

**Town of Eastover - Town Council Meeting  
Tuesday, September 1, 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 – September 1, 2009**

Mayor Charles G. McLaurin, Council Members Lawrence Buffaloe, Donald Hudson, Sara Piland, Cheryl Hudson, Willie Geddie, and Benny Pearce were in attendance at the September 1, 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 September 1, 2009 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 Cheryl Hudson gave the invocation and led the attendees in The Pledge of Allegiance.

**III. Public Comments:**

Mr. Morgan Johnson, Chairman of the Eastover Sanitary District (ESD) signed up to speak. Mr. Johnson gave the Town Council an update on the progress of the ESD. Mr. Johnson stated that the Sewer Phase I is now completed. He stated that he will meet with USDA next week concerning the Sewer Phase II Project, which will cost 3 to 4 million dollars. He stated that he hopes to get some grant money to help with this project. Mr. Johnson stated that the ESD water project I-95, East of I-95 will go out for bids this month and will be contracted this fall. Each contractor has 10 months to complete each project. The same contractor may win more than one bid, therefore giving them 10 months for each project.

**IV. Approval of Agenda:**

Council Member Sara Piland made a motion to approve the Agenda with the addition of Item #5 "Discussion of mower tractor repair" to the Discussion Agenda. The motion to approve the amended Agenda was 2<sup>nd</sup> by Council Member Lawrence Buffaloe. The motion was carried unanimously.

**V. Consent Agenda:**

1. Consider approval of the August 4, 2009 Town Council Minutes.
2. Consider approval of the August 18, 2009 Minutes.
3. Consider approval of the July 31, 2009 Financial Report.

Council Member Lawrence Buffaloe made a motion to approve the Consent Agenda as stated. The motion was 2<sup>nd</sup> by Council Member Sara Piland. The motion was carried unanimously.

**VI. Discussion Agenda:**

**Agenda Item #1:**

**Update by Mr. Taylor on the status of the USDA Rural Development application for our Town Hall.**

Mr. Tom Taylor, Interim Town Manager stated that a Request for Qualifications (RFQ) has been prepared and sent for advertisement in the Fayetteville Observer for publication on September 2, 2009, and also sent to the USDA. The deadline for submission is September 24, 2009. We hope to have award in place this month.

**Agenda Item #2:**

**Approval of Resolutions for the following:**

**a. Personnel Policy**

Council Member Sara Piland made a motion to adopt the Resolution for the Personnel Policy as stated. The motion was 2<sup>nd</sup> by Council Member Donald Hudson. The motion was carried unanimously with a vote of 7 to 0.

**b. Purchasing Policy**

Council Member Cheryl Hudson made a motion to adopt the Resolution for the Purchasing Policy with amendments to reflect current law. The motion was 2<sup>nd</sup> by Council Member Willie Geddie. The motion was carried unanimously with a vote of 7 to 0.

**c. Records Retention Disposition Policy**

Council Member Cheryl Hudson made a motion to adopt Resolution for the Records Retention Disposition Policy. The motion was 2<sup>nd</sup> by Council Member Donald Hudson. The motion was carried unanimously with a vote of 7 to 0.

**Agenda Item # 3:**

**Proclamation “Constitution Week 2009” by Council Member Benny Pearce.**

Council Member Benny Pearce read the Proclamation for “Constitution Week 2009. He stated it is a privilege and duty of the American people to commemorate the 222nd anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities. He stated that Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23, 2009 as Constitution Week. Council Member Pearce stated that Mayor Charles G. McLaurin has proclaimed the week of September 17 through 23, 2009 as “CONSTITUTION WEEK”, and urge all citizens to study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities, which that privilege involves.

**Agenda Item # 4:**

**Public Hearing for Case No. P09-15. Rezoning of 18.2 +/- Acres from RR Rural Residential to R7.5 Residential or to a more Restrictive Zoning District, Located at 4329 Dunn Road and West of Dunn Road (US HWY 301), North of (SR 1722) Beard Road, Submitted by Loyd Landry and Owned by Gene F. Williford, Sr. (Eastover)**

Mayor Charles McLaurin made a declaration to **Open the Public Hearing.**

Mr. Matt Rooney briefed the Town Council concerning Case No. P09-15. He stated that the owner is requesting rezoning of 18.2 acres +/- Acres from RR Rural Residential to R7.5. The property frontage & location is 225.00 +/- on Dunn Road with the depth of 1,330.00 +/- . Surrounding zoning is North & East M9P) & RR South; C (P), RR, RR/CU (used motor vehicles sales and a residence), R6 & R6A; West: RR & R6A. Mr. Rooney stated the surrounding land use is a Cemetery, residential (including multi-family and manufactured homes), woodlands and farmland. He stated that water and sewer is available on this property with no soil limitations. Mr. Rooney stated that Dunn Road is identified in the Highway Plan as a major thoroughfare and the plan calls for widening to a multi-lane facility. He stated that the density or RR/R20/R20A – 39 lots/40 units, R15 – 52 lots/53 units. R7.5 – 105 lots/106 units; Density (minus 15% for r/w: RR/R20/R20A – 33 lots/34 units, R15 – 44 lots/45 units, R7.5 – 89 lots/90 units).

Mr. Rooney stated that the Cumberland County Planning & Inspections Staff recommends denial of R7.5 Residential; however, the staff does recommend approval of R15 Residential district based on the following:

1. Although the R7.5 meets the standards for the Land Use Policies Plan, the recommendation of R15 is more consistent with lot sizes in the surrounding area and more in keeping with the Eastover Area Detailed Land Use Plan.
2. The recommendation of low density residential development is consistent with the location criteria for this area as established in the Land Use Policies Plan, recently adopted by the Planning Board.
3. Although the Eastover Area Detailed Land Use Plan designates “one acre residential lots” for this area, it was adopted prior to utilities being present.
4. Public utilities are present at this location. The R20 and R20A zoning districts could also be considered as suitable for this location.

There was one person present to speak in favor of Case No. P09-15. The speaker was Mr.

Gene Williford, Sr., applicant and owner of the property.

There were seven people present to speak against Case No. P09-15. They are as follows: Mr. Charles Godwin, Mrs. Julia Godwin, Mr. Morgan L. Johnson, Mrs. Marilyn Johnson, Mr. Stephen Lucas, Mrs. Mary Ganus, and Mrs. Liz Reeser, residents living near the property of Case No. P09-15.

Mayor McLaurin asked if the applicant would like to come forward.

Mr. Gene Williford came forward to **speak in favor** as the applicant of Case P09-15. Mr. Williford stated that he and his family have lived in Eastover for five generations. Mr. Williford stated he did not want to put 80 units on this property, he wants 50 to 55 units for Retirement Homes, Condominiums, and Town Houses. The center will be for a recreational area for cookouts, Gazebo, work-out room, etc. Mr. Williford stated that this is a 12 million dollar project and would bring in a lot of revenue for the Town of Eastover. Mr. Williford stated that he would not invest 12 million dollars into something that people would not buy. Eastover is going to develop at some point in time, and as a native of Eastover he wants to develop this property. Mr. Williford stated that what he intends to do will be good for the community, and he does not want the Town Board to judge the case by what someone has said. Mr. Williford asked the Town Council to vote their consciences. He stated that he will develop this property the very best he can for the Town.

Mr. Charles Godwin **spoke against** the zoning of R7.5 Residential on Case No. P09-15. Mr. Godwin asked the Town Council to explain the zoning of R15, R20, RR Residential, and R7.5. Mayor McLaurin asked Mr. Matt Rooney to explain the different types of zoning to Mr. Godwin. Mr. Rooney stated that R15 allows for single and multifamily dwellings with no manufactured homes; RR Residential allows for single and multifamily dwellings and manufactured homes; R20 allows for no manufactured homes with the exception of the density (number of units to be put on the land); R7.5 allows no manufactured homes but limited to density, meaning the number of units you can put on property.

Mrs. Julia Godwin **spoke against** Case No. P09-15. She stated that she is requesting denial of rezoning to R7.5. She also stated that until tonight, she or others did not know what the intentions of Mr. Williford was concerning this property. She realizes that the revenue would help the Town but she is worried about the property values going up, as many around the area are on fixed incomes. She is stated that she is also worried about the noise and traffic in this area when developed. Mrs. Godwin stated that she felt a zoning of R15 would be better for this area, and that she is not against development.

Mr. Morgan Johnson **spoke against** Case No. P09-15. Mr. Johnson stated that he is Chairman of the Eastover Sanitary District. He stated that we have 13,000 people that will be affected by this change. He stated that he is requesting the rezoning be denied as presented. Mr. Johnson stated that the water and sewer in this area is funded by the USDA and NC Rural Center, and it must be designed as a rural setting, not on speculation of future development. Mr. Johnson stated that if this zoning of R7.5 is approved, it may take away from others getting water and sewer, if all the funds are used for this particular project. The Town Clerk informed Mr. Johnson that his speaking time was up. The next speaker Mrs. Marilyn Johnson deferred her time to Mr. Morgan Johnson. Mr. Johnson stated that the zoning for this area in the Land Use Plan calls for this area to be A1. This was grandfathered in as RR Rural Residential and if rezoned to anything it should be to A1, not anything less. Mr. Johnson stated that the Eastover Land Use Plan should be followed. Mr. Johnson stated that the Town collectively made the

decision to make the Koenig property developer abide by the Land Use Plan, so why should the Town make an exception to another developer. The Town would be setting a precedent.

Mr. Stephen Lucas **spoke against** Case No. P09-15. Mr. Lucas stated that he is not opposed to Eastover growing. He stated that he had spoken to Mr. Landry last week and he told him the plan Mr. Williford described had been scrapped. Mr. Lucas stated that he did not want developers to come in and stack houses such as what has been described. He stated that he had worked in Fayetteville for 12 years and has seen the problems with areas such as proposed. He feels it will cost the Town more than it will take earn in revenue.

Mrs. Mary Garner **spoke against** Case No. P09-15. Mrs. Garner stated that she is new to Eastover. Mrs. Garner stated that her family had the Land Grant from the King of England as was described here tonight. She stated that this is a community that is stable and its people will be here for a lifetime. We know the value of land, community unity, and nature (i.e. birds, trees, squirrels). She stated that we as a Town need to preserve this wonderful community.

Mrs. Liz Reeser **spoke against** Case No. P09-15. She stated that she is speaking as the contact person for the Citizens Committee for the Detailed Land Use Plan. Mrs. Reeser stated that this request does not meet the Land Use Plan, and would hope that the Town Council will support the Land Use Plan as the County has done. Mrs. Reeser stated that she is also a member of the Eastover Sanitary District and supports what Mr. Morgan Johnson has stated.

Mr. Gene Williford **spoke in rebuttal**. Mr. Williford addressed the traffic problems that have been brought up tonight. He stated that before he came here tonight he went into the East Ridge Subdivision coming in or out was only one vehicle. There are more than 60 people that live in that subdivision, and there are no traffic problems.

Mr. Williford stated that he had talked to the Planning Department in Cumberland County and they say the Land Use Plan is obsolete. He stated that this came across years ago when there was no water or sewer in Eastover. He stated that he does not buy this problem with the Land Use Plan.

Mr. Williford stated that as far as the water and sewer that Mr. Johnson was referring, you and I as taxpayers are paying for this water and sewer, not Eastover. Mr. Williford stated that he purchased this property to develop, not for the birds and the squirrels. This property will be developed, if not by him, it will be someone else. If I sell the property to someone else, they will develop it, whether they will do a good job or not. Mr. Williford stated that he knows that he would do a good job in developing this property. Mr. Williford stated he understands the people's concerns, but he feels that he is right.

Council Member Lawrence Buffaloe asked if he understood Mr. Williford that he wants to put 50 to 55 units on this property. Council Member Buffaloe stated that R7.5 states that over 100 units can be put in there. Mr. Matt Rooney confirmed that 89 to 100 units could be put on R7.5 zoning. Mr. Williford stated that his intention was 50 to 55 units. He stated that he has 18 acres, which 3 acres will be for streets, 1 acre for a retention pond, and 2 acres for the recreation area. The maximum units you could put on 12 acres of land would be 60 units. He plans to put 50 to 55 units and would be willing to put that in writing as a condition for use. Council Member Buffaloe stated that zoning it R15 would have the same as stated above. Mr. Williford stated that was correct. Mr. Rooney stated that if Mr. Williford had submitted a density plan with his proposal for rezoning you would have all this laid out for you. Council Member Donald Hudson stated that he is not opposed to density but would like to see a density plan. Mr. Williford asked if he could be restricted to 60 homes as the maximum in this case. Mr. Taylor stated it could not, because it was submitted as a straight rezoning case on R7.5.

Attorney Jackson stated that this could be changed to R15 at this meeting, if Mr. Williford so desired. Mr. Williford did not comment that he wanted the R15 zoning considered at the Town Council Meeting, therefore the Town Council Members considered only the rezoning to R7.5.

Mayor McLaurin asked for a motion to **close the Public Hearing**. Council Member Benny Pearce made a motion to close the Public Hearing on Case No. P09-15. Council Member Sara Piland 2<sup>nd</sup> the motion. The motion was carried unanimously with a vote of 7 to 0.

Council Member Sara Piland made a motion to deny the rezoning of 18.2 +/- acres from RR Rural Residential to R7.5 Residential on Case No. P09-15. The motion was 2<sup>nd</sup> by Council Member Donald Hudson. The motion was carried unanimously with a vote of 7 to 0.

### **Agenda Item # 5:**

#### **Discussion of mower tractor repair.**

Mr. Taylor stated that he had received a phone call from Mr. Daniel West asking the Town for assistance financially in repairing his mower tractor. Mr. West uses his mower tractor to keep up the Community Center grounds. The agreement with the Town was that he provides his own equipment to perform the job. Mr. Taylor stated that he did tell Mr. West if anything major happened for him to call him. He stated that Mr. West only asked if the Town could assist with the repair. Council Member Sara Piland asked if the Town could purchase the equipment and simply store it at Mr. West home. Mr. Taylor stated that Mr. West also does other jobs with his mowing equipment and it would not be appropriate for him to use the Town's equipment on other jobs. Council Member Lawrence Buffaloe stated that the Town needs to see what other contract services for this job would cost before we make a decision.

Attorney Jackson stated that it is not legal to spend the Town's money on private equipment. Mr. Jackson stated that our agreement with Mr. West is that we pay him so much and he provides the equipment. It was agreed that Mr. Taylor discuss this issue with Mr. West.

Council Member Benny Pearce made a motion to authorize Mr. Taylor to discuss this matter with Mr. West and determine if we need to renegotiate his contract, or get someone else to do the work. The motion was 2<sup>nd</sup> by Council Member Cheryl Hudson. The motion was carried unanimously with a vote of 7 to 0.

### **VII. Mayor's Comments:**

a. Mayor McLaurin stated the State requires that all elected officials must take the Ethics Class which is two hours in length and must be taken no later than January 11, 2010. Mayor McLaurin stated that after the November elections the Ethics Class must be taken again for those running for elected office. Mr. Morgan Johnson stated that he had attended the class sponsored by the County Commissioners in Raleigh last week. He stated the class was 5 hours in length. Mr. Johnson stated that if you are up for election in November you will have to take the training again before January 2011. He advised those up for reelection to wait until after the November election to take the training. He stated that the training was beneficial and it comes down to being honest and fair to everyone.

b. Mayor McLaurin stated that the Middle Road Bridge, Exit 55 is going to be dedicated to Deputy Brian Matthews on September 30, 2009 at 11:00 a.m. Deputy Matthews was killed in an accident on River Road last year.

c. Mayor McLaurin stated that the newly incorporated Town of Archer Lodge will meet with Eastover's elected officials at the Eastover Town Hall on September 2, 2009 at 1:00 p.m.

d. Mayor McLaurin stated that the Town is going to start "enforcing" the clean-up of abandoned cars and trailers, etc. within the Town of Eastover.

**VIII. Council Members Update:**

Council Member Sara Piland stated that the Progress Eastover Committee met in July. Council Member Piland stated that she would like to get a group picture made. She stated that perhaps this could be done at our October 6<sup>th</sup> Town Council Meeting.

**IX. Town Managers Update:**

Mr. Taylor stated that the Arts Council is going to have the International Folk Festival on Saturday, September 26, 2009. A reception is at 10:00 a.m. and a parade is at 11:00 a.m. Mayor McLaurin has been asked to be a host at the event.

Mr. Taylor stated that he had received a copy of an Interlocal Agreement from the Cumberland County School System. Mr. Taylor stated the area in question would make a nice park. He stated that the School System and the Recreation Department is in process of a decision to develop. Mr. Taylor stated that he did not know how the cost would be shared.

**X. Motion to go into Closed Session at 8:25 p.m. concerning a personnel matter.**

Mayor McLaurin made a declaration that the Town Council go into a **Closed Session at 8:25 p.m.**

**Town of Eastover**

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**Charles G. McLaurin, Mayor**

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