

Town of Eastover - Town Council Meeting
Tuesday, January 7, 2014, 7:00 p.m.
Eastover Community Center
x☐Mayor Charles G. McLaurin, Presiding Council Members:
x☐Lawrence Buffaloe, x☐Willie Geddie,x ☐Cheryl Hudson,
x☐Randy Lee, x☐Benny Pearce, and x☐Sara Piland

MINUTES OF MEETING – January 7, 2014

Mayor Charles G. McLaurin, Council Members Sara Piland, Lawrence Buffaloe, Willie Geddie, Donald Hudson, Benny Pearce, Cheryl Hudson and Randy Lee were in attendance at the January 7, 2014 Eastover Town Council Meeting. A quorum was present at the Town Council Meeting. Also in attendance were Mr. Matt Rooney, Cumberland County Planning & Inspections Department, Mr. Kim Nazarchyk, Town Manager, Ms. Jane Faircloth, Town Clerk, Ms. Debra Schmidt, Administrative Assistant, and Mr. Thomas Neville, Town Attorney.

I. Call to Order:

Mayor Charles G. McLaurin called the January 7, 2014 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 Benny Pearce gave the invocation and led in the Pledge of Allegiance.

III. Approval of Agenda:

Council Member Cheryl Hudson made a motion to approve the Agenda as stated. The motion was 2nd by Council Member Sara Piland. The vote was unanimous for approval.

IV. Public Comments:

None.

V. Consent Agenda:

1. Consider approval of the Minutes for December 3, Town Council Meeting. See Exhibit A.
2. Consider approval of the November 30, 2013 Financial Report. See Exhibit B.

Council Member Lawrence Buffaloe made a motion to approve the Consent Agenda as presented. The motion was 2nd by Council Member Randy Lee. The vote was unanimous for approval.

VI. Discussion Agenda:

Agenda Item #1:

PUBLIC HEARING CASE NO. 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 G. McLaurin stated the Council will resume discussion of **CASE NO. P13-47.**

Mr. Matt Rooney, Cumberland County Planning and Inspections Department, briefed the Council with facts regarding **CASE NO. P13-47.** The original 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 Council requested a modification from RR rural residential to R20 rural residential during the December 3, 2013 Town Council meeting.

He presented the Council with the 2nd Draft dated December 20, 2013 which contained draft Corrected Condition No. 9: (Manufactured homes are not a permitted use within this development) and Condition No. 10: (The common area (open space) will be protected and maintained in its current state). No development is to occur on any area designated "open space" on the approved plan.

Council Member Sara Piland asked Mr. Matt Rooney to explain why Eastover is moving towards density development. He stated that the open space is more desirable and the developer will not have to invest as much for infrastructure. A conditional zoning means "you see what you get". Without conditional zoning, the governing board does not have an opportunity to see the site plan and there is no binding on the part of the developer.

Mr. Kim Nazarchyk, Town Manager, said Town Attorney Neville suggested modification of the condition sheet to add that no manufactured homes will be on this property and the open space will remain undeveloped as part of the site plan for the future.

Attorney J. Duane Gilliam, Jr. stated that the Cumberland County Planning Staff wanted a stub street and said there might be minor revisions but it doesn't affect the 87 units. As part of the proposal, he requested that the Council authorize the Cumberland County Planning Staff to approve the number of lots and minor modifications without having to come back to the Council for approval. There is no objection to the conditional rewording and contingencies. Attorney Gilliam stated that there will still be 40% open space with lot averages greater than 20,000 square feet.

Mr. Gene F. Williford, Wingate Properties, LLC, is agreeable with the modifications and he will sign the conditional zoning district 2nd draft statement.

Mr. David Averette, Averette Engineering Company, agreed to the R20 provision and with the conditional use. He said it will be the same thing. The street stub was approved by the Cumberland County Planning Board. The engineers want the Council to allow the Cumberland County Planning Staff to approve the new layout as long as they don't exceed density requirements and have at least

40% open space with lot averages greater than 20,000 square feet. This is a preliminary drawing and the engineers need the ability to tweak the plan.

Council Member Sara Piland has no problem with tweaking the 87 lot residential subdivision plan as long as the Cumberland County Planning Staff coordinates with Mr. Kim Nazarchyk, Eastover Town Manager.

Council Member Randy Lee requested that the Town Council Members extend the same courtesy to Mr. Andy Smith for rezoning from farmland to a residential subdivision on his property when Mr. Andy Smith will no longer be able to farm his land.

Council Member Sara Piland made a motion that the Council approve **CASE NO. 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** provided the petitioner comply with all of the conditions including the modified Conditions No. 9 and No. 10 and if any minor adjustments are necessary, the Cumberland County Planning Staff will consult with the Town Manager. Also given the fact that the Cumberland County Planning Staff has recommended the stub out and it is not shown on this particular map, the Council also needs to approve the street stub tonight. The motion was 2nd by Council Member Lawrence Buffaloe. The vote was unanimous for approval.

Agenda Item #2:

Special Presentation by Ms. Desiree White from the Local Government Federal Credit Union.

Ms. Desiree White provided a briefing to the Town Council Members on the Local Government Federal Credit Union (LGFCU). She stated that you will never see billboards or advertisement, their objective is to connect with people. They serve municipalities, boards, elected officials, volunteers and their families. They are the fourth (4th) largest in the nation with over 233,000 members. They provide smart advantages with on-line services, financial planners, scholarships, free checking, and notary services. She stated that there is a \$25.00 fee to join and their office is located on West Jones Street in Raleigh, NC.

Agenda Item #3:

Consideration of School Ordinance.

Mr. Kim Nazarchyk, Town Manager, requested that the Council consider approval of the request from the Cumberland County School Board. He has been contacted by Dr. Frank Till, Jr. Superintendent of the Cumberland County Schools. This request is to adopt the County School Ordinance as part of a community statement to make the schools safe from negative influences. This ordinance restricts people from loitering within a 1000 feet of the school zone for more than 5 (five) minutes.

Council Member Randy Lee said he has read this ordinance and does not like it. Basically, because there is too much grey area and it puts too much responsibility on the Town of Eastover. He asked "Is it worth the paper it is written on"? It needs to be enforceable.

Mr. Thomas Neville, Town Attorney, made preliminary phone calls and stated that the City of

Fayetteville has not approved this Ordinance. He also stated that Cumberland County has approved this Ordinance.

Council Member Sara Piland stated that in the past it was a very convoluted process to keep persons who were negative influences from coming onto school grounds. The Cumberland County School System has a program in place called Community Schools. This allows the community to use the schools by consent. The principal at Armstrong Elementary School grants permission to the Town of Eastover for use during Heritage Day.

Council Member Cheryl Hudson asked if they adopt the Ordinance, will it provide more legality for schools to contact the Sheriff to enforce law on school property. Council Member Cheryl Hudson stated that she basically looks at this as Eastover supporting the Sherriff's Department and Cumberland County Schools. Cumberland County has already adopted this Ordinance and the Sherriff's Department can enforce it.

Council Member Benny Pearce stated that our Superintendent of Schools should ask our Legislature to put this into law.

Mr. Kim Nazarchyk, Town Manager stated that the Sheriff's Department is in agreement with this Ordinance.

Council Member Lawrence Buffaloe made a motion to approve the Cumberland County School Ordinance as long as it can be tweaked later based on case law or what the courts say. The motion was 2nd by Council Member Sara Piland. The vote was unanimous for approval.

Agenda Item #4:

Consider Request from Lexington Homeowners.

Mr. Kim Nazarchyk, stated that the Lexington Subdivision off Middle Road was originally designed to be the same subdivision on both sides of the canal between Town of Eastover and City of Fayetteville. After the developer built the subdivision on the Town of Eastover side, he decided that he wanted to change the 2nd part of the development. Cumberland County turned down his request, but the City of Fayetteville annexed the property and allowed high density development (250 units on 25 acres). The Lexington Home Owners Association (HOA) now own all common property within its physical boundaries as depicted in the plot filed at the Cumberland County Courthouse. The Lexington HOA is requesting that the Eastover Town Council support the Lexington at Eastover HOA in its efforts to keep the City of Fayetteville from connecting the future Lexington Woods Subdivision, City of Fayetteville to Lexington at Eastover via construction of a pedestrian bridge at the end of Willowbrae Drive.

Mr. Mario Gabriel, Jr. is the President Elect for the Lexington Home Owners Association. He said that the bridge would deprive them from having access the common park area, bring about unnecessary traffic into an area which lacks sidewalks placing their kids in peril from careless drivers; cause traffic and parking density problems above their capabilities and inevitably expose their private properties to criminal intent of those strangers to their community. Mr. Mario Gabriel stated that Mr. John Elliott, Vice-President Elect for the Lexington HOA tried to get information from the City of Fayetteville planners, but has been unable to get any answers. Mr. Gabriel also stated that this bridge will allow Eastover residents access to the City of Fayetteville community park.

Council Member Lawrence Buffaloe made a motion to adopt this request for the Eastover Town Council to show their support and do whatever they can to help protect the Lexington at Eastover Subdivision from having a bridge constructed over the canal into their subdivision and protect their property. The motion was 2nd by Council Member Randy Lee.

Council Member Sara Piland made a motion for Council Member Lawrence Buffaloe to amend his motion. The City of Fayetteville should receive permission from the Town of Eastover to construct a bridge on Eastover property before they can take action.

Mr. Thomas Neville, Town Attorney stated that there are two (2) issues – Eastover Town Council support of the Lexington at Eastover Subdivision in its efforts to keep the City of Fayetteville from connecting the future Lexington Woods Subdivision to their subdivision, and the requirement from the City of Fayetteville municipality erecting a bridge into the Lexington at Eastover Subdivision. The Town Attorney needs consultation on what the letter to the City of Fayetteville needs to state regarding construction of a bridge into the Lexington at Eastover Subdivision. He recommended a **Closed Session** for legal advice.

Council Member Lawrence Buffaloe made an amended motion for the Eastover Town Council to show their support to the Lexington Home Owners Association by adopting this request and notify the City of Fayetteville that the Town of Eastover opposes construction of a bridge into the Lexington at Eastover Subdivision. The motion was 2nd by Council Member Cheryl Hudson. The vote was unanimous for approval.

Agenda Item #5:

Presentation of Town Hall Advisory Committee.

Mayor Charles G. McLaurin requested that the Advisory Committee stand-up when Mr. Kim Nazarchyk, Town Manager introduced them to the audience. There are currently twenty (20) Eastover residents on the Town Hall Advisory Committee. All Town Hall Advisory Committee members were present with the exception of Mr. Richard Autry, Mr. Mark Fisher, and Mr. Kevin Hall.

Council Member Cheryl Hudson introduced Mr. Chris Franks, LSV Partnership, who was selected as the architect for design of the “New” Town Hall for the Town of Eastover.

Council Member Sara Piland requested that Mr. Chris Franks explain the process to the Town Hall Advisory Committee. She also requested the Town Hall Advisory Committee think about the vision, not finances at this time.

Mr. Chris Franks, LSV Partnership, briefed the program. He needs help from the Town Hall Advisory Committee with input on community issues via a questionnaire. He defined three (3) basic issues and they are (1) Community, (2) Site, and (3) The Town Hall Building. He stated that they need to keep in mind what the “New” Town Hall should look like in ten (10) to fifty (50) years. Mr. Kim Nazarchyk, Town Manager is going to establish three (3) meetings and coordinate with the Town Hall Advisory Committee and Mr. Chris Franks. The Town Manager will also collect the questionnaires and provide them to Mr. Chris Franks.

IX. RECEIVE MAYOR'S UPDATE.

Mayor Charles G. McLaurin stated that Moonlight Communications has almost completed the video on the incorporation of the Town of Eastover. The video disk will be placed on the Eastover webpage and a few copies will be available for sale.

Mayor Charles G. McLaurin asked about the status of School Street. Mr. Kim Nazarchyk, Town Manager, said he briefly discussed it with the new Council and they are going to send a letter to the residents for a decision. If they do not agree with the recommendation, then Eastover is going to consider condemnation on that portion of the street.

Mayor Charles G. McLaurin said the Eastover Flea Drop was a success, "**Jasper**" the Town of Eastover flea dropped.

Mayor Charles G. McLaurin reminded the Council that they need to RSVP to the Mid Carolina Council of Government Conference being held on January 30, 2014 at the Agriculture Center in Clinton, N.C.

Mayor Charles G. McLaurin reminded the Council members that the Mayor's Coalition will be held on Friday, February 7, 2014 from 8 a.m. until 10 a.m. at the Eastover Community Building. The Town of Eastover is the host for this event. Council Member Cheryl Hudson made a motion to approve a budget of up to \$350 to spend on food at the Mayor's Coalition. The motion was 2nd by Council Member Sara Piland. The vote was unanimous for approval.

Mayor Charles G. McLaurin briefly touched on expansion behind Lexington Subdivision and the homes that Gene Williford is planning on building which will have a great impact on the Town of Eastover. If they make the expansion on the ball park, it will also have a tremendous impact on the Town of Eastover. There are a lot of positive things happening in the Town of Eastover and he hopes everyone stays involved.

X. RECEIVE TOWN COUNCIL UPDATE

Council Member Sara Piland asked Mr. Mike Mason about the Community Watch. He has established a sign-up sheet for Eastover Residents and will provide alerts, texts, or recorded messages to Eastover residents. The next meeting is scheduled for 7 p.m. next Monday at the Community Building.

XI. RECEIVE TOWN MANAGERS UPDATE.

None.

XII. CONSIDER A MOTION TO ADJOURN.

A motion to adjourn was made by Council Member Lawrence Buffaloe at 8:35 p.m. The motion was 2nd by Council Member Benny Pearce. The vote was unanimous for approval.

_____, **Administrative Assistant**
Debra R. Schmidt

Town of Eastover

Charles G. McLaurin, Mayor

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