

**Town of Eastover - Town Council Meeting**  
**Tuesday, April 14, 2015 7:00 p.m.**  
**Eastover Community Center**  
**x Mayor Charles G. McLaurin, Presiding**  
**Council Members: x Lawrence J. Buffaloe, x Willie S. Geddie,**  
**x Cheryl C. Hudson, x Randy P. Lee,**  
**x Benny M. Pearce, and x Sara E. Piland**

**MINUTES OF MEETING – April 14, 2015**

Mayor Charles G. McLaurin, Council Members Willie Geddie, Sara Piland, Cheryl Hudson, Randy Lee, Lawrence Buffaloe, and Benny Pearce were in attendance at the April 14, 2015, Eastover Town Council Meeting. A quorum was present. Also in attendance were Attorney Neil Yarborough, Mr. Kim Nazarchyk Town Manager, Mr. Matt Rooney from the Cumberland County Planning & Inspections Department, Ms. Jane Faircloth Town Clerk/Finance Officer, and Ms. Tessie Harmon Administrative Assistant.

**I. Call to Order:**

Mayor Charles McLaurin called the April 14, 2015 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 in the Pledge of Allegiance.

**III. Approval of Agenda:**

Mayor McLaurin asked for a motion to approve/disapprove the Agenda as stated.

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

**IV. Public Comments:**

None.

**V. Consent Agenda:**

Mayor McLaurin asked for a motion to approve/disapprove the Consent Agenda as stated.

Council Member Lawrence Buffaloe made a motion to approve the Consent Agenda as so stated. The motion was 2nd by Council Member Cheryl Hudson. The vote was unanimous for approval.

## **VI. Discussion Agenda:**

### **Agenda Item #1:**

**PUBLIC HEARING: CASE NO. P14-61:** REZONING OF 21.85+/- ACRES FROM RR RURAL RESIDENTIAL TO R30 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING FOR A 25 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF ST 1828 (JAMES DAIL ROAD), EAST SIDE OF SR 1831 (BAYWOOD ROAD); SUBMITTED BY FRANCES TART (OWNER) AND CHRIS MANNING. (EASTOVER)

Mayor McLaurin stated that I now **Open** the Public Hearing.

Mayor McLaurin turned the Case P14-61 over to Mr. Matt Rooney for briefing.

Mr. Matt Rooney, from the Cumberland County Planning & Inspections Department briefed the Council with facts regarding case no. P14-61. The original request is for rezoning 21.85+/- acres from RR Rural Residential to R30 residential/DD Density development/CZ conditional zoning district for a 25 lot subdivision located South of St 1828 (James Dail Road), East side of SR 1831 (Baywood Road).

Mayor McLaurin asked the Clerk if anyone signed up to speak for or against Case No. P14-61. The Clerk replied yes, we have speakers for and against this case.

**Speakers For:** Mr. Chris Pusey, 409 Chicago Drive, Suite 112, Fayetteville, NC signed up to speak for Case No. P14-61. Mr. Pusey, a professional land surveyor, addressed the three main concerns of the council members, mobile homes, and soil study and lot size. He states by rezoning to R30 it will eliminate the possibility of mobile homes in the development. Also, the proposed lot sizes meet all requirements 100%.

Mrs. Frances Tart, 234 Courtyard Lane, Fayetteville, NC, owner of the property states that she and her late husband purchased the property 40 years ago and that the property has remained unchanged. She thanked the council members for their consideration for the rezoning of the property.

Mr. Mark Kloenne, 3028 James Dail Road, Eastover, NC, signed up to speak in favor. He states that he believes that this new development would be good for the community and will provide a nice community setting.

**Speakers Against:** Mr. David Perkey, 4041 Produce Lane, Eastover, NC, spoke in opposition. Mr. Perkey pointed out his property on an aerial view map. He states that his property remains wet and there is a pond behind his home where all water collects and spills over into the wetland area. His concern is if 26 new homes are constructed, where will their sewage drain?

Mr. Bryce Crabtree, 4026 Produce Lane, Eastover, NC, spoke in opposition. Mr. Crabtree states that he has been an Eastover resident since 1990. He states that he is a professional landscaper and that he went and measured the property according to stakes put out by the surveyor and it measured out to 10.43 acres. He states that if 26 homes are put on that amount of land, they will all be sitting on top of one another.

**Discussion:** Council Member Piland stated her concerns with the planning staff approving this plan because the Town of Eastover has a different zoning and land use requirement of a minimum of 1 acre lots due to the water table is so low and because of hydric soil. She is also concerned with the low-lying area and what density of housing would do to the quality of our community.

Mayor McLaurin stated he is also concerned about the water table on Baywood Road.

Council Member Geddie referred to past experience where heavy rainfall flooded the roads.

Council Member Buffaloe pointed out 3 lots that are located in the wetlands. He states, according to topography, all water would have to drain in to the wetland area.

Council Member Hudson inquired about turning lanes for the entrance.

Mr. Pusey stated that a turning lane is not required due to there are less than 4,000 trips per day on Baywood Road.

Council Member Piland wanted to know how far the entrance would be from James Dail Road.

Mr. Pusey replied 180 feet.

Council Member Lee stated that there had been many fatalities on this curve.

Council Member Piland asked if there was any consideration in having the entrance on James Dail Road.

Mr. Pusey answered no, but other options were considered. However, he did not specify.

**Rebuttals:** Mr. Mike Eaker, P.O. Box 9321, Fayetteville, NC, is a licensed Soil Scientist by the State of North Carolina. He states that he examined the soil in the area and described the different types of soil.

Mayor McLaurin asked for further discussion from Council, and there was 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 Willie Geddie. The vote was unanimous for approval.

Mayor McLaurin asked for motions for approval or disapproval of Case No. P14-61 showing consistency and reasonableness.

Council Member Sara Piland made a motion to **disapprove** Case No. P14-61 because the requested rezoning is unreasonable and not in the public interest for the following reasons:

- a) Inconsistent with the Eastover Land Use Plan of 1 acre lots.
- b) The density of housing is inappropriate for this location without sewer.
- c) Hydric soils are present.
- d) Future septic tank problems in this location
- e) Safety concerns at entrance/exit of proposed subdivision. There is a very dangerous curve at the location, and there will not be a turning lane.

Council Member Lawrence Buffaloe 2nd the motion. The vote was unanimous for disapproval.

**Agenda Item #2:**

**CASE NO. 12-014:** CONSIDERATION OF THE EAST SIDE COFFEE; REQUEST FOR A C1(P) SITE PLAN REVIEW, COUNTY ZONING ORDINANCE AND EASTOVER SUPPLEMENTAL AMENDMENTS; ZONING: C(P) (CCOD); TOTAL ACREAGE: 1.19 +/-; LOCATION: 3353 DUNN ROAD (US HWY 301). SUBMITTED BY SHREE GANESHJI, LLC (OWNER) AND CHEYENNE BEASLEY (DEVELOPER) (EASTOVER).

Mayor McLaurin turned Case No. 12-014 over to Mr. Matt Rooney for briefing.

Mr. Rooney states that there are no changes being made to the existing building or pole sign. The owner of property is proposing to place a 12x12 vinyl sign on the main door, and paint the entire facing of the outside pole sign white. He stated that the developer plans to submit for approval a sign plan for the existing pole sign on a future date. Parking will be based on the number of seats instead of square footage based on the establishment. Mr. Rooney stated that Eastover Sanitary District will provide water and sewer.

Mayor McLaurin asked for discussion among Council.

Mayor McLaurin stated since there is no further discussion by Council, Mayor McLaurin asked for a motion to approve or disapprove Case No. 12-014.

Council Member Cheryl Hudson made a motion to **approve** Case No. 12-014 with the conditions stated by the Planning Board. Council Member Sara Piland 2nd the motion. The vote was unanimous for approval.

**Agenda Item #3:**

**Presentation by Mr. James Dougherty, Executive Director of the Rural Land Use Advisory Commission (RLUAC)**

Mr. Dougherty, Fort Bragg/Pope Air Force Base Land Use Advisory Commission, briefed the Council the benefits of the Town of Eastover becoming members of RLUAC. The purpose of RLUAC is for Joint Land Use Study with no regulatory authority. Membership includes all 8 counties surrounding Fort Bragg. RLUAC conducts quarterly meetings. The next meeting will be held May 21, 2015. Yearly dues for membership are based on the Town's population. Eastover's current dues would be \$275 per year. He states that if the Town becomes a member, the Town will need to appoint a voting Board Member to attend the quarterly meetings.

Mayor McLaurin asked for discussion among Council.

Mayor McLaurin stated since there is no further discussion by Council, Mayor McLaurin asked for a motion to approve or disapprove membership in RLUAC.

Council Member Benny Pearce made a motion to **approve** Town membership in RLUAC effective July 1, 2015. Council Member Randy Lee 2nd the motion. The vote was unanimous for approval.

**Agenda Item #4:**

**Presentation by Ms. Denise Bruce, from Sustainable Sandhills.**

Mrs. Deanna Rosario, resident expert for Sustainable Sandhills, presented before the Town Council proposing that the Eastover Community Building serve as host to the community, for weekly fresh produce boxes. She states that the season runs from April-November and the produce boxes range in price from \$23-\$26/week, with a \$20 yearly membership. All produce is sourced within 80 miles of Fayetteville. One site serves between 10-23 customers. Mrs. Rosario states that a site coordinator would need to be appointed by the Town and would be responsible for opening and closing the site once a week, hours to be set by the Town.

Mr. Neil Yarborough requested a copy of the contract. Mrs. Rosario stated that she doesn't have a blank one with her, but will email one to the Town Hall. Mayor McLaurin requested that she leave more information for the Town Council to make an informed decision.

**Agenda Item #5:**

**Discussion of Yard Maintenance Contract.**

Kim Nazarchyk, Town Manager briefed the Council about two of the three bids he received for yard maintenance. The first is from Jason Knight of Twisted Oaks Landscaping Company. He presented a one-year contract for \$3,184 with 8 monthly payments of \$398. The second is from Mr. Larry Ellis for \$4,700 for a one-year contract, with 6 monthly payments of \$700 and 2 additional payments of \$500 each. Mr. Knight came highly recommended by another Eastover business. Mr. Nazarchyk states that he will be performing the same duties and using the same equipment as Mr. Ellis for \$1,516 cheaper.

Mayor McLaurin stated since there is no further discussion by Council, Mayor McLaurin asked for a motion to approve or disapprove the Yard Maintenance Contract with Twisted Oaks Landscaping Company.

Council Member Benny Pearce made a motion to **approve** Twisted Oaks Landscaping Company to take over the Yard Maintenance Contract as so stated. The motion was 2nd by Council Member Lawrence Buffalo. The vote was unanimous for approval.

**Agenda Item #6:**

**Discussion of Budget Amendment.**

Kim Nazarchyk, Town Manager briefed the Council on an amendment to the budget. He is proposing to transfer \$200,000 from the General Fund to the Capital Reserve account, which will give the Capital Reserve account a balance of \$400,000. This will result in a net increase of \$254,000 in the expenditures of the General Fund, and total General Fund budget with amendment will be \$1,719,775.

Mayor McLaurin stated since there is no further discussion by Council, I will ask for a motion to approve or disapprove the Budget Amendment.

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

**Agenda Item #7:**

**Discussion on Resolution No. 2015-03 for a Soil Sample.**

Kim Nazarchyk, Town Manager briefed the Council that Chris Franks recommends that the Town pass a resolution to allow a soil sample for the new Town Hall at 2160 Middle Road. He suggests sending out a request for qualifications without asking for fees.

Mayor McLaurin stated since there is no further discussion by Council, Mayor McLaurin asked for a motion to approve or disapprove the Soil Sample at the new Town Hall site.

Council Member Randy Lee made a motion to **approve** the soil sample as so stated. 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 Eastover Ball Park opening day is this Saturday, April 18. There will be a closure on Dunn Road for the parade.

Mayor McLaurin states that Heritage Day will be Saturday, May 2, 2015. The Civic Club suggested that we have a watering system for the flowers at Woodland Park due to the fact that they are currently all being watered by hand.

Mayor McLaurin stated that he and Daniel West have discussed having a hand washing station for people to wash their hands.

Mayor McLaurin inquired about the status of the ball park survey. Mr. Nazarchyk replied that it is in its final stages.

#### **VIII. RECEIVE TOWN COUNCIL UPDATE.**

None.

#### **IX. RECEIVE TOWN MANAGER’S UPDATE.**

Mr. Kim Nazarchyk stated that he, Council Member Geddie, three Members of Flea Hill Drainage and Mr. Matt Rooney will be attending a meeting with representatives from the Soil, Water & Conservation to discuss the storm water runoff.

Mr. Nazarchyk also wanted to remind Board Members of the meeting Thursday, April 16, 2015 with Chris Franks for an update on the New Town Hall design.

**X. CONSIDER A MOTION TO ADJOURN.**

Mayor McLaurin asked for a motion to **adjourn**.

Council Member Cheryl Hudson made a motion to **adjourn** at 8:45 p.m. The motion was 2nd by Council Member Lawrence Buffaloe. The vote was unanimous for approval.

**Administrative Assistant**

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**Tessie C. Harmon**

**Town of Eastover**

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**Charles G. McLaurin, Mayor**

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