community input, and talk to property owners. The Town would only reimburse the State for the consultant’s meals and travel expenses. Council Member Piland stated that this program would help facilitate the visioning in the community and would be a one year study. Council Member Cheryl Hudson asked Mr. Rooney if this would benefit the Town and help him with the Work Program. Mr. Rooney stated that this program has marketing, design and an economic component to it. Council Member Benny Pearce stated that he had been in contact with the Design School of NC State, but he has not gotten a response from them as of yet. Council Member Donald Hudson stated that he thought this would be a good idea.

Council Member Sara Piland made a motion that the Town of Eastover submits an application to the “NC Small Towns Main Street Program”. The motion was 2nd by Council Member Benny Pearce. The motion was approved unanimously.

Agenda Item # 5:

Approval of the Financial Audit Contract for Fiscal Year 2008-2009, from McFadyen & Sumner, CPAs PA.

Council Member Cheryl Hudson briefed the Town Council on the contract to audit the Town’s financial statements and disclosures as of, and for the year ending June 30, 2009 from the McFadyen & Sumner, CPAs PA. She stated this is the same firm that audited the Town last year and the cost is about \$250 more than last year. The audit cost is \$4,000 and the preparation of the financial statements is \$1,250.

Council Member Cheryl Hudson made a motion to approve the McFadyen & Sumner, CPAs PA Contract for Audit, and the engagement letter to the Secretary of the Local Government Commission. The motion was 2nd by Council Member Lawrence Buffaloe. The motion was approved unanimously.

Agenda Item # 6:

Approval of Resolution enrolling in NC Local Governmental Employees’ Retirement System.

Mr. Tom Taylor, Town Manager briefed the Town Council on the NC Local Governmental Employees’ Retirement System. Mr. Taylor stated that July 1, 2009 is the deadline to enroll, as enrollment is quarterly and the next window of opportunity would be in October 2009. Mr. Taylor stated that there are two Resolutions that the Town needs to adopt in order to proceed. They are as follows:

(1) **Resolution Enrolling in North Carolina Local Governmental Employees’ Retirement System.** The 1945 General Assembly amended the North Carolina Local Governmental Employees’ Retirement System so as to make the benefits of said System available to all counties, cities, and towns. The governing body of this Unit realizes the necessity of providing its employees with the security and protection provided by a sound retirement plan. Article 3 of Chapter 128 of the General Statutes of North Carolina provides that any governmental unit desiring to enroll its employees in said System shall make application to the Board of Trustees of the North Carolina Local Governmental Employees’ Retirement System and shall by Resolution elect to participate in said System.

(2) **North Carolina Local Governmental Employees’ Retirement System, Department of the State Treasurer.** This Resolution is to enact a **tax shelter** of employees’ contributions payable as members of the North Carolina Local Governmental Employees’ Retirement System. The 1981 Session (1982 Regular Session) of the North Carolina General Assembly, by duly ratified bill effective July 1, 1982, enacted North Carolina General Statute 128-30(b1), a copy of which is attached hereto, which under the conditions specified therein permits and employer participating in the North Carolina Local Governmental Employees’ Retirement System to tax shelter the contributions payable to this System by its employees who are members of this System.

Mr. Taylor stated that the Town will contribute 6% of employee's pay to the Retirement System and the employee's will contribute 6% into the Retirement System.

Council Member Sara Piland made a motion to adopt the two Resolutions concerning the NC Local Governmental Employees' Retirement System. She stated that this Retirement System is needed to attract the best employees for our Town. The motion was 2nd by Council Members Lawrence Buffaloe and Benny Pearce. The motion was approved unanimously.

Agenda Item # 7:

Approval of two Board Resolutions to join the 401k Plan with deferred compensation.

Mr. Taylor, Town Manager briefed the Town Council concerning the two Resolutions about the 401k Plan with deferred compensation for the Town's employees'. Mr. Taylor stated that this was a tremendous incentive to attract and retain employees'. He stated that more towns than counties have the 401k Plan with matching contributions up to 5%. He stated that employees have an option to contribute up to 14% of their pay, and the Town could match up to 5%. The match by the Town is not set in stone. Mr. Taylor stated that the 401k Plan is currently with Prudential.

Council Member Sara Piland stated she was concerned about what kind of expense we are talking about. Council Member Cheryl Hudson stated that she has researched information from other Towns such as Hope Mills, Falcon, Godwin and others. The match for Hope Mills is 5% on the 401k Plan, and some of the Towns were a bit less than 5%. Council Member Donald Hudson stated we could start with 3% and move it up at a later date.

Council Member Donald Hudson made a motion to adopt the two Resolutions which will enable the Town of Eastover to join the 401k Plan and the Deferred Compensation Plan with a match of 3% for the Town's Employees. The motion was 2nd by Council Member Benny Pearce. The motion was approved unanimously.

Agenda Item #8:

Discuss purchase of property.

Attorney Jackson stated that he prepared the 'Quick Claim Deed" and delivered it to Attorney David Phillips of the Cumberland County Schools for his review to approve the deed. I would encourage the Town Council to have a check ready in the amount of \$15,000 when, and if the Cumberland County Schools are ready for it. The purchase price of the land is \$13,700 with the closing cost at \$1,300. The check should be made out to the Yarborough Law Firm Trust Account. Mr. Jackson stated that he does not see anyone to challenge us at this point. He stated that the land surveyed at 2 acres and the deed stated 1.25 acres and actually goes behind the fence across the street.

Council Member Lawrence Buffaloe stated he had talked with Mr. Tim Kinlaw and the School Board wanted Eastover to have the adjoining property as well. Attorney Jackson stated that we need to complete this land deal first before trying to purchase the other property. To purchase the other property we will have to go through the same procedures as with the current land purchase. He stated it would have to go through the Cumberland County Board of Commissioners again. He does not want anything to mess up what we have now.

Council Member Sara Piland made a motion to authorize a check to be written in the amount of \$15,000 to the Yarborough Law Firm Trust Account for the purchase of the property

from the Cumberland County School Board. The motion was 2nd by Lawrence Buffaloe. The motion was approved unanimously.

IX. Mayor's Comments:

1. Mayor McLaurin stated that the Deputy had asked if we were covered on all the Ordinances. Attorney Jackson stated that we need to look at the Table of contents for the Cumberland County Ordinances and see which ones we want to adopt. Mayor McLaurin stated that he wants to know the ones the Deputy has to enforce. Attorney Jackson asked the Town Council to give him a list of Ordinances we want and he will look them up and get copies. Attorney Jackson stated that State Ordinances apply to Towns, and the Deputy can enforce the State Ordinances. He stated if the Town does a blanket adoption of all of Cumberland County's Ordinances, and if they change any of them it affects the Town also. Mr. Jackson stated that is why he is suggesting that the Town pick the Ordinances the Town wants to adopt. He stated that some would be Junk Cars, Noise, Fire Arms, Speed Limits, etc.

Mayor McLaurin wants the Town to be under the same Ordinance as Wade, Dunn, etc. so the Deputy can enforce the laws the same as other towns. Mr. Taylor stated that he will get with Deputy Abels and determine the Ordinances we need to adopt. Council Member Sara Piland stated that the Town has already adopted the Zoning Ordinances. Mr. Taylor stated that the Town has not adopted what is called the Code of Ordinances. Attorney Jackson stated that he would be happy to work with Mr. Taylor on this issue.

2. Mayor McLaurin stated that he and Council Member Willie Geddie attended the Mt. Zion AME Zion Church "Black & Gold Banquet" to honor senior citizens. He stated that it was a very nice affair and appreciated the invitation to be there.

3. Mayor McLaurin stated that the Mr. Taylor, Interim Town Manager has been with us for six months. He stated that the Town Council will get together and discuss the continuation, or whatever we are going to do about a Town Manager.

4. Mayor McLaurin stated that Wade's Founders Day is June 6, 2009 at 10:00 a.m. Mayor Akins of Wade has invited the residents of the Town of Eastover to attend.

X. Council Members Update:

There were no updates from the Council Members.

XI. Town Managers Update:

1. Mr. Taylor stated that he and Mayor McLaurin attended the meeting at the Department of Transportation (DOT) on Thursday, June 4, 2009. They met with Mr. Lee Jernigan, District Engineer. He stated that they discussed safety funding (i.e. grants for sidewalks), pedestrian lighting, and street lighting. Mr. Taylor stated that he has not heard anything back from DOT or Progress Energy concerning our street lighting. Council Member Benny Pearce stated that Mr. Jernigan is very familiar with Eastover.

2. Mr. Taylor stated that he met Monday, June 1, 2009 with the Fayetteville Office of Community Assistance to request their assistance in putting together the overlay. He stated

that since the Town Council adopted the “Main Street Program”, he is going to defer further action until he sees what the “Main Street Program” can do for the Town.

XII. Motion to Adjourn at 8:25 p.m.

Mayor Charles G. McLaurin made a motion to adjourn. The motion was 2nd by Council Member Benny Pearce. The motion was approved unanimously.

Town of Eastover

Charles G. McLaurin, Mayor

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