

**Town of Eastover - Town Council Meeting**  
**Tuesday, December 3, 2013, 7:00 p.m.**  
**Eastover Community Center**  
**x Mayor Charles G. McLaurin, Presiding Council Members: x Lawrence Buffaloe,**  
**x Willie Geddie,  Cheryl Hudson, x Randy Lee,**  
**x Benny Pearce, and x Sara Piland**

**MINUTES OF MEETING – December 3, 2013**

Mayor Charles McLaurin, Council Members Sara Piland, Lawrence Buffaloe, Willie Geddie, Donald Hudson, Benny Pearce, and Randy Lee were in attendance at the December 3, 2013, Eastover Town Council Meeting. A quorum was present at the Town Council Meeting. Also in attendance were Mr. Matt Rooney and Mr. Robert Haigh, Cumberland County Planning & Inspections Department, Mr. Kim Nazarchyk, Town Manager, Ms. Jane Faircloth, Town Clerk, Debra Schmidt, Administrative Assistant, and Mr. J. Lee Warren, Cumberland County Register of Deeds. Town Council Member Cheryl Hudson was absent from the meeting, however she did provide a signed Waiver of Absence prior to the meeting.

**I. Call to Order:**

Mayor Charles G. McLaurin called the December 3, 2013 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 Willie Geddie gave the invocation and led in the Pledge of Allegiance.

**III. Recognition:**

Mayor Charles McLaurin presented Council Member Donald Hudson with a plaque in appreciation and recognition for his commitment to the incorporation of the Town of Eastover and his six years of service as a member of the Eastover Town Council. The Council complimented Council Member Donald Hudson for his wisdom, advice, faithfulness in service, and legal expertise while serving on the Eastover Town Council.

**IV. Elected Officials – Oath of Office:**

Mr. J. Lee Warren, Cumberland County Register of Deeds administered the Oath of Office to Mayor Charles G. McLaurin, Mayor for the Town of Eastover (2 year term).

Mr. J. Lee Warren, Cumberland County Register of Deeds administered the Oath of Office to Council Members Mr. Benny Pearce, Mr. Lawrence Buffaloe, and Mr. Randy Lee (4 year terms) for the Town of Eastover.

This is the result of the November 5, 2013 Municipal Election. Mayor Charles McLaurin and Town Council Member Sara Piland welcomed Town Council Member Randy Lee.

Ms. Vicki Locklear, Register of Deeds from Robeson County, came to support the swearing in of Town Council Member Randy Lee.

**V. Approval of Agenda:**

Council Member Lawrence Buffaloe made a motion to approve the Agenda as stated. The motion was 2nd by Council Member Benny Pearce. The vote was unanimous for approval.

**VI. Public Comments:**

None.

**VII. Consent Agenda:**

1. Consider approval of the Minutes for November 5, 2013 Town Council Meeting. See Exhibit A.
2. Consider approval of the October 31, 2013 Financial Report. See Exhibit B.
3. Eastover Town Council Meeting Schedule for Calendar Year 2014. See Exhibit C.
4. Eastover Town Hall Holiday Schedule for Calendar Year 2014. See Exhibit D.

Council Member Sara Piland made a motion to approve the Consent Agenda as presented. The motion was 2<sup>nd</sup> by Council Member Lawrence Buffaloe. The vote was unanimous for approval.

**VIII. Discussion Agenda:**

**Agenda Item #1:**

**Appointment of the Mayor pro-tem by Mayor and Town Council Members.**

The Town Council Members made a motion to appoint Council Member Cheryl Hudson as Mayor pro-tem for the next two (2) years.

Council Member Lawrence Buffaloe made a motion to approve the nomination of Council Member Cheryl Hudson to serve as Mayor pro-tem. The motion was 2<sup>nd</sup> by Council Member Randy Lee. The vote was unanimous for approval.

**Agenda Item #2:**

**Briefing by Mr. David Maxwell, CPA from McFayden & Sumner Certified Public Accountant Firm concerning FY 2013 Audit for Town of Eastover.**

Mr. David Maxwell briefed the Eastover Town Council on the financial results of Fiscal Year 2013 Audit of the Town of Eastover. He stated that all the financial statements were in compliance. He did not find any discrepancies. He provided key financial figures over a five (5) year period and reminded the Town Council Members that 2008 was no longer reflected in the charts. He said that the Town had increased the General Fund to \$1,500,000 which is a \$377,000 increase from previous year. This includes the Powell Bill funds which are approximately \$221,000. He reminded the Council that Powell Bill funds can be only used for the specific purpose as required by the Department of Transportation (DOT). The Powell Bill funds are received by the Town in two installments annually. The Town can keep the funds for ten (10) years. If not used after that period, DOT will withdraw the funds.

Mr. Maxwell briefed a pie chart which reflected the Town's revenue which was a little less than \$1,500,000 for the year. The number one source is property taxes collected at about \$624,000 and second is sales tax around \$596,000. The third chart was departmental expenses. The Town of Eastover expenses were about \$1,100,000. The number one source was general government which is about \$524,000. This is 48 percent of the total. General government is dedicated to a special account, like public safety which is your Fire and Police Department, Parks and Recreation and the Planning and Zoning Department. The Town of Eastover had a significant increase in expenses during FY 2012 due to the purchase of land for a new Town Hall.

Mr. Maxwell used a North Carolina State website to obtain the 2013 available fund balance reserve for municipalities with 2,500 to 10,000 residents. The average municipality had about 70% of annual expenses in their 2013 fund balance reserve. The Town of Eastover had 128% in their 2013 fund balance reserve. This fund balance reserve means that the Town of Eastover can provide the same level of service for one year. The average tax rate for this size of municipality is twenty-eight (28) cents per 100 evaluations of properties. Eastover's tax collection rate is twenty and one-half (20 1/2) cents per 100 evaluation. Mr. Maxwell commended the Town on a clean audit, stating that the Council had done an excellent job with their fiduciary responsibilities. He also complimented the Town Manager and Town Finance Officer/Town Clerk on a superb job. Mayor Charles McLaurin congratulated the Town Manager and Finance Officer on a job well done. Town Council Member Sara Piland complimented the employees from the Eastover Town Hall on a great job. She commended Ms. Jane Faircloth on having worked with the Town of Eastover since it first stood up. She also stated how lucky they were to have Mr. Kim Nazarchyk, Town Manager who is living within the local area and has the communication skills to work with the Eastover community.

**Agenda Item #3:**

**PUBLIC HEARING CASE NO. P13-47. P13-47. REZONING OF 50.74+/- ACRES FROM RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR AN 87 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 4329 DUNN ROAD AND WEST OF DUNN ROAD (US HWY 301), NORTHEAST OF SR 1722 (BEARD ROAD); SUBMITTED BY GENE F. WILLIFORD, SR. ON BEHALF OF WINGATE PROPERTIES LLC. (OWNER). (EASTOVER).**

Mayor Charles McLaurin **opened the Public Hearing.**

Mr. Matt Rooney, Cumberland County Planning and Inspections Department, briefed the Council and presented facts regarding Public Hearing Case No. P13-47. The request is for rezoning 50.74+/- acres from RR rural residential to RR rural residential/DD density development/CS conditional zoning district for an 87 lot subdivision located at 4329 Dunn Road, west of Highway 301 and north east of Beard Road.

The Public Hearing Case No. P13-47 had two (2) **speakers for** and three (3) **speakers against** the rezoning request. Attorney Duane Gillam Jr. represented the case for Mr. Gene Williford. Mr. Williford wants to build 87 one-half acre lot homes. The engineer on the project was unable to attend the Town Council meeting.

**Speakers For:**

**Speaker #1:** Attorney Duane Gilliam Jr., 307 Person Street signed up to **speak for** Case No. P13-47. He is representing Mr. Gene Williford and Wingate Properties (LLC). He stated that the Cumberland County Planners have reviewed and approved this project. He also stated that the developer has been amendable to the conditions of the Planning Department and that the project is consistent with the ordinance.

**Speaker #2:** Mr. Gene F. Williford, Sr. on behalf of Wingate Properties (LLC), 111 Dunn Road, Fayetteville, NC 28312 signed up to **speak for** Case No. P13-47. Mr. Williford stated that all the documentation is completed and requested that the Eastover Town Council approve the rezoning request. He stated that "No" mobile homes will be built on this property and he will make it a nice subdivision. His concern is that if he goes into this as an R20 project, his development might be financially tied up.

**Speakers Against:**

**Speaker #1:** Mr. Andy Smith, 3316 Flea Hill, Eastover, NC 28312 signed up to **speak against** Case No. P13-47. Mr. Smith stated that his property is also zoned RR and is part of the Voluntary Agricultural District. He has a farm on his property, agricultural activities, livestock, and sprays his fields. Farming has been his way of life and he is concerned about this changing the way he lives and the value of his property. He wanted the Town Council to know that when he is unable to farm, he wants to get the same consideration for his property without having to come back to the Town Council for approval.

**Speaker #2:** Mr. Stephen Lucas, 4309 Dunn Road, Eastover, NC 28312 signed up to **speak against** Case No. P13-47. He stated that once the development is complete, his road is the only entrance and exit to the housing development. Traffic is already bad, and once this project is complete, it will be impossible to get out of his driveway.

**Speaker #3:** Ms. Della Patterson, 3565 Beard Road, Eastover, NC 28312 signed up to **speak against** Case No. P13-47. Ms. Patterson stated she owned property adjoining the subject property. She is concerned with protecting the value of her property and the surrounding property. She also has requested that mobile homes not be constructed on the property for Case No. P13-47.

**Rebuttals:**

**Speaker #1:** Attorney Duane Gilliam, Jr. provided a rebuttal that there were 41 conditions and Mr. Williford can live with a site related usage restriction to R20 and will follow the R20 standards. He has no intentions of putting trailers on the property.

**Speaker #2:** Mr. Gene Williford stated that he has no intention on building mobile homes on the property. He also assured the Council that he will make the development look nice and improve the surrounding community.

The Council Members requested that Mr. Williford modify the Planning Document to either rezone from RR/DD/CZ to R20/DD/CZ or amend the planning documents to state that "No Mobile Homes Will Be Constructed on this Property".

Mayor Charles McLaurin requested a motion from the Town Council Members to **Close the Public Hearing**. Council Member Benny Pearce made a **motion to close the Public Hearing**. The motion to close the Public Hearing was 2<sup>nd</sup> by Council Member Lawrence Buffaloe. The vote was unanimous for approval.

Mayor Charles McLaurin requested a motion to **table, approve, or deny** Case P13-47. Council Member Sara Piland made a **motion to table** the case for thirty (30) days so the Council Members can have more time to talk with the petitioner. She stated that they could make a motion to deny, approve, or table this case. If the case is denied, it can't be presented before the Eastover Town Council Members for another year. The motion to table the case for thirty (30) days was 2<sup>nd</sup> by Council Member Benny Pearce. The vote was unanimous to table the Case No. P13-47 for thirty (30) days until the next Town Council Meeting which is scheduled for January 7, 2014.

**Agenda Item #4:**

**Consider Funding of Capital Reserve Account.**

Mr. Kim Nazarchyk, Eastover Town Manager, provided an update on Resolution 2013-03 which was adopted on June 2013. The Eastover Town Council created a Capital Reserve fund for the purpose of constructing a municipal building. These funds are available for a period not to exceed five (5) years (beginning July 1, 2013 and expiring June 30, 2018, or until a cumulative sum not to exceed \$900,000 has been received. The Eastover Town Council can appropriate or transfer an amount of no less than \$85,000 each year to this fund. Mr. Kim Nazarchyk stated that they were waiting for the results from the Fiscal Year-end 2013 audit. Mr. Nazarchyk added that the auditor has provided his concurrence on this financial initiative. Mr. Nazarchyk requested that the Town Council Members approve the transfer of \$200,000 from the General Fund Account to the Capital Reserve Account.

Council Member Benny Pearce made a motion to approve the transfer of \$200,000 from the General Fund to the Capital Reserve Account. The motion was 2<sup>nd</sup> by Council Member Willie Geddie. The vote was unanimous for approval.

**Agenda Item #5:**

**Resolution 2013-10 Adopting the Records Retention and Disposition Schedule-Municipal, dated September 10, 2012 and Adoption of Municipal Record Retention Schedule Amendment dated August 29, 2013.**

Mr. Kim Nazarchyk provided a briefing on Resolution 2013-10 for the Town Council Members for acceptance and approval. North Carolina Department of Cultural Resources provided the "Records Retention and Disposition" Schedule to all the municipalities for approval dated September 10, 2012 and "Adoption of an Amendment" to the Schedule dated August 29, 2013. The Town of Eastover is required by law to review and approve in an open meeting.

Council Member Sara Piland made a motion to sign and approve Resolution 2013-10. The motion was 2<sup>nd</sup> by Council Member Randy Lee. The vote was unanimous for approval

**IX. RECEIVE MAYOR'S UPDATE.**

Mayor Charles McLaurin sent out a special thank-you to Sandy Ridge Electric, Mr. Bob Nail and Mr. Kim Nazarchyk for putting up the Christmas wreaths. Mr. Nazarchyk stated that the wreaths will be taken down on December 31, 2013.

The annual "Flea Drop" is coming up and there is a small article about it in the South River Electric Association magazine.

Mayor Charles McLaurin reminded everyone to have a safe and Merry Christmas.

**X. RECEIVE TOWN COUNCIL UPDATE**

Council Members provided a warm welcome to Council Member Randy Lee.

**XI. RECEIVE TOWN MANAGERS UPDATE.**

Mr. Kim Nazarchyk informed the Council that on December 11, 2013 there will be a site visit to three (3) Town Halls. The Mayor of Eastover, Mayor Charles McLaurin, two (2) Town Council Members Sara Piland and Cheryl Hudson, the LSV Architect Mr. Chris Frank, and the Town Manager Mr. Kim Nazarchyk will visit Erwin Town Hall at 9:00 a.m., Smithfield Town Hall at 11 a.m., and Archers Lodge Town Hall at 2:30 p.m.

Mr. Chris Frank, the LSV Architect, will attend the January 2014 "Advisory Committee" meeting. Mr. Nazarchyk will send out letters to the Advisory Committee regarding the January 2014 meeting.

Ms. Doris Wilson has requested usage of the Town of Eastover parking lot during the time frame of May 21-23, 2014 for a group of individuals going on a bus tour. She is going to distribute and collect signed waivers from each person who is parking their car on the Town of Eastover property. This will relinquish the Town of Eastover from any damage or loss to their vehicles.

Mr. Kim Nazarchyk told the Council that the Town of Eastover has hired an extra Deputy during the period December 2 through December 31, 2013. His shift will run from 9 a.m. until 6 p.m.

**XII. CONSIDER A MOTION TO ADJOURN.**

A motion to adjourn was made by Council Member Benny Pearce at 8:39 p.m. The motion was 2<sup>nd</sup> by Council Member Lawrence Buffaloe. The vote was unanimous for approval.

\_\_\_\_\_, **Administrative Assistant**  
**Debra R. Schmidt**

**Town of Eastover**

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**Charles G. McLaurin, Mayor**

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