

**Town of Eastover - Town Council Meeting
Tuesday, May 5, 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–May 5, 2009

Mayor Charles G. McLaurin, Council Members Lawrence Buffaloe, Donald Hudson, Sara Piland, Willie Geddie, Cheryl Hudson and Benny Pearce were in attendance at the May 5, 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 May 5, 2009 meeting of the Eastover Town Council to order at 7:00 p.m. and welcomed all in attendance.

II. Invocation / Pledge of Allegiance:

Interim Town Manager, Mr. Tom Taylor gave the invocation and led the attendees' in The Pledge of Allegiance.

III. Public Comments:

No public comments.

IV. Approval of Agenda:

A motion to approve the Agenda was made by Council Member Sara Piland. The motion was 2nd by Council Member Lawrence Buffaloe. The motion was carried unanimously.

V. Consent Agenda:

Consider approval of the April 7, 2009 minutes.

Council Member Cheryl Hudson made a motion to approve the Consent Agenda as stated. The motion was 2nd by Council Member Sara Piland. The motion was carried unanimously.

VI. Public Hearing:

Case No. P09-10: Rezoning of .74 +/- Acres from A1 Agriculture to C1(P) Planned Local Business District/CUD Conditional Use District & Permit (For a Variety, Gift, Craft, & Coffee Shop) or to a More Restrictive Zoning District, Located at 2982 Coleman Road, Submitted and owned by Alexander and Patresha Johns. (Eastover)

Mayor McLaurin stated that Item No. P09-10 is a request by Mr. Alexander and Patresha Johns for a **Conditional Use District and Permit**. The Hearing on the **Conditional Use District is legislative while the Permit is judicial in nature** and will be conducted in accordance with special due process safeguards.

There were three people present who signed-up to speak **in favor of Case No. P09-10**. They are as follows: Mr. Alexander Johns, Mrs. Marcia House, and Mrs. Darlene Hovis.

There was one person present who signed-up to speak **in opposition of Case No. P09-10**. The person was Mr. Morgan Johnson.

Mayor McLaurin stated all persons who wish to testify in this case should have signed up on the sign-in-sheet. He stated if you have not signed and wish to speak, please sign up now. He stated that all those wishing to speak please come to the podium to be sworn or affirm in.

All four speakers were sworn in by Mayor Charles McLaurin prior to any testimony on Case No. P09-10.

Before opening the Hearing, Mayor McLaurin stated he would like to give the Board Members a chance to reveal any possible conflicts and withdraw from these proceedings if necessary.

Council Member Donald Hudson stated that he had received information on the Case No. P09-10, but did not read it. Council Member Sara Piland stated that she is on the Cumberland County Planning Board and had heard information on the Case No. P09-10, and also has been approached by several people about the case, however, this would not affect her opinion on this case. Council Members Lawrence Buffaloe and Cheryl Hudson stated that they had also been approached about Case No. P09-10 and had received information, but did not read it, as they knew it was a quasi-judicial hearing.

Mayor McLaurin stated to the Town Council Members, "Do you think you can rule fairly and impartially, or do you wish to withdraw". Council Members Sara Piland, Lawrence Buffaloe, Donald Hudson and Cheryl Hudson stated they did not wish to withdraw from Case No. P09-10 proceedings, and stated they could rule fairly and impartially on Case No. P09-10.

Mayor McLaurin stated the Order of Business for this Hearing would be as follows:

- a. First we will hear from the Planning Staff.
- b. Then we will hear from the Applicant and their Witnesses.
- c. Then we will hear from the Opponents to the request.

Mayor McLaurin stated that before an individual begins to testify, the individual is to be clearly identified for the record. He stated that if an individual wants to present written evidence to the Board, such as reports and maps or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his/her testimony. Any written evidence offered and if accepted by the Board, must be made part of and kept with the official record. Mayor McLaurin stated that petitions, reports or other documents generally cannot be accepted

unless the individual who created and/or signed the document is present. Mayor McLaurin stated that attorneys who speak should not give factual testimony but may summarize their client's case. If, however, an attorney wishes to be a witness and present testimony, he or she must have been sworn in.

Mayor McLaurin stated that **I now open the Public Hearing on Case No. P09-10** and ask for the presentation from the Planning Staff, Mr. Matt Rooney from the Cumberland County Planning and Inspections Department.

a. Planning Staff:

Mr. Matt Rooney gave the Town Council a briefing on Case No. P09-10. He stated that the frontage and location: 230.00' +/- on Coleman Road and the parent tract consist of 7.72 +/- acres. The property is residential, existing barn and vacant farmland; and the initial zoning is A1. Eastover initially zoned on December 4, 2007 and the existing residential structure built in 1910 does not meet A1 zoning district front yard setback requirement. Mr. Rooney stated that Planning & Inspections Staff recommends **denial of the C1(P) Planned Local Business/Conditional Use District (C1(P)/CUD)** for the variety gift, craft and coffee shop. Mr. Rooney stated that the district requested is inconsistent with the Eastover Area Detailed Land Use Plan, which calls for farmland at this location. He also stated that there are soil limitations (hydric soils) on this property. Mr. Rooney stated that consideration of the C1(P) district for this area is arbitrary and would not serve a viable public interest. The degree of differences in uses allowed between the existing surrounding zoning and the proposed zoning and uses requested, qualify this request as being unreasonable.

Mr. Rooney stated that the Planning & Inspections Staff also **recommends denial of the Conditional Use Permit** based on the following:

- (1) This development could endanger the public safety if located according to plan submitted since Coleman Road is not a major or minor thoroughfare and is not suitable nor intended to serve commercial operations.
- (2) It is highly probable the use would be danger to the public safety due to the existing residential structure in close proximity to a right-of-way being converted to commercial use and cannot comply with sufficient setbacks from the right-of-way and without public sewer being available, the use and the plan proposed would be in contradiction to the proposed Land Use Policies Plan which recommends all commercial uses to be served by public sewer.
- (3) The use is not in harmony with the area in which it is located- with the exception of a pre-existing industrial use, the subject property is completely surrounded by agriculture and residentially zoned properties; and
- (4) The degree of differences in this specific use and the site layout requested as related to the existing surrounding uses makes this request unreasonable.

Mr. Rooney stated that there are no other suitable districts to be considered for this request.

Council Member Benny Pearce asked Mr. Rooney about the application. He stated that in one part it talks about a Coffee Shop and another place it states an Antique Shop. Is there a difference when you add in an Antique Shop? Mr. Rooney stated there was no difference.

Mayor McLaurin stated if no more questions the Council accepts Mr. Rooney's packet.

Attorney John Jackson informed the speakers for and against the Case P09-10, when you come to the podium to speak, state your name and address clearly so it may become part of the record. He advised anyone that needs to ask a question of a witness to raise your hand, wait to

be recognized by the Mayor, and then stand and state your name clearly so it may become part of the record. Mr. Jackson stated that he was aware that the applicant was to present a PowerPoint presentation and that he has been informed that he must present a hard copy to the Town Council to be maintained as evidence in this case.

b. Applicant and their Witnesses:

Mr. Alexander Johns, the applicant spoke in favor of Case No P09-10. He stated that his name was Alex Johns and resided at 1616 Hickory Ridge Court, Fayetteville, NC. He stated that he had lived there for approximately 18 years with his wife and children. Mr. Johns presented a PowerPoint presentation showing pictures of the house and property as it is now, and his vision for the future of this property concerning Case No. P09-10.

Mr. Johns stated that the request is not for the entire lot to be rezoned, just three quarters of an acre where the house currently sits; this portion of the lot had never been farmed and had been used serving a public viable interest. Mr. Johns stated that he felt that serving a viable public interest was public interest, not only gas stations or convenience stores at every corner. He stated that integrating businesses into the landscape is the best way for Eastover to keep its hometown essence, because it shouldn't be expected that all businesses are to exist on Dunn Road.

Mr. Johns addressed concern of endangerment to public safety. The proposal is for a small Coffee Shop and Craft Store in an existing house, and that the Antique Shop and Variety Gift Shop part was pulled out of this case as it caused a lot of concern. He stated that customer traffic would be modest and should no more endanger public safety than six or seven trains traveling through Eastover every day. Mr. Johns addressed public safety, he gave some estimates on daily water use for an average family, and said that this request would use approximately 145 gallons of water a day going through the septic system, which is less than the average family uses on a daily basis.

Mr. Johns addressed the issue of this Case being in harmony with the area, the proposed use is in harmony with the surrounding area and will reflect the character of Eastover, that's the charm of a country style store. Mr. Johns talked about the degree of difference and site layout request. He stated that he feels that it is unreasonable for Eastover to use County guidelines that are not tailored to Eastover's unique character. Mr. Johns stated that Eastover should set its own guidelines to be the pearl of the County not just status quo.

Mr. Johns stated that the Cumberland County Planning & Inspections staff recommendation is that the only area that would be suitable for businesses in Eastover would be along Dunn Road. He stated that the Character of Eastover is not along Dunn Road. Mr. Johns stated that he would like to have a gravel driveway and parking instead of asphalt or concrete. Asphalt or concrete would not blend in to the rural character of the community and will dramatically draw away from the country ambiance that he is trying to create. Mr. Johns stated that he plans to landscape and put a four foot fence along the stretch beside the railroad tracks, and the shrubs would grow into the fence.

Mr. Johns stated that it was important to know that the house they purchased and would like to turn into a store has been a dream for his family for a long time. He stated they want to preserve this historic house (it is approximately 100 years old), and make it what it could be. He said it is a diamond in the rough and has been vacant for ten years, and a lot has happened to the house in that time. He stated that their shop would be about the Lord, family, and country. It is about sitting on a porch swing looking over at the cow farm and watching the trains go by. Most of you have seen some of the things we make, beautiful bird houses, plaques of country, religion and many more items. He stated that they had a booth at the "Heritage Day" in Eastover on May 2, 2009. Mr. Johns stated they are planning to grow pumpkins and gourds on the farm. We plan to have an annual pumpkin patch so people and come out and pick their

pumpkins and gourds. We plan to have horses, chickens and perhaps other farm animals on the farm.

Mr. Johns stated that he was aware that public sewer would not be extended there for some time, but if it becomes available they would hook-up to public sewer. He said that a septic system has been installed and would hold whatever needs that the customers would have for the farmhouse. Mr. Johns stated that if he should ever decide to sell this property, the Town could change the zoning back to A1 Zoning.

Mr. Johns stated that what they are offering is something for Eastover and Cumberland County to be proud of.

Mayor McLaurin asked if there were any questions from the Board, Staff or from others.

Council Member Sara Piland asked Mr. Johns about his statement of selling the property. Mr. Johns responded by saying that if he were to "ever" sell the property. He said he and his family plan to live on this property. Council Member Piland asked Mr. Johns if he was aware that his project was inconsistent with the Eastover Land Use Plan when he started this project. Mr. Johns stated he was not aware until he started reading the Town's Minutes and was reading about the Land Use Plan, and that Eastover had adopted Cumberland County's Land Use Plan.

Council Member Piland asked if the Cumberland County Planning & Zoning Department discussed with him as to what he could and could not do on this property. Mr. Johns responded by saying that Antique Shop and Variety Shop words caused lots of concern, and that Cumberland County 's A1 is different from Eastover's A1. Mr. Johns acknowledged that he understands that a Coffee Shop, Antique Shop and Variety are different from a Country Store. Council Member Piland asked Mr. Johns do you agree that your proposal is inconsistent with the Eastover Land Use Plan. Mr. Johns stated that he was looking at a different section of the Plan and he thought they were adopting this portion of the Land Use Plan. Mr. Johns stated that he knew that C1(P) is not supposed to be around residential.

Council Member Benny Pearce asked Mr. Johns about the four employees, and the hours of operation from 6:00 a.m. to 6:00 p.m., he had made reference to in his application. Mr. Johns stated initially his plan will be very minimal employees and would consist of himself, brother, wife and children. The hours of operation 6:00 a.m. to 6:00 p.m. is to sell coffee to people going to work. When I retire from the military in 3 ½ years, we plan to use a web-based operation and may need to have more employees at that time to handle the orders. If this is a concern we will start off with a Coffee Shop and discuss the other items later.

Council Member Willie Geddie expressed admiration for Mr. John's initiative, and wanted to know what impact would the quality of life be on your neighbors. The traffic would not be that much and the house would be a great improvement from what it was. Instead of looking a high weed's in the fields, they will see pumpkins and gourds growing and the grounds well kept. They will see a restored house instead of a house falling down due to neglect. I think it would increase property values. Mr. Johns stated that they have water from the Eastover Sanitary District and they are hooked-up to the water.

Council Member Lawrence Buffaloe asked if it was the small corner he was trying to have rezoned and not the whole 7.72 acres tract. Mr. Johns stated that was correct. Mr. Matt Rooney stated it is only .74 +/- acres that Mr. Johns is trying to get rezoned from A1 to C1(P). The remaining property would remain zoned A1.

Council Member Donald Hudson asked if a Convenience Store could be put on this property. Mr. Hudson asked what the difference is between a Convenience Store and a Country Store. Mr. Rooney stated a Convenient Store is less restrictive and Mr. Johns proposal is more restrictive.

Mayor McLaurin asked if there were any further questions. No further questions were asked of Mr. Johns.

Mrs. Marcia House **spoke in favor**. Mrs. House stated that she knew the Johns family and they are nice people. She said they are the kind of people we would want to live in Eastover. She stated that she had purchased a wreath several years ago from Mrs. Johns at the "Holiday Fair" and it became broken due to time and use. She called Mrs. Johns and asked if she could repair the wreath, Mrs. Johns not only repaired it, but personally delivered it to her home. She said they have some beautiful items they make and sell. Many of you saw some of them at Eastover's Heritage Day. Mrs. House stated that she thinks this would be a good thing for Eastover and she supports the Johns family in this Case.

Mayor McLaurin asked if there were any questions from the Board, Staff or from others. There were no questions asked of Mrs. House's testimony.

Mrs. Darlene Hovis **spoke in favor**. Mrs. Hovis stated that she knew the Johns family personally and they are good people. She stated she has seen and bought several of the items the Johns family makes, and they are beautiful as well as well made. She stated they would be an asset to the Eastover community.

Mayor McLaurin asked if there were any questions from the Board, Staff or from others. There were no questions asked of Mrs. Hovis testimony.

c. Opponents to the request:

Mr. Morgan Johnson **spoke in opposition**. Mr. Johnson stated he was speaking on behalf of Ms. Liz Reeser who was unable to be here tonight. Mr. Johnson stated that the request sounds like a lovely idea and appreciates the thought that went into it. Mr. Johnson stated that Ms. Reeser is serving in the capacity of a citizen representative for the Eastover Detailed Land Use Plan and that area was not an area that was planned for any businesses, the business corridor is Dunn Road with the nodes around Murphy and Baywood Roads to keep it consolidated to preserve the rural character of Eastover. Mr. Johnson stated that it would be approximately eight to ten years before the Eastover Sanitary District can provide sewer service to the property in this Case No. P09-10. Mr. Morgan Johnson, Chairman of the Eastover Sanitary District (ESD) stated that he, Ms. Reeser, Representative of the ESD Board and the Secretary of the ESD, are voting against this application.

Mayor McLaurin asked if there were any questions from the Board, Staff or from others. There were no questions asked of Mr. Johnson's testimony.

Mayor McLaurin asked if there were any rebuttals to the testimony given in favor, or opposition to this application on Case No. P09-10.

Mr. Morgan Johnson **spoke in rebuttal**. Mr. Johnson stated that the property should remain zoned A1 as intended.

Mr. Alex Johns **spoke in rebuttal**. Mr. Johns restated his position and stated that he truly believes in this project, and felt it would be in the best interest of Eastover.

Mayor McLaurin stated that **I now close the Public Hearing on Case No. P09-10.**

Mayor McLaurin asked for discussion from the Board.

Council Member Sara Piland stated that this has been a dilemma for her. She stated that she appreciates the staff's concerns because what they are recommending is consistent with what has been done in Eastover the last few years. The Staff has identified sufficient reason to deny the request. She stated that this application is inconsistent with the Eastover Land Use Plan, which is a plan that has been adopted by the Town of Eastover since its incorporation. She said the area around the subject property is an agricultural area and there are cows in the pasture nearby. It's a very beautiful place, and injecting any type of commercial into that area could be detrimental to the agricultural and rural character of the area.

Council Member Benny Pearce stated that the Eastover Council had discussed the fact that Dunn Road is the place for something like this. The Council on a number of occasions has tried to talk about the vision for a commercial strip along Dunn Road. Council Member Pearce stated that he feels the applicant's idea is commendable, but not sure that a church in the area might not be able to meet some of the requirements and do what Mr. Johns is trying to accomplish. He stated for these reasons it does not meet the Land Use Plan as already specified, and for the reason it is not where the commercial district should be located.

Council Member Sara Piland stated I move that the Eastover Town Council fails to find that this Conditional Use District application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it therefore be denied. Council Member Willie Geddie 2nd the motion. The motion was carried unanimously.

VII. DISCUSSION AGENDA:

Agenda Item #1:

Case No. P09-44 Perdue Investments, LLC, Property C(P) Site Plan Review; Property Location: Northwest side of NC HWY 301 (Dunn Road), and Northeast of SR 1734 (Aglow Drive).

Mr. Matt Rooney from the Cumberland County Planning & Inspections Department gave the Town council a briefing on Case No. 09-44. Mr. Rooney stated that the developer is proposing to construct a medical office on an existing 3.37 acre tract. The proposed development has 313.01 feet of road frontage along US HWY 301 (Dunn Road) and 467.93 feet of road frontage along an unnamed public right-of-way. He stated that this site has public water and sewer provided by the Eastover Sanitary District. Mr. Rooney informed the Town Council that in their packet is the recommended conditions of approval, C(P) site plan sketch, aerial photo and vicinity map.

Council Member Sara Piland asked Mr. Rooney if this was a modular building. Mr. Rooney stated that he thought it was. Council Member Piland stated if Eastover had any control over modular building in this area and how long they could be there. Mr. Rooney stated that we could have this added as a required condition on the condition sheet.

Council Member Sara Piland made a motion to approve Case No. 09-44 as presented with

the conditions attached. The motion was 2nd by Council Member Donald Hudson. The motion was carried unanimously.

Agenda Item #2:

Presentation of the March 31, 2009 Financial Report.

Council Member Cheryl Hudson briefed the Town Council on the Financial Report as of March 31, 2009. She stated the beginning bank balance as of July 1, 2008 is \$133,285.29; add deposits of \$980,132.81; and less disbursements of \$585,416.86; leaving a balance of \$528,001.24; less accounts payable (Sales Tax Collected) in the amount of \$78,392.01, and Special Fire Tax Fund in the amount of \$12,005.62.

The two Accounts Payable accounts are as follows: The Special Fire Tax Fund which is the ½ cent per \$100.00 valuation we pay once a year. This Special Tax has accumulated to \$12,005.62. The Sales Tax collected for the 2nd quarter 2009 on a fiscal year basis is \$78,392.01. Funds available for the Town as of March 31, 2009 are \$437,603.61.

Council Member Benny Pearce asked if we had gotten the State paid back in Sales Tax. Council Member Cheryl Hudson stated that it will start the next coming month as I am told through emails from the State Department. The State is just going to short the money over an eight month period. Mr. Howard Abner helps us with our calculations (50%), as to what we pay back to the other municipalities and that will be accounted for in those computations.

Agenda Item # 3:

Presentation of the Fiscal Year 2009-2010 Budget for the Town of Eastover, and schedule a public hearing.

Mr. Tom Taylor, Interim Town Manager presented the 2009-2010 Budget to the Town Council. Mr. Taylor requested a date be set for a "Budget Working Session", preferably the 3rd Tuesday of the month, which is May 19, 2009 at 3:30 p.m. at the Eastover Town Hall. Mr. Taylor also requested a date for the public hearing at the Town Council Meeting in June 2009.

Mr. Taylor said our Town is basically run from three primary sources; they are the Property Taxes, NC Franchise Taxes and the Local Option Sales Tax. He stated that this particular budget that Council Member Cheryl Hudson had put together is 1.2 Million; it is approximately 1% less than our current budget. Mr. Taylor stated that our budget is as conservative as it can be. He said the proposed budget has no new services but it does have an expansion for one new part-time employee and increase the salary of the Town Clerk/Finance Officer on July 1, 2009. Mr. Taylor stated that on July 1, 2009 all financial items will be moved into the Town Hall. He stated that the Town in its inception has agreed to hold harmless the Fire Departments and Recreation; therefore we are going to continue to honor those 10 1/2 cents per \$100.00 evaluation for the two Fire Departments, and the 5 cents for Recreation. He stated that leaves 5 cents of our proposed 20 ½ cents tax rate, for the operation of the Town. He said this does not leave any room for a tax decrease in face of the tax valuations that the County has placed upon us. He stated that our budget is based on a total evaluation of 241.7 Million, the tax rate will continue at 20 ½ cents per \$100 evaluation. He stated that he is projecting a collection of Property Taxes at 93%, as the Town has collected 98% in the past.

Council Member Benny Pearce asked about the 241.7 Million evaluations. Council Member

Pearce stated that is a 34 cents increase over what it was. Mr. Taylor stated he did not have that information with him but thought it was more like 29 cents increase. Council Member Pearce stated that it was stated in the newspaper that it was a 34 cent increase.

Council Member Benny Pearce asked about the 10 ½ cents for the Fire Departments and the 5 cents for Recreation. He stated that if in fact the County reduces those rates as he has heard, will this budget reflect those changes. Mr. Taylor stated that it would reflect the changes. He said the next part of his presentation is to ask for a “Budget Work Session and Review” and revise based on additional information that we will get this Friday, May 8, 2009.

Council Member Donald Hudson stated it is his understanding that you (Mr. Taylor) are recommending that we keep our Town Taxes exclusive of the Fire Department and Recreation Taxes at 5 cents per \$100 evaluation. Council Member Hudson asked if we are required to keep it at 5 cents per \$100 evaluation. Mr. Taylor stated that the Town is required to have a minimum tax rate of 5 cents. The Town’s tax rate is 20 ½ cents. If you could operate the Town on less than 5 cents you would need to reduce the Fire Department and Recreation tax. Council Member Donald Hudson stated if he is hearing this correctly we need to increase our part of the taxes this year. Mr. Taylor stated that was correct.

Council Member Lawrence Buffaloe stated that we would have to reduce the Fire Departments and Recreation tax if we were to increase the Town’s portion. Mr. Taylor stated that was correct. Council Member Buffaloe stated we will have to wait to see what Cumberland County does before we do change anything at this point.

Mr. Taylor stated he is asking the Town to set a Budget Work Session on the 3rd Tuesday, May 19, 2009 at 3:30 p. m. at the Eastover Town Hall, and to schedule a Public Hearing on the Budget for the June Town Council Meeting. The Town Council Members agreed with this date.

Council Member Cheryl Hudson made a motion that we schedule the **Public Hearing for adopting the Budget for Fiscal Year 2009-2010 for June 2, 2009** at the Eastover Town Council Meeting. The motion was 2nd by Council Member Lawrence Buffaloe. The motion was carried unanimously.

Agenda Item #4:

Proclamation–‘Food Allergy Awareness Week’, May 10-16, 2009.

Mayor McLaurin proclaimed May 10-16, 2009 as “Food Allergy Awareness Week”. Council Member Sara Piland read the “Proclamation” for “Food Allergy Awareness Week” to the attendees.

VIII. Mayor’s Comments:

a. Mayor McLaurin stated the Town had purchased a ½ page advertisement in the Town of Wade’s “Founders Day Souvenir Book” at a cost of \$100.

b. Mayor McLaurin stated there would be a Mayor’s Coalition Meeting held at 7:30 a.m., on May 8, 2009 in Linden, NC. He stated that Mayor ProTem Sara Piland and Mr. Taylor would attend.

c. Mayor McLaurin stated that Mr. Don Price is the recipient of “The Rick Glazier

Living Legacy of Leadership Award” for 2009. He stated that this award was presented to Mr. Price at the Heritage Day Celebration on May 2, 2009.

d. Mayor McLaurin stated that May 7, 2009 is “The National Day of Prayer”. He stated that area churches have organized a program at the Eastover Fire Department at 9:00 a.m. to gather around the flag pole to pray.

e. Mayor McLaurin stated that Rhodes Pond is a jewel in Cumberland County and is like Lake Rim. He stated that he thinks the “Nature Conservatives” owns Rhodes Pond. Council Members Benny Pearce and Sara Piland stated that “Sandhills Trust” is the owner of Rhodes Pond. Mayor McLaurin stated that there should be some kind of coordination from this side of the river with the State about Rhodes Pond. He stated that it needs to be upgraded to include boat ramps, have canoeing, fishing, and picnic areas. Mayor McLaurin feels some of the other Towns would be interested in this project also and all Town’s could use and enjoy Rhodes Pond. Mayor McLaurin stated that the building sitting on that property is for sale now. He stated that he would like to see the Towns this side of the river get together and see what we can do up there in the way of a nature trail. Council Member Benny Pearce stated that there are plans to do something at Rhodes Pond and we need to find out exactly what they are going to do, and see if we can help.

IX. Council Members Update:

a. Council Member Cheryl Hudson stated that additional stop signs or ramps, flashing lights are needed at the Eastover Central School intersection. She stated that she had been approached by several people concerning this issue. She stated that vehicles and tractor trailers are running the stop signs and crossing Highway 301 and running into a field. She said numerous vehicles have had to be towed out of the field across from Highway 301. The residents are concerned these vehicles are going to hit someone traveling on Highway 301 causing a serious accident. Council Member Hudson stated that the Department of Transportation (DOT) needs to be contacted about this situation.

Council Member Cheryl Hudson stated that School Street and Church Street need speed limit signs. Council Member Sara Piland asked Attorney Jackson if they could get speed limit signs posted on these streets that says “35 miles per hour unless otherwise posted”. She stated that the deputy cannot enforce speed when there are no signs. She stated the Deputy cannot get anyone for failure to reduce speed, as there is no speed limit sign there.

Attorney Jackson stated he would check into the technical definition of a public vehicular road and report back to the Town Council.

Council Member Cheryl Hudson stated that she had been contacted by the Deputy and he had stated there is no speed limit signs coming North at the Rock Hill Road and Dunn Road intersection as you cross the bridge. She stated it must have been removed when the Eastover Sanitary District was installing sewer lines in that area. The DOT needs to be informed of this also.

Town Manager Mr. Tom Taylor stated that he would contact the DOT as to what Regulations they have and what they want to do. My concern is that Church & School Streets are not under DOT. Council Members Sara Piland and Cheryl Hudson stated that Church Street is under DOT, but not School Street. Council Member Benny Pearce stated that Mr. Morgan Johnson from the Eastover Sanitary District had negotiated with DOT to pick-up School Street for maintenance. He also stated that the State has agreed to pick it up as is, and not expand the road. Attorney Jackson stated that the State is moving along with this, he would think.

b. Attorney Jackson reported to the Town Council that he had received the letter back from the Department of Justice on the "Absentee Voting". He stated that right now we have all the preclearance things we need, unless something unexpected pops up.

c. Attorney Jackson stated that today he had talked with the "Title Search" lady, after the two deeds that Council Member Sara Piland had so graciously researched and found. He stated that this is turning into a description ordeal. He is requesting the Town Council to authorize a survey and get the meets and bounds of the property. He stated we should then attempt to obtain a "Quick Claim Deed" from the School Board. He said they should agree, and this will allow us to go ahead and close the deal. If there is any title work that needs to be done at that point, at least we are in the drivers' seat. There are some acreages differences that need to be resolved. Council Member Lawrence Buffaloe requested that concrete markers be installed where the property lines are located instead of the pins they put into the ground. Attorney Jackson stated that let him do the necessary work before any permanent markers are put down.

Council Member Sara Piland made a motion to authorize Attorney Jackson to have a "survey, meets and bounds" done on the property in question immediately. The motion was 2nd by Council Member Cheryl Hudson. The motion carried unanimously.

X. Town Managers Update:

a. Mr. Taylor congratulated the Town Council on how well they had conducted the meeting and the hard decision they made.

b. Mr. Tom Taylor stated he had attended Heritage Day on May 2, 2009 and had thoroughly enjoyed it.

c. Mr. Taylor stated that he had met briefly with Mrs. Irma McPherson of the USDA today. He stated that she is very gracious and assuredly stated that we would be funded to build a building here. Mr. Taylor stated that it did not appear to be a problem with funding. He stated whether or not we get a grant may be in question. He stated that in order to file the application we must have a feasibility study done, and that this must be done by an architect in order to establish prices.

XI. Motion to Adjourn at 9:15 p.m.

Mayor Charles G. McLaurin asked for a motion to adjourn. Council Member Benny Pearce made the motion to adjourn. 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