

**Town of Eastover - Town Council Meeting
Tuesday, September 4, 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, ☐ Benny Pearce,
and x☐ Sara Piland**

MINUTES OF MEETING – September 4, 2012

Mayor Charles G. McLaurin, Council Members, Willie Geddie, Sara Piland, Lawrence Buffaloe, Cheryl Hudson and Donald Hudson were in attendance at the September 4, 2012, Eastover Town Council Meeting. A quorum was present. Also in attendance were Attorney John Jackson, Mr. Kim Nazarchyk Town Manager, and Ms. Jane Faircloth Town Clerk. Council Member Benny Pearce was absent, but had previously submitted the Written Waiver of Notice Form.

I. Call to Order:

Mayor Charles McLaurin called the September 4, 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 Donald Hudson asked all in attendance to have a moment of silence, and then led in the Pledge of Allegiance.

III. Approval of Agenda:

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

IV. Public Comments:

There were no public comments.

V. Consent Agenda:

1. Consider approval of the July 3, 2012 Town Council Minutes.
2. Consider approval of the June 30, 2012 Financial Report.

Council Member Donald Hudson made a motion to approve the Consent Agenda as

presented. The motion was 2nd by Council Member Lawrence Buffalo. The vote was unanimous for approval.

VI. Discussion Agenda:

Agenda Item #1:

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

Mr. Johnson stated the Dunn water line is being flushed now and water is flowing through the lines. The water line will be ready for use in October 2012. He stated that PWC could not find the sewer line at Baywood & Hummingbird Roads; however ESD did find the line, as ESD ruptured the PWC line and has repaired it. Mr Johnson stated that ESD is now serving 2,800 families with more to come.

Agenda Item #2:

PUBLIC HEARING – CASE NO. P12-37:

REZONING OF 24.783+/- ACRES FROM A1 AGRICULTURE AND C(P) PLANNED COMERCIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3435 MURPHY ROAD AND NORTHEAST OF SR 1832 (MURPHY ROAD), SOUTHWEST OF I-95; SUBMITTED BY SANDRA F. AUTRY, MARY J. SWANN, SHARON A. PENNY AND MARSHA D. AUTRY AS THE MARGARET MURPHY AUTRY HEIRS (OWNERS) AND JAMES SHERRILL, REMAX HOMEOWNERS LTD. (EASTOVER)

Mayor McLaurin **Opened the Public Hearing.**

Mayor McLaurin turned the Case P12-37 over to Mr. Matt Rooney for briefing.

Mr. Rooney stated that the original Case included 24.73 +/- acres from A1 Agricultural and C(P) Planned Commercial to C2(P) service retail or to a more restrictive zoning district. He said the 24.73 acres was divided into 4 separate Lots. The owners wants only **Lot #2** which is **3.9+/- acres tract rezoned to C(2P) for the WALMART Express retail store.** Mr. Rooney stated that the Cumberland County Planning Board asked the property owners if they would consider connecting to public sewer within one year of sewer becoming available for the commercial use on Lot # 2. Mr. Rooney stated that the property owners amended the original application and are now requesting the Council to consider Lot #2 be permitted to install a private septic system, with development on the remaining lots being conditioned upon extension and connection to the public sewer system. He stated the property owners have agreed to all "Ordinance Related Conditions". Mr. Rooney stated that Tract Lot #1, #3 and #4 have been dropped from this Case. The Cumberland County Planning Staff approved the C2(P) zoning unanimously for tract Lot #2.

Speakers For: Mr. James Sherrill, 509 Yadkin Road, Fayetteville, NC, signed up to speak for Case No. P12-37. Mr. Sherrill stated that the owners are willing to all the conditional requirements stated on the condition sheet.

Speakers Against: None.

Rebuttals: None.

Council Member Donald Hudson asked Mr. Sherrill what kind of sign the builders are going to put up for the WALMART Express Store. Mr. Sherrill stated that he did not know, but he did state there will be one on the front of the building. He did not know about a tall sign to be seen from the Interstate. Ms. Kim Horne representative from Mosley Engineering stated that the company only has plans to put a sign on the front of the store.

Mayor McLaurin asked for a motion to **Close the Public Hearing on Case No. P12-37.** Council Member Cheryl Hudson made a motion to **Close** the Public Hearing. The motion was 2nd by Council Member Donald Hudson. The vote was unanimous for approval.

Mayor McLaurin asked for a motion to approve or disapprove Case No. P12-37. Council Member Cheryl Hudson made a motion follow the Planning Board's recommendation and Case No. P12-37 for C2(P) Zoning Plat Lot #2, incorporating and approving the staff's consistency and reasonableness statements as written in their recommendation. Council Member Donald Hudson 2nd the motion. The vote was unanimous for approval.

Agenda Item #3:

PUBLIC HEARING - CASE NO. P12-46:

REZONING OF 1.94 +/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3955 DUNN ROAD, SUBMITTED BY HAROLD G. FURR ON BEHALF OF CAM PROPERTIES OF FAYETTEVILLE, LLC. (OWNER), AND 4D SITE SOLUTIONS, INC.

Mayor Charles McLaurin **Opened the Public Hearing on Case No. P12-46.**

Mayor McLaurin turned the briefing over to Mr. Matt Rooney, Cumberland County Planning & Inspection Department. Mr. Rooney briefed the Council on Case No P12-46. He stated that the C2(P) Planned Service and Retail was unanimously approved conditionally by the Cumberland County Planning Board. Mr. Rooney stated that the Department of Transportation has requested a reservation of 25' feet of right of way. He stated that reservation means that it is not dedicated or purchased, but at a future date the DOT may want to purchase the right of way. Mr. Rooney states that this Case meets DOT requirements. He stated that DOT does require turn lanes.

Speakers For: Mr. Scott Brown, 408 Chicago Drive, Fayetteville, NC of 4D Site Solutions signed up to speak for Case P12-46. Mr. Brown stated that the trees and landscape and signage is in the 25' feet of the DOT reserved right of way. If DOT ever requires the 25' feet to be sold to them, the company would at that time have to remove the trees, landscape and signage to another location on the property. Council Member Sara Piland asked about the signage. Mr. Brown stated that the same company that remodeled the old school house into Doctor Offices, and built the Drug Store is building this project. He stated he would follow the signage of those buildings. Mr. Brown asked that conditions 1d and 1e be on the Conditional Zoning District sheet be deleted.

Speakers Against: None.

Rebuttals: None.

Mayor McLaurin asked for a motion to **Close the Public Hearing**. Council Member Sara Piland made a motion to close the Public Hearing. The motion was 2nd by Council Member Lawrence Buffaloe. The vote was unanimous for approval.

Mayor McLaurin asked for a motion to **approve or disapprove** Case No. P12-46. Council Member Sara Piland made a motion to follow the Planning Board's recommendation and approve Case No. P12-46 for C2(P)/CZ Zoning incorporating and approving the staff's consistency and reasonableness statements as written in their recommendations; and further requested that items 1-d and 1-e of Conditional Zoning District Conditional Sheet be stricken. The motion was 2nd by Council Member Donald Hudson. The vote was unanimous for approval.

Agenda Item #4:

CASE NO. 12-109:

CONSIDERATION OF THE WALTER R. AND RITA BRYANT PROPERTY, REQUEST FOR A GROUP DEVELOPMENT REVIEW, COUNTY ZONING ORDINANCE; ZONING: A1; TOTAL ACREAGE: 2.03 +/-; LOCATION: 3963 MURPHY ROAD (SR 1832). (EASTOVER)

Mayor McLaurin turned Case No. 12-109 over to Mr. Matt Rooney of the Cumberland County Planning & Inspections Department for briefing the Council. Mr. Rooney the developer is requesting approval to place a second dwelling unit on the property. The proposed dwelling is currently the existing accessory structure in the rear of the property. He stated that the developer would be required to upgrade the structure to meet the building code requirement for a residential structure. The property has 194.41' feet of road frontage along SR 1832 (Murphy Road). The water will be provided by the Eastover Sanitary District and the septic system must be approved by the County Health Department. He stated that the developer is requesting a group development review as submitted on the condition sheet.

Speakers For: Rita Bryant, 3963 Murphy Road, Eastover, NC signed up to speak for Case No. 12-109. Ms. Bryant stated that they are trying to upgrade the property, and was here to answer any question the Council may have.

Speakers Against: None.

Rebuttals: None.

Mayor McLaurin asked for a motion to approve or disapprove Case No. 12-109. Council Member Lawrence Buffaloe made a motion to approve the Group Development Review as submitted. A 2nd to the motion was made by Council Member Sara Piland. The vote was unanimous for approval.

Agenda Item #5:

Discuss contract to build stage for Eastover Community Center.

Mayor McLaurin presented a sketch of the proposed stage to be built at the Eastover community Center. He suggested that a drop down screen would be in the center of the stage for movies for kids and the community. He stated that it will be handicapped accessible and will have steps at each end of the stage. The handicapped ramp will be on the back of the stage. Mayor McLaurin stated that he knows that this will be a contract and up for bids. He asked the Council their ideals about the proposed stage.

Council Member made a motion to direct the Town Manager to contact the appropriate construction companies for design and construction of this stage at the Eastover Community Center. The motion was 2nd by Council Member Donald Hudson. The vote was unanimous for approval.

Agenda Item #6:

Discussion of proposed development and zoning ordinance for core business district.

Council Member Sara Piland stated that the Council has had numerous sessions with Cumberland County Planning & Inspections Department concerning the core business district. She stated that Ms. Pattie Speicher, Cumberland County Planning & Inspections Department is working on an amendment for the downtown area. She stated that the Public Hearing for the proposed development and zoning ordinance for the core business district will be held on Thursday, September 13, 2012 at 7:00 p.m. at the Eastover Community Center. She stated that a work session will be held on September 18, 2012 prior to the October 2, 2012 Town Council Meeting.

Council Member Sara Piland made a motion to for the Council to vote on the Zoning Ordinance at the October 2, 2012 Town Council Meeting. The motion was 2nd by Council Member Donald Hudson. The vote was unanimous for approval.

Agenda Item #7:

Discussion of Resolution and Ordinance for the Eastover Zoning Board of Adjustment.

Mr. Nazarchyk stated that members on the Zoning Board of Adjustment will need training. He stated that he and Attorney Jackson had contacted Mr. David Owens and Mr. Richard Rucker at the UNC School of Government concerning training. As of this date neither has received a response. Mr. Nazarchyk stated that he hoped to get them to come here to train instead of trying to send everyone to Chapel Hill. He stated it would be less costly to bring them here for the training. The Council agreed that the Town Council would also serve as the Zoning Board of Adjustment, as so stated in Ordinance No. 2012-1.

Council Member Cheryl Hudson made a motion to approve Ordinance No. 2012-1 for the Town Council to also serve as the Zoning Board of Adjustments. The motion was 2nd by Council Member Donald Hudson. The vote was unanimous for approval.

Agenda Item #8:

Discussion of Resolution and Ordinance for Privilege Tax on electronic gaming.

Mr. Nazarchyk stated that NCGS 160A-211 grants authority municipalities to levy privilege license taxes on all trades, occupations, professions, businesses, and franchises carried on within the municipality. He stated that we have not had a work shop on this issue. He stated that he took the Ordinance from three Towns in Cumberland County. He stated that it would depend on the minimum and maximum machines number of machines. Council asked who would enforce this Privilege Tax Ordinance. Mr. Nazarchyk stated that the current staff would enforce. It was determined that 1 minimum and 10 maximum machine per location. The fee would be \$1,500 per machine at each location, and \$2,500 per location. Businesses must apply for this license every year. The Council asked to delay implementation to be effective on January 1, 2013. Attorney Jackson stated that we should number ordinance by calendar year, not by fiscal year.

Council Member Sara Piland made a motion to approve Ordinance 2012-2 with the implementation date effective January 1, 2013. The motion was 2nd by Council Member Lawrence Buffaloe. The vote was unanimous for approval.

Agenda Item #9:

Discuss Girl Scouts use of Community Center.

Mr. Nazarchyk stated that Ms. Becky Clodfelder, Leader of the Girl Scouts has requested use of the Community Building for the Girl Scout meetings. He said there are 8 to 12 girls and the Girl Scouts area a non-profit organization. The Boy Scouts use Salem Methodist Church for their meetings. Mr. Nazarchyk stated that they meet on Saturday's, and that would be a bad day for Mr. Nail, as the weekends are usually booked for rentals.

Council Members discussed the issue and decided they did not want to set a precedent, as there are many nonprofit organizations and they would take the issue under advisement.

Council Member Lawrence Buffaloe made a motion to not grant the request at this time. The motion was 2nd by Council Member Willie Geddie. The vote was unanimous for approval.

Agenda Item #10:

Discussion of contact for hanging Christmas wreaths.

Mr. Nazarchyk stated that he had several bids for hanging and taking down the Christmas wreaths for the Town. The lower bid was Fulcher Electric of \$1,100, and is a local vender.

Council Member Cheryl Hudson made a motion to hire Fulcher Electric at a price of \$1,100 to hang and take down the Town's Christmas wreaths. The motion was 2nd by Council Member Sara Piland. The vote was unanimous for approval.

VII. RECEIVE MAYOR'S UPDATE.

Mayor McLaurin stated that the Fire Department Board President has been planning to pick up a Flag. He asked Mr. Nazarchyk if we had any flags on hand, and he stated we have flags.

Mayor McLaurin stated that the "Dig-A-Bit" garden Club is going to start work on the "Pink Garden" at the Eastover Community Center. The Garden Club would like for the Town to help pay for some top soil and use of a tiller. The Council agreed to pay for the top soil and asked the Town Manager to take care of this matter. Council Member Willie Geddie stated that he has a garden tiller the Garden Club could use for the project.

Mayor McLaurin stated that Mr. Nazarchyk and Mr. West cut down a pine tree at Woodland Park saving the Town money. The Mayor thanked them for their efforts.

Mayor McLaurin stated that he wanted to give a "shout-out" to Mr. Malcolm Williams and Mr. Daniel West for the work they have done at the Talley Woodland Park.

VIII. RECEIVE TOWN COUNCIL UPDATE.

Council Member Sara Piland gave an update on the condition of Council Member Benny Pearce. She stated that he has had some complications and is still in the hospital.

Mrs. Helen Crumpler stated that the Civic Club Meeting to be held Thursday, September 13, 2012 with the "Carolina Breakers" Band playing beach music has been moved to the Salem Methodist Church Gym, due to weather conditions. She stated that this event starts at 6:30 p.m. and this is a drive to increase enrollment in the Civic Club.

IX. RECEIVE TOWN MANAGER'S UPDATE.

Mr. Nazarchyk stated that the Attorney had completed the title search on School Street. He stated that he will be contacting property owners to get the easement.

Mr. Nazarchyk stated that the free concert event scheduled for Thursday night has been moved to Salem Methodist Church Gym due to weather conditions.

X. CONSIDER A MOTION TO ADJOURN.

A motion to adjourn was made by Council Member Cheryl Hudson at 8:10 p.m. The motion was 2nd by Council Member Sara Piland. The vote was unanimous in favor of the motion.

Town of Eastover

Charles G. McLaurin, Mayor

Attest: _____, Town Clerk
Jane F. Faircloth