

**Town of Eastover - Town Council Meeting
Tuesday, November 1, 2011, 7:00 p.m.
Eastover Community Center**

**x☐ Mayor Charles G. McLaurin, Presiding Council Members: x☐ Lawrence Buffaloe,
x☐ Willie Geddie, ☐ Cheryl Hudson, x☐ Donald Hudson, x☐ Benny Pearce,
and x☐ Sara Piland**

MINUTES OF MEETING – November 1, 2011

Mayor Charles G. McLaurin, Council Members, Cheryl Hudson, Willie Geddie, Sara Piland, Lawrence Buffaloe, Donald Hudson, and Benny Pearce were in attendance at the November 1, 2011 Eastover Town Council Meeting. Council Member Cheryl Hudson was absent from the Town Council Meeting; however she did submit a Written Waiver of Notice to the Town Clerk prior to the meeting. A quorum was present at the Town Council Meeting. Also in attendance was Mr. Matt Rooney from the Cumberland County Planning & Inspections Department, Mr. John Jackson Town Attorney, Mr. Kim Nazarchyk Town Manager, and Ms. Jane Faircloth, Town Clerk.

I. Call to Order:

Mayor Charles McLaurin called the November 1, 2011 meeting of the Eastover Town Council to Order at 7:00 p.m. and welcomed all in attendance.

II. Invocation / Pledge of Allegiance:

Town Manager, Mr. Kim Nazarchyk gave the invocation and led in the Pledge of Allegiance.

III. Approval of Agenda:

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

IV. Public Comments:

No public comments.

V. Consent Agenda:

1. Consider approval of the October 4, 2011 Town Council Minutes.
2. Consider approval of the September 30, 2011 Financial Report

Council Member Sara Piland made a motion to approve the Consent Agenda as stated.

The motion was 2nd by Council Member Willie Geddie. The motion was approved unanimously.

VI. Discussion Agenda:

Agenda Item #1:

Briefing by Mr. Morgan Johnson, Chairman of the Eastover Sanitary District.

Mr. Johnson updated the Council on the progress and changes of the Eastover Sanitary District. He stated that the Phase II customers have water effective October 13, 2011. He stated that many customers have already hooked up to the water system and are continuing to do so.

Agenda Item #2:

Briefing by Mr. Danny Matthews, President Board of Directors, Eastover Fire Department.

Mr. Danny Matthews updated the Council concerning the funds of the Fire Department. He stated that this is a requirement after their audit. Mr. Matthews stated that they have had 604 calls inside the Town limits. He stated that they have 2 paid firefighters on duty 24 hours per day; 34 firefighters in all; 1 EMS; 5 Paramedics; 40 Certified Hazard Materials; and 17 rescue personnel.

Mr. Matthews stated that October is Fire Prevention Month and they have been to schools, nursing facilities, churches and the scouts teaching about fire prevention. He stated that they still take blood pressure checks at the Fire Department. He also stated that they will install fire detectors for the elderly or change batteries for them.

Agenda Item #3:

PUBLIC HEARING - CASE NO. P11-45: REZONING OF 29.77 +/- ACRES FROM R40 RESIDENTIAL TO R20 RESIDENTIAL /DD DENSITY DEVELOPMENT /CZ CONDITIONAL ZONING DISTRICT FOR A 36 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHEAST SIDE OF SR 1832 (MURPHY ROAD), NORTHWEST OF SR 1831 (BAYWOOD ROAD); SUBMITTED BY MARY B. RICE ON BEHALF OF BAGGETT FAMILY, LLC (OWNER). (EASTOVER)

Mayor Charles McLaurin **OPENED** the Public Hearing on Case No. P11-45.

Mr. Matt Rooney from the Cumberland County Planning & Inspections Department briefed the Council on Case No. P11-45. He stated that the current zoning is R40, surrounded by RR and some R15 at Baywood & Murphy. The developer is proposing 36 lots with 1300 to 2000 sq feet. There will be an open space buffer on 3 sides of the property. The Planning Board approved a Conditional Zoning of R30 designation on a 6-1 vote. Mr. Rooney stated that there is a condition sheet attached to the Council's packet.

Council Member Donald Hudson stated that he wanted to disclose that he lives on Murphy Road and he has no personal interest associated to Case No P11-45.

There were two speakers signed up to speak **for** Case No.P11-45, and two speakers **against** Case P11-45.

Speaker #1 - FOR: Mr. Talmage Baggett, 1839 Middle Road, Eastover, NC spoke for the Case presented. Mr. Baggett stated that when the property was zoned R40 there was no water available on this property, water is now available. He feels that the density with 40 % open space with private streets would be great for people downsizing. The houses will be one level, have hardwood floors, granite counter tops and be a gated community for seniors. Mr. Baggett stated that R30 is very reasonable and the only entrance is main access. People will see only green space from the road.

Speaker #2 - FOR: Mr. Morgan Johnson, 1610 Beard Road, Eastover, NC spoke for Case No P11-45. Mr. Johnson stated that Eastover Sanitary District did concur on issue and the developer is required to hook-up to this subdivision. He stated that water is available and ESD is prepared to service. A fire hydrant will be required every 500 feet.

Speaker #3 - AGAINST: Mr. Gene Bracey, 3814 Murphy Road, Eastover, NC spoke against Case No. P11-45. Mr. Bracey stated that he has watched traffic volume on Murphy Road increase tremendously over the years. He stated that to change the zoning to R30 is putting more density in the area. He said he cannot change the R40 zoning but is thoroughly against R30 zoning. He stated he wants to keep the area rural.

Speaker #4 – AGAINST: Mrs. Gail Godwin spoke against Case P11-45. She stated that she has heard that growth is coming, so get ready. She stated that changing the R40 zoning to R30 will affect her rights. She said she and her neighbors want to keep it rural.

There were **no rebuttal speakers**.

The Mayor asked for discussion from the council. Council Member Sara Piland stated that R40 zoning the developer could clear-cut the property. R20 and R30 Residential would protect the Green-space. Conditional Zoning is reasonable and a Homeowners Association will maintain the green space.

Council Member Sara Piland asked Mr. Baggett if a turn lane will be required. Mr. Baggett stated that if DOT requires one, he will comply.

Council Member Benny Pearce stated that the Land Use Plan should be updated to add a clause allowing a more favorable use of land. Council Member Pearce made a motion to amend the Land Use Plan to add a more favorable conditional use zoning density development plan. The motion was 2nd by Council Member Sara Piland. The motion was approved unanimously.

Council Member Lawrence Buffaloe made a motion to **close the Public Hearing** on Case No. P11-45. The motion was 2nd by Council Member Sara Piland. The motion was approved unanimously.

Council Member Sara Piland stated that I move that the Eastover Town Council finds that this Conditional Use District Application is reasonable, neither Arbitrary nor unduly

discriminatory, and in the public interest, and that the Conditional Use(s) be approved or deleted as described in the Staff Agenda Memorandum. The motion was 2nd by Council Member Benny Pearce. The motion was approved unanimously.

Agenda Item #4:

Discussion of extension of the copier contract with Herald Office Systems.

Mr. Nazarchyk stated that our copier contract with Herald Office Systems needs to be updated. Herald Office Systems gave three options, they are as follows:

Option #1. Purchase the current machine.

Option #2. Buy a new machine.

Option #3. Keep the machine we have and pay one lease unit per year at \$164.00 with a \$34.00 monthly charge.

Mr. Nazarchyk stated that he recommended Option #3.

Council Member Benny Pearce made a motion to approve Option #3 for the Town. The motion was 2nd by Council Member Lawrence Buffaloe. The motion was approved unanimously.

Agenda Item #5:

Discussion regarding changing the name of Bus Street.

Mr. Nazarchyk stated that for the Town to obtain Powell Bill funds it must own a street. He stated five names were submitted to the Department of Transportation (DOT) and Cumberland County as required to name the street portion owned by the Town. The Council agreed that the name should be the original name "Bus Street". He stated that Mt Zion Lane was also submitted as one of the choices. Mt. Zion Church has requested that the Town change the name from Bus Street to Mt. Zion Lane. Mr. Nazarchyk stated that to change the name now would require a 51% agreement by the owners of the adjoin property and a survey must be done.

Council Member Donald Hudson made a motion to authorize the Town Manager to start the process of changing the name to Mr. Zion Lane. The motion was 2nd by Council Member Sara Piland. The motion was approved unanimously.

VII. Receive Mayors Update:

Mayor McLaurin stated that the Civic Club has \$2500 for the deck at Talley Woodland Park. He stated that the County could give a waiver on the handicapped parking at the Park. He also stated that the Town has approximately \$19,000 left in funds for the Talley Woodland Park.

Mayor McLaurin stated that the Flag Pole that was at the Community Center was donated to the Ball Field.

Mayor McLaurin stated that two AC Units were stolen from the Community Center last week. The Town's Insurance paid \$7373 toward the purchase of two new units. The insurance did not pay the sales tax, or the \$1000 deductible. The Town has had a steel cage put over the two new units to keep them from being stolen again.

Mayor McLaurin stated that WRAL TV has donated 48 azaleas to the "Dig-A-Bit" Garden Club. The Garden Club planted the azaleas in the Talley Woodland Park.

VIII. Receive Council Members Updates:

Council Member Sara Piland stated that the Town had granted funds to purchase 165 cupcakes for Cape Fear High School faculty, security staff, and Deputies, due to the recent tragedy at the school.

Attorney Jackson stated that a line item in the Budget for the Town Manager to contract. This would delegate authority to the Town Manager to spend up to this specific line item in the budget.

IX. Receive Town Managers Update:

Mr. Nazarchyk stated that we did receive a good audit report. He stated that the LGC did approve our audit for the Town. He stated that David Maxwell, CPA from the firm McFadyen & Sumner CPAs, PA will present the Budget Report to the Town Council at our December Town Council Meeting.

Mr. Nazarchyk stated that Mr. Bob Segal, CPA we contracted with to find funds for the Town stated that we are not getting property tax from several entities.

X. CLOSED SESSION: As allowed in General Statute 143-318.11.

Mayor McLaurin asked for a motion to **CLOSE the CLOSED SESSION** and return to **REGULAR SESSION** by Council Member Sara Piland. The motion was 2nd by Council Member Lawrence Buffaloe. The motion was approved unanimously.

XI. Consider a Motion to Adjourn.

Council Member Benny Pearce made a motion to adjourn the meeting at 8:45 p.m. 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