

**Town of Eastover - Town Council Meeting**  
**Tuesday, May 6, 2014, 7:00 p.m.**  
**Eastover Community Center**  
**x☐Mayor Charles G. McLaurin, Presiding**  
**Council Members:**  
**x☐Lawrence J. Buffaloe, x☐Willie S.Geddie, x☐Cheryl C. Hudson,**  
**x☐Randy P. Lee, x☐Benny M. Pearce, and x☐Sara E. Piland**

**MINUTES OF MEETING – May 6, 2014**

Mayor Charles G. McLaurin, Council Members Sara E. Piland, Willie S. Geddie, Randy P. Lee, Benny M. Pearce, Lawrence J. Buffaloe, and Cheryl C. Hudson were in attendance at the May 6, 2014 Eastover Town Council Meeting. A quorum was present at the Town Council Meeting. Mr. Kim Nazarchyk, Town Manager, Ms. Jane Faircloth, Town Clerk, Ms. Debra Schmidt, Administrative Assistant, and Mr. Matt Rooney, Cumberland County Planning & Inspections Department, was also present. Mr. Thomas Neville, Town Attorney, was absent from the meeting.

**I. Call to Order:**

Mayor Charles G. McLaurin called the May 6, 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 Lawrence J. Buffaloe gave the invocation and led the attendees in the Pledge of Allegiance.

**III. Approval of Agenda:**

Mayor Charles G. McLaurin asked for a motion to approve or disapprove the Agenda.

Council Member Randy P. Lee made a motion to approve the Agenda as stated. The motion was 2nd by Council Member Sara E. Piland. The vote was unanimous for approval.

**IV. Public Comments:**

Developer Greg Spears from Nimocks, Ciccone & Townsend Commercial Real Estate signed up to be a speaker. He provided a preliminary overview of the “desired” future development plans for fifty (50) acres of property located along Murphy and Dunn Roads. He wants to develop a couple of hotels, shopping center, grocery store, and drug store.

**V. Consent Agenda:**

1. Consider approval of the Minutes for the April 1, 2014 Town Council Meeting.
2. Consider approval of the Minutes for the April 15, 2014 Special Town Council Meeting.
3. Consider approval of the March 31, 2014 Financial Report.

Mayor Charles G. McLaurin asked for a motion to approve or disapprove the Consent Agenda.

Council Member Cheryl C. Hudson made a motion to approve the Consent Agenda as stated. The motion was 2<sup>nd</sup> by Council Member Lawrence J. Buffaloe. The vote was unanimous for approval.

## **VI. Discussion Agenda:**

### **Agenda Item #1**

**CASE NO. 14-031: CONSIDERATION OF THE KINLAW V. JACOBS PROPERTY, SUBDIVISION REVIEW, COUNTY SUBDIVISION ORDINANCE; ZONING: R6A; TOTAL ACREAGE: 4.75 +/-; LOCATION: 4053 & 4085 DUNN ROAD. (EASTOVER).**

Mr. Matt Rooney, Cumberland County Planning & Inspections Department, presented Case No. 14-031. Mr. Matt Rooney stated that the developer is requesting approval of a three lot subdivision with two existing dwellings on two of the proposed lots. The subject property is 320.00 feet of road frontage along U.S. Highway 301 (Dunn Road) and currently zoned R6A and meets all the zoning conditions. The R6A zoning district allows for single family manufactured and mobile home parks. Mr. Rooney stated that a rezoning is not being presented to the Council, only a subdivision of the land in the commercial district. Eastover Sanitary District will provide the water and sewer.

Mr. Kinlaw V. Jacobs, property owner, briefed the Council that at a later date, he intends to present a rezoning for Lot 1(3.39 acres) to build 2 businesses on the commercial property (expansion of Jacobs Construction and a mini self-storage facility). He has two (2) years to meet all the conditions and present the final plat on record. Lots 2 (0.55 acres) and 3 (0.81 acres) will remain R6A. Surveyor Sammy Cain presented the subdivision of the lots to the Planning Department prior to the rezoning request for Lot 1 from R6A to C1P.

Council Member Sara E. Piland recommended that Mr. Kinlaw V. Jacobs meet with the Cumberland County Planning Staff and come back to the Council for rezoning of Lot 1 from R6A to C1P (Commercial Property).

Council Member Benny M. Pearce made a motion to approve **CASE NO 14-031** as presented. The motion was 2<sup>nd</sup> by Council Member Lawrence J. Buffaloe. The vote was unanimous for approval.

## **Agenda Item #2**

### **Presentation of 2014-2015 Budget.**

Mr. Kim Nazarchyk, Town Manager, presented the 2014-2015 Proposed Budget to the Council. He stated that the Town of Eastover is entering its eighth year of incorporation, and remains in excellent financial shape. The current tax rate will remain at \$0.205 per \$100.00 valuation, and has remained at this level since the first date of operations. The Town Council continues to exhibit excellent financial management, and no increase is planned for the coming fiscal year.

The Town Manager also stated that in the proposed 2014-2015 Budget, the Town will continue to provide the five basic services of Fire Protection, Police Protection, Parks and Recreation Services, Street Lights, and Zoning. These services will remain at the current level of delivery.

The Town Manager presented the 2014-2015 **Priorities** as shown below:

**Safety:** From our tax rate of \$0.205, the Eastover and Vander Volunteer Fire Departments share \$0.10 (based on property values within their respective fire districts) for fire protection. An additional half cent goes to the Cumberland County Fire Chief's Fund.

Police service is provided through contract with the Cumberland County Sheriff's Office with a designated deputy from 8:00 A.M. until 5:00 P.M., Monday through Friday. Coverage for remaining hours is provided by the deputies on routine patrol for this part of the County. Funds have been budgeted to hire additional deputies for the Town limits as needed, and dual coverage is provided during the month of December.

**Parks & Recreation:** Open spaces, healthy lifestyles, and people to people relationships are valued in the Town of Eastover. Talley Woodland Park provides a setting for friends and family to come together and enjoy the natural environment and wildlife of this tiny corner of our Town, or just to relax. This budget provides for the maintenance and improvement of the park.

The Town's continuing contribution to the expansion of the Eastover Ball Park complex provides opportunities for exercise on the ball diamonds, or jogging/walking on the quarter mile track around the soccer field. Funds have been allocated for the possible purchase of land to expand the current facility.

The 2014-15 Budget is also postured to support the Town's construction of the New Town Hall Building across from the Eastover Community Center.

The Town Manager stated that under **"Budget Policy"**, the Fiscal Year 2014-2015 Budget Process was approached with consideration for the goals and values of the Eastover Town Council, and statutory requirements from the State of North Carolina regarding municipal budgets:

- In accordance with North Carolina State Law, the Budget is balanced between revenues and expenditures.
- The Town of Eastover will receive 22.89% of all Ad Valorem Taxes collected for the coming year. The remainder will be distributed as follows: 48.78% to the Eastover and Vander Volunteer Fire Depts., 2.44% to the County Special Fire Chief's Fund, 24.39% to Fayetteville/Cumberland Parks & Recreation, and 1.50% to Cumberland County for billing and collection of property taxes.
- Funds have been budgeted toward the Town's reserves (Fund Balance).

The Town Manager presented the **"Budget Highlights"** as shown below:

**Revenues:**

- Taxes Current Year is based on a 98% collection ratio of the \$296,350,495 value of Personal, Real, and Public Service properties within the Town limits.
- Local Option Sales Tax will provide the major revenue for Town operations, along with the N.C. Franchise Tax.

**Expenditures:**

- Salaries/Administration includes a proposed 2.5% Cost of Living Adjustment (COLA) for the Eastover Town Clerk and three part-time employees.
- Professional Services includes estimated cost for the engineer's Storm Water Runoff Study for the entire corporate limits, and funding for an architect for initial work on design of the new Eastover Town Hall building.
- Future Land & Buildings includes funding for possible purchase of additional land for the expansion of the Eastover Ballpark facility
- Interest Due is budgeted for construction loan interest for the New Town Hall building.
- Police Department contains additional funding for 89 days of extra deputy coverage, with mileage, if warranted.

Mr. Kim Nazarchyk, Town Manager, provided "Concerns and Issues" regarding the 2014-2015 Budget. The Town Manager stated that the 2014-2015 Budget represents a financially responsible plan for the Town of Eastover to provide existing services for the coming year. Assumptions were made in some categories, and mid-year adjustments may be required. Any significant changes will be reported to the Council throughout the year as quickly as they are identified.

The Town Manager presented the potential issues that could affect the Budget in the upcoming year as shown below:

- Collection of Ad Valorem Taxes in Eastover has historically been very good. However, changing economic conditions greatly impact these funds.
- The North Carolina General Assembly has openly talked of overhauling the North Carolina Tax System which could reduce, or eliminate, funding from Powell Bill monies, N.C. Franchise Taxes, and N.C. Beer & Wine Taxes.

In summary, Mr. Kim Nazarchyk stated that the 2014-2015 Budget is balanced in the amount of \$1,505,275, which is \$45,325 or 3.1% greater than last year's Budget. He also stated that the total Property Tax Valuation is \$296,350,495, and Current Year Taxes (10-301-00) are based on a 98% collection rate of \$0.205 per \$100.00 of value.

Council Member Cheryl C. Hudson made a motion to accept the 2014-2015 Proposed Budget and requested that the Town Manager set up a Public Hearing on June 3, 2014 and advertise in the newspaper. The motion was 2<sup>nd</sup> by Council Member Randy P. Lee. The vote was unanimous for approval.

### **Agenda Item #3**

#### **Discussion of School Road Maintenance**

The Town Manager presented two proposals which he had received for School Street for road maintenance:

1. Diamond Constructors, Inc. 2736 Gillespie Street, Fayetteville, N.C. 28306, will provide 80 tons of 9.5A asphalt paving @2", mobilization and heavy cleaning for estimated costs of \$9,996.00.
2. Highland Paving Co., LLC, 1351 Wilmington Highway, Fayetteville, N.C. 28306 will remove and replace existing damaged asphalt, to include 1.5" tk. S9.5A resurfacing, and one mobilization for an estimated costs of \$10,467.60.

The Town Manager stated that the Town has ten (10) years from Year 2011 to spend \$297,000.00 Powell Bill funding before the State will withdraw any funding.

Council Member Randy P. Lee stated that Mr. Bill Hammond, maintenance engineer with Department of Transportation (DOT), recommends that we patch with asphalt on School Street since heavy trucks will be driving down Church Street during construction of the New Town Hall.

Council Member Randy P. Lee made a motion to patch School Street. The motion was 2<sup>nd</sup> by Council Member Sara E. Piland. The vote was unanimous for approval.

### **Agenda Item #4**

#### **Discussion Regarding Town Attorney**

Mr. Kim Nazarchyk stated that there was a concern regarding no legal representation at the Council meetings. A new independent contractor agreement has been submitted to Yarborough, Winters, & Neville, P.A. It will be effective on July 1, 2014. Mr. Neil Yarborough will serve as the primary Town Attorney with back up and supplementation being provided by Thomas Neville or Ad Winters. The Town Attorney will attend regular scheduled Council meetings and will receive the amount of Two Hundred Fifty Dollars (\$250.00) per month from the Town of Eastover as a retainer for his services. He is required to attend ten (10) Council meetings but will be paid for a total of 12 months.

Council Member Cheryl C. Hudson made a motion to enter into agreement with Yarborough, Winters, & Neville, P.A. for legal representation as of July 1, 2014. The motion was 2<sup>nd</sup> by Council Member Willie S. Geddie. The vote was unanimous for approval.

### **Agenda Item #5**

#### **Discussion of Change in Council Meeting Dates for 2014-2015.**

Mr. Kim Nazarchyk stated that he will present a resolution at the next session with the change in Council meeting dates for the remainder for the year.

Council Member Benny M. Pearce made a comment that the change in the monthly Council meeting dates will require an advertisement in newspaper.

## **Agenda Item #6**

### **Discussion of Loan Application to United States Department of Agriculture (USDA).**

Mr. Kim Nazarchyk, Town Manager, reminded the Council Members that they have been looking at USDA for long term financing on the proposed Town Hall. He has met with USDA, received the package, and has an application which needs to be completed within forty-five (45) days and submitted to USDA by June 20, 2014. The Town Manager needs to send paperwork to several agencies for their review and concerns. The Town Manager is requesting that the Council take a formal vote to allow him to start this process and complete the paperwork. It is noncommittal, but he needs to contact several banks for loans and request approximately \$1,500,000.00 at a 30 year fixed interest rate. He needs to receive two rejection letters from the financial institutions before going to USDA. USDA will look at our fund balance and take half. Then they will add back any expenditure that is outside of the routine budget. That is the formula they will use for looking at the down payment. Right now, we have \$1,300,000.00 in fund balance that is not incumbent. It will be a smaller loan, but our reserve will come down.

Council Member Sara E. Piland made a motion to authorize the Town Manager to initiate the loan application for the proposed Town Hall with United States Department of Agriculture (USDA). The motion was 2<sup>nd</sup> by Council Member Cheryl C. Hudson. The vote was unanimous for approval.

## **Agenda Item #7**

### **Discussion of Encroachments.**

The Town Manager reminded the Council that at the last meeting they acknowledged the purchase of an encroachment along Mount Zion Church and formerly published it in the paper. It was \$225.00 for the smaller piece and \$450.00 for the larger piece. There were no upset bids.

Council Member Randy P. Lee made a motion to settle the encroachment. The motion was 2<sup>nd</sup> by Council Member Lawrence J. Buffaloe. The vote was unanimous for approval.

## **Agenda Item #8**

### **Discussion of Grant to Fire Department.**

Danny Matthews, Eastover Fire Department discussed the budget requirement for updating the air packs. They currently have twenty-three (23) firefighter air packs which are only good for one individual and a thirty (30) minute time limit. Last year, the Town purchased the buddy breathing air packs for the Eastover Fire Department. They need to upgrade to the new buddy breathing air packs which includes an alarm and good supply of air for the firefighter. The new buddy breathing air packs costs \$7,000.00 and the refurbished buddy breathing air pack kit which meets 2007 code cost \$2,995.00 each. They need to replace fifty-two (52) bottles and purchase an additional six (6) packs at \$2,995.00 each with the buddy breathing system. The refurbished air packs will cost about \$18,000.00 with the buddy breathing system which includes additional bottles.

Mr. Danny Matthews also stated that another funding issue is installation of a siren at the Eastover Ball Park which will cost \$3,000.00. It can be activated from the Cumberland County Emergency

dispatch, Eastover Fire Department, or the Eastover Ball Park for storm alerts, tornadoes, or other emergencies. The Eastover Fire Department has a budget of around \$400,000.00 which does not fall within the low income budget for state grants. The total budget request from the Eastover Fire Department is \$21,000.00 to cover the costs of the buddy air packs and siren.

Town Manager stated that the Town currently has five-thousand (\$5,000.00) in grant funds and seven-thousand (\$7,500.00) in contingency funding to support the Eastover Fire Department. With Council permission, he can realign other monies to support the Eastover Fire Department purchase of six (6) buddy breathing air packs and installation of Ball Park siren for a total of \$21,000.00.

Council Member Lawrence J. Buffaloe requested that the Eastover Fire Department come back to the session with additional information on the siren and if they have to use some of the \$18,000.00 allocated to the buddy breathing air packs, they will realign the monies until they can receive grants or work with the Ball Park and Civic Club on additional funding. Council Member Benny M. Pearce stated that this will have to be a separate motion.

Council Member Benny M. Pearce made a motion to approve the \$18,000.00 so the Eastover Fire Department can buy the six (6) buddy breathing air packs. The motion was 2<sup>nd</sup> by Council Member Randy P. Lee. The vote was unanimous for approval.

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

Mayor McLaurin stated that Heritage Day was a great success and the Town made a profit of \$7,000.00. The Mayor acknowledged that Ms. Helen Crumpler did a great job.

Mayor McLaurin discussed the design for the gazebo. Council Member Randy P. Lee is working on receiving gazebo kit estimates. The Town Manager is going to contact Mr. Chris Frank to discuss the gazebo architect requirements with Council Member Randy P. Lee.

The Town Attorney is working on the paperwork for the Ball Park property purchase.

Mayor McLaurin, Council Member Cheryl C. Hudson, and Mr. Kim Nazarchyk, Town Manager attended the Mayor's Coalition. Cumberland County did not sign the extension for the additional seven (7) years on an interlocal agreement regarding sales tax distribution with the municipalities.

#### **X. RECEIVE TOWN COUNCIL UPDATE**

Council Member Sara E. Piland has asked the Town Manager to provide his objectives and how they are being met. The Town Manager will send the completed information back to Council Member Sara E. Piland and she will share with the Council Members.

Council Member Cheryl C. Hudson has spoken with the Town Manager about the purchase of Town of Eastover logo shirts to wear at Heritage Day and tour other towns. Council Member Sara E. Piland prefers that we each pay for our own shirt. Council Members agreed with purchase of your own shirt. The Town Manager is going to research the various types of shirts and prices. Only Town Council Members and staff will wear these shirts.

Mayor McLaurin asked the Town Manager about the flags. The Town Manager is going to send out details on flags to the Council for review.

**XI. RECEIVE TOWN MANAGERS UPDATE.**

Mr. Kim Nazarchyk stated that Ms. Doris Wilson is going to be using the parking lot from May 21-23, 2014.

Mr. Kim Nazarchyk requested a special Town Council meeting to review Case No. 13-095 (Journey Church) on May 20, 2014 (Tuesday) or May 22, 2014 (Thursday). He has received guidance from the Town Attorney and should have all the engineer input finalized.

Mr. Kim Nazarchyk reminded the Council that budget sessions will be held during the timeframe of June 10 -17, 2013.

Mr. Kim Nazarchyk requested that the Council make a motion to revoke the prayer policy which was passed on May 1, 2012. Council Member Lawrence J. Buffaloe gave praise to the United States Supreme Court ruling which was passed on Sunday, May 5, 2014. Christian prayers at government meetings do not violate the establishment clause of the First Amendment. Council Member Lawrence J. Buffaloe made to motion that at the opening of their meetings they go back to the prayers allowed by the Supreme Court ruling. The motion was 2<sup>nd</sup> by Cheryl C. Hudson. The vote was unanimous for approval.

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

A motion to adjourn was made by Council Member Cheryl C. Hudson at 8.48 p.m. The motion was 2<sup>nd</sup> by Council Member Benny M. Pearce. 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**