

**Town of Eastover - Town Council Meeting
Tuesday, April 3, 2012, 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☐ Donald Hudson, x☐ Benny Pearce,
and x☐ Sara Piland**

MINUTES OF MEETING – April 3, 2012

Mayor Charles G. McLaurin, Council Members, Cheryl Hudson, Willie Geddie, Lawrence Buffaloe, Donald Hudson, Sara Piland, and Benny Pearce were in attendance at the April 3, 2012 Eastover Town Council Meeting. A quorum was present at the Town Council Meeting. Also in attendance were Attorney John Jackson, Mr. Matt Rooney Cumberland County Inspections Department, Mr. Kim Nazarchyk Town Manager, and Ms. Jane Faircloth Town Clerk.

I. Call to Order:

Mayor Charles McLaurin called the April 3, 2012 meeting of the Eastover Town Council to Order at 7:00 p.m. and welcomed all in attendance.

II. Invocation / Pledge of Allegiance:

Council Member Willie Geddie gave the invocation and led in the Pledge of Allegiance.

III. Approval of Agenda:

Council Member Donald Hudson made a motion to approve the agenda as so stated. The motion was 2nd by Council Member Cheryl Hudson. The motion was approved unanimously.

IV. Public Comments:

None.

V. Consent Agenda:

1. Consider approval of the March 6, 2011 Town Council Minutes.
2. Consider approval of the March 13, 2012 Planning Session Minutes.
3. Consider approval of the February 29, 2011 Financial Report.

Council Member Lawrence Buffaloe made a motion to approve the Consent Agenda as stated. The motion was 2nd by Council Member Benny Pearce. The motion was approved unanimously.

VI. Discussion Agenda:

Agenda Item #1:

Briefing by Mr. Morgan Johnson, Chairman Eastover Sanitary District (ESD).

Mr. Morgan Johnson, Chairman Eastover Sanitary District updated the Council on the ESD projects. He stated that because the ESD II water line was not officially released for service until October 13, 2011, ESD is extending the discount period to connect and waiver of the lateral fees until April 13, 2012. To accommodate our customers, the deadline will be extended from March 31, 2012, as was originally established, to the April 13, 2012 deadline.

Mr. Johnson stated that to receive the lateral fee waiver, the customer must have their service inspected by the Cumberland County Inspection Department and connected to the water system by Friday, April 13, 2012. He stated NO extensions will be given after this date. After April 13, 2012, if you wish to connect you will be required to pay the entire cost of the lateral fee, currently \$1,620.00.

Mr. Johnson stated that the Department of Transportation (DOT) has been slow to give approval because they have been paving. When DOT is paving they own the roadway. DOT has now completed their paving project and we hope to start with the water pipeline from Dunn next week.

Mr. Johnson also talked to the Town Council concerning the Koenig property issue that is coming before the County Planning Board. Koenig Properties is asking for Zoning of R15, which will be four houses per lot. He stated that ESD will oppose that issue. He stated that there are no limitations by Fayetteville by our Charter. He stated that ESD does not serve any customers in Fayetteville. Mr. Johnson stated that Koenig properties paid for the pump Station not PWC. He is asking for each person to personally oppose this proposed annexation by Fayetteville of the Koenig properties.

Agenda Item #2:

CASE NO. 12-042. CONSIDERATION OF EASTOVER SANITARY DISTRICT, REQUEST FOR A C(P) SITE PLAN REVIEW, COUNTY ZONING ORDINANCE; ZONING: C(P) SITE PLAN REVIEW, COUNTY ZONING ORDINANCE; ZONING: C(P); TOTAL ACERAGE: 0.69 +/-; LOCATION: 3324 BAYWOOD ROAD (SR 1831).

Council Member Cheryl Hudson asked the Town Council to be excused from Case No. 12-02, as she has personal interest in this property. Council Member Sara Piland made a motion for Ms. Hudson to be excused from any discussions or decisions on this Case No. 12-042. Council Member Lawrence Buffaloe 2nd the motion. The motion was approved unanimously.

Mr. Matt Rooney of the Cumberland County Planning & inspections Department briefed the Town Council concerning Case No. 12-042. He stated that the developer is requesting approval of a site plan for public utility storage yard for the Eastover Sanitary District. The site will be used for the open storage of equipment and supplies with a future proposed building. The property has 200.00; feet of road frontage along SR 1831 (Baywood Road). The water and sewer when/if needed will be provided by the Eastover Sanitary District. He stated that it is buffered on the East side and backside. He stated that landscaping and shrubs would be needed. He stated that the DOT has a 25' feet right of way for future expansion, and that the right of way request is different. DOT has a 60' feet right of way now, but will require 120' feet by DOT. He stated that 10' feet is dedicated and 15' feet is not reserved a total of 25' feet.

Mr. Morgan Johnson, 1610 Beard Road, Eastover, NC signed up to speak for Case No. 12-042. He stated that ESD is to hire a contractor on April 1, 2012, two months before ESD takes over the maintenance late May or June 1, 2012. Mr. Johnson stated that a 30 day delay would not hurt them.

Attorney John Jackson stated that this should be tabled until the next meeting.

Council Member Benny Pearce made a motion to table Case No. 12-042 until May meeting. The motion was 2nd by Council Member Donald Hudson. The motion was approved unanimously.

Agenda Item #3:

Resolution No. 2012-4 – Congratulating EMS workers.

Council Member Benny Pearce read Resolution No. 2012-4 congratulating the Eastover residents Brian Pearce, Larry Smith, and Lee Westbrook as the World Champion Team in the JEMS Games competition at the National EMS conference meeting for two of the last three years, 2010 and 2012. Eastover is fortunate to have this quality of first-responder talent living in our community, as each team member volunteers to help people and save lives. Winning these championships validates that our county has access to the finest EMS service in the world.

Agenda Item #4:

Discussion of Prayer at Council Meetings.

Attorney John Jackson briefed the Council concerning the legality of prayer at public meetings. He stated that he had been contacted by Ms. Kathy Parker with the North Carolina ACLU and informally discussed the ACLU's interest in this area regarding the Forsyth case decision and the implications of that case by those affected entities in our area. He stated that this point there has not been a formal complaint lodged with me, but it is apparent from the articles in the paper that the ACLU has taken an interest locally in this matter.

Mr. Jackson sated that he had previously briefed the Council regarding the Forsyth case and the fact that the Forsyth Circuit rejected Forsyth County's position and the Supreme Court has not yet accepted the appeal for review. Therefore, we are left with a situation that needs

addressing and implementing and rather than rewrite and create another interpretation, I have attached a copy of attorney Fred Baggett's opinion, who is a long time city/county attorney and staff attorney for Smith, Moore and Leatherwood and I think that it clearly and simply shows what needs to be addressed and implemented. Also attached is a copy of the Invocation Policy of the City of Fredericksburg, VA which had upheld the Turner case, and specifically upheld the Fourth Circuit ruling.

Attorney Jackson stated that he would be happy to further clarify or discuss the actual implementation and the position that the governing body of each of the addressees' chooses to go. He stated while it is one of the most controversial and divisive opinions, I as your attorney am bound to recommend that the procedures outlined in the case be adopted and followed. He stated that we have all dreaded this point, but it has finally arrived. It is my professional opinion that our procedures need to be modified to bring us into compliance, because I am firmly convinced that with the elevated interest, there is a real possibility of litigation against private special interest group or individuals.

Attorney Jackson stated that there certain words you can say and some you cannot.

Attorney Jackson offered four options:

1. Continue in our current manner and risk legal action.
2. Adopt and enforce the City of Fredericksburg policy.
3. Allow a moment of silence for those wanting to pray as they wish prior to the Pledge of Allegiance.
4. Eliminate prayer completely from our meetings.

Council Member Benny Pearce requested that Attorney Jackson and Mr. Nazarchyk to prepare an Agenda directed document in writing to this effect incorporating option #3, and present to the Council at the next meeting. Attorney Jackson sated that he and Mr. Nazarchyk would work on this.

VII. Receive Mayors Update:

Mayor McLaurin stated that they 2 or 3 pallets of sod in the Talley Woodland Park. The Council authorized the Town Manager to purchase the sod for the park.

Mayor McLaurin stated that the hedges need to be taken down on Middle Road on the new Town property. Also clean up of trees roots, etc., also need to be cleared off this area. Council Member Benny Pearce made a motion that the Town Manager take care of this action. The motion was 2nd by Council Member Cheryl Hudson. The motion was approved unanimously.

Mayor McLaurin stated that we need signage on the fence that the Talley Woodland Park is closed after dark.

Mayor McLaurin briefed the Council concerning Heritage Day, May 5, 2012. Council Member Willie Geddie stated that he is trying to set up a tent of the "olden days", such as canned foods, antique farm equipment etc.

XI. Receive Council Members Updates:

Council Member Sara Piland stated that the Town of Godwin's new park is just beautiful. She stated that all the signage is alike and so nice. She stated that they have 34 acres with picnic areas, play equipment for the children, etc.

X. Receive Town Managers Update:

Mr. Nazarchyk stated that on Heritage Day there will be a show with non venomous snakes and lizards for all to see. He also stated that there will be wood carvings at the event.

Mr. Nazarchyk stated that on Wednesday, May 16, 2012 there will be Webinar Ethics Training at the Town Hall for the newly elected officials. The time will be from 10:00 to 12:00 a.m.

Attorney John Jackson stated that he is the Attorney for the Town of Eastover, and the Eastover Sanitary District. There will be no conflict as he is attorney for both, and will serve each to the best of his ability.

XI. Consider a Motion to Adjourn.

Council Member Benny Pearce made a motion to adjourn the meeting at 8:15 p.m. 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