

**Town of Eastover - Town Council Meeting
Monday, May 7, 2013, 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 – May 7, 2013

Mayor Charles G. McLaurin, Council Members Sara Piland, Cheryl Hudson, Donald Hudson, Lawrence Buffaloe, Willie Geddie, and Benny Pearce were in attendance at the May 7, 2013, Eastover Town Council Meeting. A quorum was present. Also in attendance were Attorney John Jackson, Ms. Patti Speicher from the Cumberland County Planning & Inspections Department, Mr. Kim Nazarchyk Town Manager, and Ms. Jane Faircloth Town Clerk.

I. Call to Order:

Mayor Charles McLaurin called the May 7, 2013 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 Benny Pearce asked all in attendance to have a moment of silent prayer, and led in the Pledge of Allegiance.

III. Approval of Agenda:

Council Member Donald Hudson 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 two individuals signed up to speak in the public comments section.

They are as follows: Mr. Dharam Paul Singula, 3353 Dunn Road, Eastover, NC, and Ms. Amy Baker 3353 Dunn Road, Eastover, NC.

Mr. Singula spoke about the building at 3353 Dunn Road, Eastover, NC. He stated that it is an existing building and sidewalks and landscaping do not need to be done. He stated that all the tenant is planning to do is to paint the building. He stated that the tenant is going to open a dress shop. The Council informed Mr. Singula that this was not the proper place in the meeting to discuss this issue. The Council stated that they would discuss further into the meeting at the end of the Discussion Agenda.

Ms. Amy Baker, 3353 Dunn Road, Eastover, NC stated that she is the tenant and is planning to open a dress shop. She stated that she does not own the building and cannot put

in sidewalks and landscaping. She stated the parking area is paved all the way to the highway.

V. Consent Agenda:

1. Consider approval of the March 13, 2013 Minutes.
2. Consider approval of the April 2, 2013 Minutes.
2. Consider approval of the April 9, 2013 Minutes.
3. Consider approval of the March 31, 2013 Financial Report.

Council Member Cheryl Hudson made a motion to approve the Consent Agenda with an amendment to correct a name on the March 13, 2013 Minutes. The motion was 2nd by Council Member Lawrence Buffaloe. The vote was unanimous for approval.

VI. Discussion Agenda:

Agenda Item #1:

1. **PUBLIC HEARING: CASE P13-15.** REVISION AND AMENDMENT TO ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES, AS ADOPTED BY THE TOWN OF EASTOVER ON NOVEMBER 6, 2012 AND APPLICABLE ONLY TO PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN, AMENDING SECTION 403 USE MATRIX BY INSERTING IN ALPHEBETICAL ORDER “ZERO LOT LINE DEVELOPMENT” IN THE LAND USE COLUMN AND REQUIRING APPROVAL OF ALL ZERO LOT LINE DEVELOPMENTS AS CONDITIONAL ZONING INDICATED BY INSERTING A “Z” IN EACH OF THE ZONING CLASSIFICATIONS COLUMNS TO BE IMPLEMENTED WITHIN THE TOWN AS A SUPPLEMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE PROVISIONS UNTIL SUCH TIME THAT THE TOWN ADOPTS A COMPLETE EASTOVER ZONING ORDINANCE. (EASTOVER)

Mayor Charles McLaurin **opened** the Public Hearing on Case No. P13-15.

Ms. Pattie Speicher from the Cumberland County Planning & Inspections Department briefed the Council on Case No. P13-15. She stated that the Planning & Inspections Staff recommends approval of the proposed zero lot line text amendment as a supplement to the County Zoning Ordinance for the Town of Eastover. She stated the amendment will require all proposed zero lot line development plans to be submitted with a rezoning application affording the opportunity for the town council to ensure that the rural character of the area is retained, which is the stated primary goal of the Eastover Area Detailed Land Use Plan.

Ms. Speicher stated that since incorporation, the Town Council's vision has been to ensure growth is consistent with the community values that include preserving the rural character, protecting existing trees and wet lands where possible, and development patterns that provide mostly one to three acre single family lots. She stated that this amendment requires the developer to address these values through the rezoning application process; and this amendment was requested by the Town of Eastover.

Mayor McLaurin asked the Clerk if anyone had signed up to speak for or against this Case No. P13-15. The Clerk replied no.

Mayor McLaurin asked if there were any further discussions among the Council.

Mayor McLaurin asked for a motion to **close** the Public Hearing on Case No. P13-15.

Council Member Cheryl Hudson made a motion to Close the Public Hearing. The motion was 2nd by Council Member Donald Hudson. The motion was unanimously approved by Council.

Mayor McLaurin asked for a motion to **approve** the revision and amendment to Article IV Permitted, Conditional and Special Uses, as adopted by the Town of Eastover. Council Member Sara Piland made a motion to approve Case No. P13-15 as presented. The motion was 2nd by Council Member Donald Hudson. The motion was unanimously approved by Council.

Agenda Item #2:

CASE NO. 13-039. CONSIDERATION OF THE CATHERINE H. PEARCE PROPERTY, REQUEST FOR A SUBDIVISION REVIEW, COUNTY SUBDIVISION ORDINANCE; ZONING: A1; TOTAL ACREAGE: 14.61 +/-; LOCATION: 1850 & 1862 MIDDLE ROAD (SR1728). (EASTOVER)

Council Member Benny Pearce requested that he be recused from discussion and voting on this Case No. 13-039, as this is he and his wife's property. Council Member Sara Piland made a motion to recuse Mr. Pearce from this case. The motion was 2nd by Council Member Cheryl Hudson. The motion was unanimously approved by Council.

Ms. Patti Speicher from the Cumberland County Planning & Inspections Department briefed the Council on Case No 13-039. She stated the developer is requesting approval of a two lot subdivision in conjunction with a recombination of an existing lot. The proposed Lot 3 and the existing recombined Lot 1A have existing dwellings on them; proposed Lot 2 is vacant. The subject property has 822.65' feet of road frontage along SR 1728 (Middle Road). She stated that water will be provided by the Eastover Sanitary District and the septic must be approved by the Cumberland Health Department. She stated that the condition sheet is included in your packet.

Mr. Pearce spoke and stated that there will be a slight revision to the plan. He also stated that he is cutting a lot out for his daughter.

Council Member Lawrence Buffaloe made a motion to approve with the conditions as stated. The motion was 2nd by Council Member Sara Piland. The motion was unanimously approved by Council.

Agenda Item #3:

Discuss Town Manager Performance Evaluation Process.

Council Member Sara Piland stated that the Council had met in Special Session to discuss the annual Town Manager's Performance Evaluation. She stated that the Council had discussed and decided on a performance evaluation process for the Town Manager. She stated that this process will follow an annual cycle. The Town Council will meet, in closed session, with the Town Manager three times a year to execute this process.

Council Member Piland stated that the First Session (June):

Focus: Developing a shared, written agreement of the Manager's Performance Objectives for the next year. All relevant Town Council documents and actions should be considered as input to these Performance Objectives. Based on these documents and other input from the Council, the Manager will propose a set of objectives to be reviewed and modified by the Council in discussion with the Manager.

Second Session (October):

Focus: Evaluating performance against agreed upon Objectives and Modifying Objectives as appropriate based on current conditions (e.g., Budget approval and allocation of resources).

Third Session (March):

Focus: Annual Performance Evaluation and Salary Consideration.

Feedback should be gathered formally from Council. Council should evaluate both the "what" and the "how" aspects of the Objectives. Feedback from Senior Management should be gathered at this time for developmental purposes. Community feedback can also be considered. The Town Council should conduct its salary consideration in this meeting. Finally, the annual review should include some discussion of the Town Manager's development plan for the next year, with Council giving guidance to Manager based on experience from the previous year.

Council Member Cheryl Hudson made a motion to adopt the Town Managers Evaluation Process. The motion was 2nd by Council Member Willie Geddie. The motion was unanimously approved by Council.

Agenda Item #4:

Presentation of proposed Budget for Fiscal Year 2014 (July 1, 2013- June 30, 2014).

Mr. Nazarchyk presented the Proposed Budget for Fiscal Year 2014 (July 1, 2013- June 30, 2014). Mr. Nazarchyk stated that the proposed Budget is \$44,000 more than last year. He stated that this includes Fire Protection, Police Protection, Planning & Zoning, Street Lights, and Administration. This includes the hiring of a part-time admin person, renovation of the bathrooms at the Community Center (to include wheel chair sinks & hot water), storm water study, extra 120 days for deputy duty, and a 2% cost of living allowance (COLA) increase for employees. Mr. Nazarchyk stated that a Public Hearing must be scheduled for final approval of the FY2014 Budget.

Council Member Lawrence Buffaloe made a motion to approve the proposed Budget; schedule the date of June 4, 2013 for the Public Hearing on the FY2014 Budget; and to publish a legal advertisement in the Fayetteville Observer announcing the Public Hearing on the Budget. The motion was 2nd by Council Member Benny Pearce. The motion was unanimously approved by Council.

Agenda Item #5:

Discussion with Mr. D.P. Singula.

Mayor McLaurin stated that he would like to help Mr. Singula get his tenant into the building at 3353 Dunn Road. He asked Ms. Patti Speicher if she could assist them. Ms. Speicher stated that the original Site Plan could be revised easily and the Town Council could hold a special meeting to review and approve/disapprove the change in tenants at this address.

Mr. Singula spoke about the building at 3353 Dunn Road, Eastover, NC. He stated that it is an existing building and sidewalks and landscaping do not need to be done. He stated that all the tenant is planning to do is to paint the building. He stated that the tenant is going to open a dress shop. He stated that any help the Council could give to him would be appreciated. Attorney Jackson stated that painting is considered maintenance, not renovation.

The Council agreed to schedule a Special Town Council Meeting to consider a revision to the original Site Plan for this property for Mr. Singula. Ms. Speicher will notify the Council when the proper paperwork is done so the special meeting can be scheduled.

VII. RECEIVE MAYOR'S UPDATE.

Mayor McLaurin stated that the stone wall around the flower garden and around the Community building looks very nice. He thanked Mr. West, Mr. Nail for helping him get the stones into place. He does think the Town needs to have a professional brick mason come and fix the stones permanently. Mayor McLaurin stated that he saw children and some adults walking on the stones during Heritage Day. He stated that he is afraid that one of the stones may flip over and someone will get hurt. The Council authorized the Town Manager to look into the matter and determine what needs to be done.

Mayor McLaurin stated that Council Member Willie Geddie received the Rick Glazier Award. It was presented to him on Heritage Day.

Mayor McLaurin appointed a committee of three to discuss with the Ball Park Association future corporation with the Town and the Ball Park. The committee will consist of Mayor Charles

G. McLaurin, Council Members Benny Pearce and Lawrence Buffaloe.

VIII. RECEIVE TOWN COUNCIL UPDATE.

Council Member Willie Geddie thanked everyone for their prayers and thoughtfulness during his recent surgery. He stated that he is doing well. Mr. Geddie also thanked the Council for the Rick Glazier Award, stating that it was such a wonderful surprise.

Council Member Geddie stated that when the Council considers the new Town Hall, he would like to see a Museum Room in it.

Council Member Sara Piland stated that the children really enjoyed the Park at Heritage Day.

The Council as a whole agreed for the Town Manager to revisit the homeowners on School Street and give them one of two options, and they are condemnation of their property or an easement right of way to pave the street. Mr. Nazarchyk stated that there are five homeowners on School Street that this will affect.

Attorney Jackson stated that we must go through the condemnation process if they do not agree. It could be done in 30 days and is called a "Quick Take" by the Town. The Town would pay value of land by appraiser to the homeowners, and fight out later with the homeowners. This is a minimum of 16 feet of land. He stated that this would be an inverse condemnation and would take up two years to settle.

Council Member Donald Hudson made a motion for the Town Manager to go back to the homeowners and report back to them. The motion was 2nd by Lawrence Buffaloe. The motion was unanimously approved by Council.

IX. RECEIVE TOWN MANAGER'S UPDATE.

Mr. Nazarchyk stated that he would like to serve on the Air Quality Board and requested that the Council recommend him to the County Commissioners. Council Member Sara Piland made a motion for the Town Manager to be recommended to the Board of County Commissioners to serve on the Air Quality Board. The motion was 2nd by Council Member Cheryl Hudson. The motion was unanimously approved by Council.

Mr. Nazarchyk stated that a one acre tract has been donated to the Town by Karen C. Odom which joins the Talley Woodland Park. He stated that Attorney Jackson's office is going to run a title search on the property. Council Member Donald Hudson made a motion for a Title Search to be done on the property. Council Member Cheryl Hudson 2nd the motion. The motion was unanimously approved by Council.

X. CONSIDER A MOTION TO ADJOURN.

A motion to adjourn was made by Benny Pearce at 8:20 p.m. The motion was 2nd by Council Member Lawrence Buffaloe. The vote was unanimous for approval.

Town of Eastover

Charles G. McLaurin, Mayor

Attest: _____, Town Clerk
Jane F. Faircloth