

**Town of Eastover - Town Council Meeting  
Tuesday, August 4, 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 – August 4, 2009**

Mayor Charles G. McLaurin, Council Members Lawrence Buffaloe, Donald Hudson, Sara Piland, Cheryl Hudson, Willie Geddie, and Benny Pearce were in attendance at the August 4, 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 Ms. Jane Faircloth, Town Clerk.

**I. Call to Order:**

Mayor Charles McLaurin called the August 4, 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 Lawrence Buffaloe 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 Sara Piland made a motion to approve the Agenda as stated. The motion to approve Agenda was 2<sup>nd</sup> by Council Member Cheryl Hudson. The motion was carried unanimously.

**V. Consent Agenda:**

- 1. Consider approval of the July 7, 2009 Town Council Minutes.**
- 2. Consider approval of the June 30, 2009 Financial Report.**

Council Member Lawrence Buffaloe made a motion to approve the Consent Agenda as stated. The motion was 2<sup>nd</sup> by Council Member Sara Piland. The motion was carried unanimously.

## **VI. Discussion Agenda:**

### **Agenda Item #1:**

#### **Briefing by Mr. Tim Mitchell from the Cumberland County Emergency Services.**

Mr. Tim Mitchell from the Cumberland County Emergency Services briefed the Town Council on Emergency Services available in Cumberland County. Mr. Mitchell stated that all Towns had signed the Mutual Aid Agreement in the State of North Carolina. He stated that his office covers the 911 Communications, Fire Marshall Office, which is code enforcement for commercial buildings. He stated that the 911 Communications personnel do an outstanding job, and are an Accredited Center of Excellence of Emergency Dispatch. When you call 911 there are certain questions that must be asked of you each time. He stated that it is crucial that the 911 Dispatcher gets this information, so they may dispatch the proper personnel to your particular situation. The 911 Dispatcher knows the caller is upset, but these questions must be answered.

Mr Mitchell stated that his office offers CPR Training, how to instruct a person on deliver of a baby, if necessary. Mr. Mitchell also talked about the upcoming hurricane season which is June 1 through November 30. He stated that there are nine main storms predicted this hurricane season. They may or may not hit our area, but everyone should be prepared. Everyone should have 72 hours of water and food available for emergency preparedness. He stated that it takes 1 gallon of water per each day. It takes 5 gallons of water per person to flush toilets per day. He recommended that we not only have a Preparedness Plan but to have it written on paper and make the whole family aware of this information. If a hurricane is predicted to hit our area, fill up your bathtubs with water so this can be used to flush toilets, bath, etc. Mr. Mitchell stated that North Carolina is affected by hurricanes more than any other State due to the layout of our coastline. Mr. Mitchell stated that Mac Williams Middle School is the only designated disaster shelter at this time in this area.

### **Agenda Item #2:**

#### **Briefing by Ms. Heidi Johnson from the Sustainable Sandhills Green Business Program.**

Ms. Heidi Johnson briefed the Town Council on the Sustainable Sandhills Green Business Program. She stated that the Program was piloted in Cumberland County during the first quarter of 2008, and opened to all businesses across the Sandhills and Cape Fear Region in April of 2009. She stated that the Greater Fayetteville Futures II is a community wide initiative that will serve as the catalyst for continued positive change in our community. The Objective of the Greater Fayetteville Futures is "Grow and Sustain a Green Community". Ms Johnson stated that there are four sections in the Program and they are as follows:

1. General: awareness, chemical use, purchasing, transportation.

Examples of required measures are discontinued use of Styrofoam; stock at least one non-toxic cleaner for daily use; use recycled-content office products; and purchase supplies in bulk.

2. Solid Waste: waste reduction, reuse, recycling.

Examples of required and optimal measures are to perform a solid waste self-assessment; make 2-sided printing and copying standard office practice; recycle office paper, beverage

containers, batteries, etc.; replace disposable kitchenware with reusable alternatives.

3. Water: conservation, equipment.

Examples of required and optimal measures are to review your water bill quarterly; clean hardscape with broom, not a hose; regularly check for leaks and repair immediately; install low flow faucet aerators; install barrels or cisterns to collect rain water for other uses; use NC-friendly and native plants (low water users).

4. Energy: conservation, equipment.

Examples of required and optimal measures are to perform regular maintenance on HVAC equipment; upgrade to high-efficiency (CT, T-5/T-8 tubes); use Energy-Star appliances and equipment.

Ms. Johnson stated that no matter how big or small your town, each change made can save you money and local resources. The result is a happier and healthier community.

**Agenda Item # 3:**

**Public Hearing for Case No. P09-31. Rezoning of 2.19 +/- Acres from O&I(P) Planned Office and Institutional to C2(P) Planned Service and Retail or to a more Restrictive Zoning District: Located at 3135 Dunn Road; Submitted by Vivek Tandon-LVST, LLC, Owned by Greg and Laurie Barnes. (Eastover)**

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

Mr. Matt Rooney briefed the Town Council concerning Case No. P09-31. He stated that this is currently zoned O&I(P) Planned Office and Institutional, and the request is to change this zoning to C2(P) Planned Service and Retail or to a more restrictive Zoning District. The property is surrounded North by A1, RR, RR/CU & C(P); East C(P), RR, A& R6A; South C1(P), R6A, C(P) & C(P)/CUD; West RR & R6A I Surrounding Land Use: Motel; 2-Convenience retail w/gasoline sales, residential (including multi-family and manufactured home park). Water and sewer is available. Mr. Rooney stated that the recommendations adopted in the Eastover Area Detailed Land Use Plan specify that high intensity non-residential development (commercial and Industrial) should be concentrated at nodes at the intersection of major thoroughfares – both Dunn Road and Murphy Road are classified as major thoroughfares in the Highway Plan. Mr. Rooney stated staff recommended approval of this rezoning.

There were three speakers present to speak in favor of Case No. P09-31. They are as follows: Mr. Neil Grant agent representing VivekTandon-LVST, LLC, Mr. Vick Tandon potential buyer, and Mr. Gregg Barnes potential seller of the property.

There were two speakers present to speak against Case No. P09-31. They are as follows: Mr. Matt Smith and Mrs. Samantha Smith, residents living near the property in this Case No. P09-31.

Mayor McLaurin asked if the applicants would like to come forward.

Mr. Neil Grant came forward to **speak in favor** for the applicant. Mr. Grant noted that the subject property has 428 feet of road frontage on the I-95 Business off ramp. That intersection

is a major intersection, and of the four corners that are the only one that is not C(P) except for the opposing corner which is Department of Transportation land, which Mr. Grant believes has no zoning. The applicant wants to rezone to C2(P) and improve the property and build something nice and provide services to the Eastover area. Mr. Grant stated that any project that goes on the property will have to meet all codes and setbacks and buffers. He stated that this will increase the tax revenue in Eastover. He stated that the traffic count at this intersection at this time is over 5,000 daily.

Council Member Sara Piland stated that the access area is a busy area and was curious about when the area was rezoned O&I and it became the private school; she asked what kind of requirements were placed on access by the Department of Transportation and was a third lane required. Mr. Grant stated that a turn lane may be required; however they never followed through with it because the private school and daycare never actually began operation. They also restricted the site to one driveway. Mr. Grant stated that the potential buyer is willing to do whatever is required of him. Mr. Grant stated that the projects that Mr. Tandon and his family had done in the past and were currently involved in are all very well done, and whatever is required of them has been done. He stated that every project he has seen that they have done has enhanced the area, using proper green space and the properties are well maintained on a daily basis.

Mr. Vick Tandon proposed buyer, **spoke in favor** of Case No. P09-31. Mr. Tandon stated that he is a commercial developer. He is looking at sustainable items to develop. Council Member Donald Hudson asked what type of development he is proposing to do. Mr. Tandon stated he plans a two phase project, a car wash and possibly a retail/restaurant services. Mr. Tandon stated that the car wash would be open 24 hours a day, like the Kangaroo Station and the EPCO Station across the street.

Mr. Gregg Barnes proposed seller, **signed up to speak in favor** of Case No. P09-31. However, Mr. Barnes did not speak at the Public Hearing.

Mr. Matt Smith **spoke against** Case P09-31. He stated that he rents the house that is next door to this property. He stated that he was very surprised that the owner of his property Mr. Jessie Musslewhite was not opposed to this Case No. P09-31. Mr. Smith stated that he is concerned about the foot traffic through his yard and the lights that this business will bring to the residential area. He stated that he was never approached about this project. He stated that he is concerned for his wife and children as they are alone there much of the time. Mr. Smith also stated that he was concerned about the type of people that will be around a car wash that is open all night.

Council Member Sara Piland stated that this is a straight Rezoning Case with restrictions on 50 or so uses. She stated that she had looked at the permitted uses and the Town wants something desirable at this location. She said that O&I zoning serves' as a buffer and she knows that this corner will eventually be commercial.

Council Member Cheryl Hudson asked if the Council was voting for or against "Zoning only" at this point.

Mr. Matt Rooney stated that was correct, and the Town cannot dictate the hours of operation.

Mr. Neil Grant agent for the proposed buyer stated that he has seen sites the developer has developed and are all brick and have a pleasant appeal. Mr. Grant stated the rezoning

increases the setbacks and a solid wall buffer will be built.

Mr. Matt Smith restated his opposition to this proposed rezoning.

Mayor Charles McLaurin asked if there were any other questions. Mayor McLaurin asked for a motion to **close the Public Hearing**. Council Member Sara Piland made a motion to close the Public Hearing on Case No. P09-31. The motion was 2<sup>nd</sup> by Council Member Cheryl Hudson. The motion was carried unanimously.

Council Member Donald Hudson made a motion to approve changing the zoning to C2(P) on Case No. P09-31. Council Member Lawrence Buffaloe 2<sup>nd</sup> the motion. Of the seven votes cast, six votes were in favor of Case No. P09-31, and one vote was in opposition of Case No. P09-31. Council Member Sara Piland voted in opposition of Case No. P09-31.

#### **Agenda Item #4:**

**Public Hearing for Case No. P09-33. Rezoning of 1.19 +/- Acres from RR Rural Residential /CU Conditional Use Overlay District and Permit (To allow a Children's Daycare Facility) To O&I(P) Planned Office and Institutional or to a More Restrictive Zoning District; Located at 3353 Dunn Road, Submitted by Craig Wheeler; Owned by Shree Ganeshji, LLC. (Eastover).**

Mayor Charles McLaurin made a motion to **Open the Public Hearing** on Case No. P09-33.

Mr. Matt Rooney from the Cumberland County Planning & Inspections Department briefed the Town Council on Case No. P09-33. He stated that the property frontage & location is 170.00'+/- at 3353 Dunn Road. Water and sewer is available on this property and there are no soil limitations. Mr. Rooney stated that the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for an activity node and heavy commercial at this location, the request is reasonable because the Land Use Plan map designating the activity nodes is not parcel specific and does include at least a portion of the subject property in a planned activity node.

Mr. Rooney stated that the subject property does not fully comply with the location criteria for office and institutional development that is listed in the proposed Land Use Policies Plan, since the site is not located within an office park and will not serve as a transition between commercial and residential uses. He stated that subject property is located between two planned commercial districts, however, approval of this request will meet several of the stated objectives in the plan, including, encouraging new office and institutional uses, providing sufficient zoned office an institutional areas to accommodate the needs of the residents and reducing regulatory measures that hinder office and institutional development. Mr. Rooney stated that the County Board staff recommends approval of Case No. P09-33 voting unanimously to approve zoning of O&I(P) Planned Office and Institutional Zoning District.

Mr. Craig Wheeler **spoke in favor** of Case No P09-33. Mr. Wheeler stated that the Eastover Christian Academy will have grades H-12 as well as child care. The Child Care is being operated through the Division of Child Care out of Raleigh. He stated that the Academy will offer tutoring. The reason for the rezoning is to include the grade school on the property. We will have a modular unit at the back of the building for class rooms for the grade school students. We have been able to do tutoring and piano lessons so far but not the grade school students due to the zoning. Mr. Wheeler stated that there is not another Christian Grade

School in the area, and he feels this would be very beneficial to Eastover.

Council Member Sara Piland made a motion to **Close the Public Hearing** on Case No. P09-33. The motion was 2<sup>nd</sup> by Council Member Cheryl Hudson. The motion was carried unanimously.

Council Member Sara Piland made a motion to approve rezoning Case No. P09-33 from RR Rural Residential to O&I(P) Planned Office and Institutional. The motion was 2<sup>nd</sup> by Council Member Cheryl Hudson. The motion was carried unanimously.

**Agenda Item # 5:**

**Public Hearing for approval of “2030 Growth Vision Plan” and the “Land Use Policies Plan” for the Town of Eastover.**

Mr. Matt Rooney briefed the Town Council on the 2030 Growth Vision Plan and the Land Use Policies Plan for the Town of Eastover. Mr. Rooney stated that a Resolution of Adoption on both Plans has been prepared for all Towns to sign and has been approved by the Cumberland County Planning Board. He stated that a copy of the completed documents will be sent to us showing all signatories by each Town. Mr. Rooney stated that these two documents with the Eastover Detailed Land Use Plan becomes your guide for considering development proposals.

Council Member Sara Piland asked Mr. Rooney where in the two documents presented it references the Detailed Land Use Plan. Mr. Rooney stated that the 2030 Growth Vision Plan stated in the fine print, states that the Detailed Land Use Plan will take precedent over the 2030 Plan. Council Member Sara Piland stated that these documents state that any municipality can update the Detail Land Use Plan as it applies to their municipality. Mr. Rooney stated that was correct. Mr. Will Denning from the Cumberland County Planning & Inspections Department stated that each municipality can have their own plan. The overall picture is the same but each Town has its own unique differences.

Attorney Jackson advised the Town Council that neither of the Resolutions presented have the enforcement that is binding. Attorney Jackson stated if the Town Council finds it's self factually in a situation that is contradictory, to simply relate the facts in your findings that it is not applicable in that instance. Mr. Jackson stated that the Town would still have all the lea-way you want, in case it is ever challenged in court. Mr. Jackson stated if your findings were so stated in the minutes, it would stand up to any type of appeal.

Council Member Sara Piland made a motion to **Close the Public Hearing**. The motion was 2<sup>nd</sup> by Council Member Cheryl Hudson. The motion was carried unanimously.

Council Member Sara Piland made a motion to adopt the Resolutions for the “2030 Growth Vision Plan” and the “Land Use Policies Plan” for the Town of Eastover and ask the Town Clerk to add in the minutes the advice given by the Town Attorney. The motion was 2<sup>nd</sup> by Council Member Lawrence Buffaloe. The motion was carried unanimously.

**Agenda Item #6.**

**Discuss new Building.**

a. Mr. Tom Taylor, Interim Town Manager stated that he had discussed with Mr. Daniel West and Mr. Bob Nail the job descriptions of their positions which is for 6 months, and will be reviewed again in January. He stated that Mr. West would be Exterior Maintenance (yards, minor exterior maintenance) and Mr. Nail would be Interior Maintenance (minor interior maintenance, audio for Town Council Meeting's, and inspect the Community Building after it is rented). Mr. West and Mr. Nail would become part-time employees of the Town of Eastover. They would be paid \$235.00 biweekly and Mr. West would be paid the \$50.00 fee for booking the Community Center to this date.

Council Member Benny Pearce asked about the rules of the building. Mr. Taylor stated the rules will remain the same as it has been with the Civic Club. The Town personnel will handle the renting of the building and the Town will keep the money collected for all rentals from this point on. Council Member Benny Pearce would like to see the rules for use of the building.

Council Member Lawrence Buffaloe asked if the Civic Club would still use the building. Mr. Taylor stated that they would use the building for 9 years and 11 months. Council Member Sara Piland asked if that agreement had been written between the Town and the Civic Club Board for signature.

Mr. Taylor stated that the Town would start leasing the Community Building which includes collecting the fees for the rentals. He stated that the fee to rent the Community Building would increase to \$200.00 per day from \$150.00 per day, plus an additional \$75.00 clean-up Deposit. The Clean-up Deposit would be refunded to the lessee if the building passes inspection by our maintenance personnel.

Mr. Taylor stated that the Town Clerk would prepare a "Lease Agreement" for persons wanting to rent the building, and an "Inspection Check List". The Inspection Check List would be turned into the Town Hall for a determination if the lessee would get their \$75.00 clean-up deposit, or a portion thereof returned to them. The lessee would have to vacate the Community Building by 10:00 p.m. If not, an additional \$50.00 per hour or a portion thereof would be charged to the lessee. Mr. Taylor said an adjustment on Liability to cover the Community Building has already been added. This increase in insurance coverage was accomplished when the Town purchased the building.

Council Member Lawrence Buffaloe made a motion to approve the following:

- a. Make Mr. Nail and Mr. West, Town employees and pay them \$235.00 biweekly.
- b. Rental of the Community Building will be handled by the Town Hall Office.
- c. Increase the rental fees from \$175.00 per day to \$200.00 per day plus a \$75.00 clean-up deposit.
- d. Rules for the Community Building remain the same with possibly some changes in the future.
- e. That a formal legal document be prepared between the Town of Eastover and the Eastover Civic Club.

The motion was 2<sup>nd</sup> by Council Member Willie Geddie. The motion was carried unanimously.

### **VII. Mayor's Comments:**

1. Mayor McLaurin stated that the Department of Transportation (DOT) has requested a map of the Town of Eastover which shows the boundaries of the Town. Mr. Matt Rooney from the Cumberland County Planning & Inspections Department stated that he would provide a map for the DOT.

2. Mayor McLaurin stated there will be a dedication ceremony on September 30, 2009 at 11:00 a.m. to dedicate the Exit 55 Overpass to Deputy Brian Matthews. The Department of Transportation will be dedicating the overpass to Deputy Matthews.

3. Mayor McLaurin stated that he thinks the Town needs to start enforcement of ordinances pertaining to abandoned trailers, and vehicles in streets and in people's yards.

4. Mayor McLaurin stated that the Town is looking for a full time Town Manager. It has been announced in the Fayetteville Observer and will be announced in the League's News Letters.

5. Mayor McLaurin asked the Town Council to approve a \$100.00 memorial donation to Cumberland County Attorney Grainger Barrett for his favorite charity, the RAMS Club.

Council Member Benny Pearce made the motion to approve the \$100.00 donation to the RAMS Club in memory of Attorney Barrett. Council Member Donald Hudson 2<sup>nd</sup> the motion. The motion was carried unanimously.

6. Mayor McLaurin asked the Town Council to add a third person as a signatory for the Town checks in case he or Council Member Cheryl Hudson was not available. It was recommended that Council Member /Mayor Pro Tem Sara Piland be added to the list.

Council Member Donald Hudson made a motion to add a third person (Mayor Pro Tem) as signatory to the BB&T Checking Account. Council Member Willie Geddie 2<sup>nd</sup> the motion. The motion was carried unanimously.

7. Mayor McLaurin asked the Town Council Members to please read and respond to the Town Clerk's emails. He stated that she has had few responses from Council Members.

### **VIII. Council Members Update:**

1. Council Member Benny Pearce stated that all candidates for re-election must go on the Internet and take the required Internet Program for Treasurer, whether the candidate intends to raise funds or not. He was informed that this is a requirement and he must take the issue up with the Legislature, if he wishes to get it changed. Mr. Pearce stated that he intended to do so at his earliest convenience. He said this goes along with the ethics of re-election. He stated that he was not going to raise funds for re-election. Council Member Lawrence Buffaloe also

stated that he was not going raise funds or open a checking account for re-election funds.

2. Council Member Cheryl Hudson stated that the Town is up and running in Southern Software –CitiPak. We are paying bills and preparing the payroll in CitiPak.

### **IX. Town Managers Update:**

1. Mr. Thomas Taylor, Interim Town Manager stated that the first ORBIT Report for Retirement was submitted to the NC State Treasurer. We are officially under the State Retirement System now.

2. Mr. Taylor stated that the Town is now approved for Flood Insurance by FEMA. Now our citizens can participate in the National Flood Insurance Program. He stated that it became effective in July 2009.

3. Mr. Taylor stated that the advertisement for the Town Manager ran in last Sunday's newspaper (The Fayetteville Observer). It is currently on their website and will stay their approximately 12 to 14 days. It is also on the League and the Town's website. As of today we have eleven applications and they are from all over, most from North Carolina.

4. Mr. Taylor stated that the 401K paperwork is complete and he is to meet with the Representative from Prudential on August 18, 2009. At that point we will institute that reporting process, and start deducting funds from employee and employer for the 401k.

5. Mr. Taylor stated that he has given each Council Member a copy of the Personnel Policy for your review. He stated that he will have the Purchasing Policy ready for your review shortly. He stated that he would send it to you on line, or he could provide a hard copy if you prefer.

6. Mr. Taylor requested that a Special Town Council Meeting be held on August 18, 2009 to consider Policy and manager's review of applicants for the Town Manager position.

Council Member Benny Pearce made a motion to hold a Special Town Council on August 18, 2009 at the Eastover Town Hall at 3:30 p.m. Council Member Cheryl Hudson 2<sup>nd</sup> the motion. The motion was approved unanimously.

**X. Motion to Adjourn at 9:25 p.m.**

Mayor Charles G. McLaurin requested a motion to adjourn. Council Member Benny Pearce made a motion to adjourn. Council Member Cheryl Hudson 2<sup>nd</sup> the motion. The motion was approved unanimously.

**Town of Eastover**

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**Charles G. McLaurin, Mayor**

**Attest:** \_\_\_\_\_, **Town Clerk**  
**Jane F. Faircloth**