

**Town of Eastover - Town Council Meeting
Tuesday, July 3, 2012, 7:00 p.m.
Eastover Community Center**

**x☐ Mayor Charles G. McLaurin, Presiding Council Members: x☐ Lawrence Buffaloe,
x☐ Willie Geddie, ☐ Cheryl Hudson, ☐ Donald Hudson, x☐ Benny Pearce,
and x☐ Sara Piland**

MINUTES OF MEETING – July 3, 2012

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

I. Call to Order:

Mayor Charles McLaurin called the July 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 Lawrence Buffaloe 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, and request deferral of Discussion Item #3: PUBLIC HEARING – CASE NO. P12-37 until the August 7, 2012 Eastover Town Council Meeting. The motion was 2nd by Lawrence Buffaloe, and the vote was unanimous for approval.

IV. Public Comments:

There were no speakers.

V. Consent Agenda:

1. Consider approval of the June 5, 2012 Town Council Minutes.
2. Consider approval of the May 31, 2012 Financial Report.

Council Member Lawrence Buffaloe made a motion to approve the Consent Agenda as presented. The motion was 2nd by Council Member Willie Geddie, and 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 progressing well, with the complete installation of pipe from the county line to the Countryside Villa. Drilling under I-295 will begin this week, and at present the construction is ahead of schedule. Completion will be by September 1, 2012 or possibly sooner.

PWC has finally given approval to run a water line along Baywood Rd. between Hummingbird and Murphy roads. This was included in the original design, but was somehow overlooked. Approval had been expected in February, but the process has drawn out, and construction will begin next week at a cost of \$125,000. This pipe will provide a loop connection for the area.

Mayor McLaurin asked about the number of customers now served by the Eastover Sanitary District, and also when could customers begin making payments at the ESD office. Mr. Johnson responded that 3,300 households are in the ESD area, and they anticipate 2,500 – 2,800 signing for water, sewer, or both (where available). ESD will take over administration when the Dunn water line is complete, and PWC issues its final bill. ESD has contracts in place for billing and mailing services. Customers will be able to pay at the office, online, by automatic draft, or by mail.

Agenda Item #2:

QUASI-JUDICIAL PUBLIC HEARING – CASE NO. 06-039. CONSIDERATION OF THE ALONZA & JAMAR GODWIN PROPERTY, REQUEST FOR A WAIVER FROM THE REQUIREMENT TO CONNECT TO PUBLIC SEWER SYSTEM; COUNTY SUBDIVISION ORDINANCE, SECTION 2306.A.A PUBLIC WATER AND SEWER SYSTEMS: ZONED: RR; TOTAL ACREAGE: 0.48+/-; LOCATED AT 3017 TRULY BLESSED DRIVE; SUBMITTED BY ALONZA & JAMAR GODWIN (OWNERS) . (EASTOVER)

Mayor McLaurin stated that Case No. 06-039 is a request for a Waiver. The Hearing on the Waiver is Quasi-Judicial in nature and will be conducted in accordance with special due process safeguards.

Alonza and Jamar Godwin had signed up to speak in favor of Case No. 06-039, and there was no opposition. Mayor McLaurin asked them to come forward for their oath before testifying.

Before opening the hearing, Mayor McLaurin asked if any Council Members had a conflict,

and needed to withdraw from the proceedings. No Council Member had any conflicts.

Mayor McLaurin asked if any of the Council Members had any prior exposure to evidence of this case. No Council Member had any prior knowledge or information of this case.

Mayor McLaurin stated that the order of business for this Hearing will be as follows:

- a. First we will hear from the Planning Staff.
- b. Then we will hear from the applicant and their witnesses.
- c. Then we will hear from the opponents to the request.

Mayor McLaurin then **opened the Quasi-Judicial Public Hearing on Case No.06-039** and asked for the presentation from the Planning Staff. Matt Rooney stated the property was part of a four (4) lot subdivision established in 2006. At that time county ordinances required hookup of water and sewer if any lot within the subdivision was within 300 feet of existing lines, however, sewer was not available at that time. Two houses were later built with approved septic systems. Sewer is now available to the area, and is within 340 feet, and 190 feet, of the property being discussed. The shorter distance would require an easement across property that the applicants do not own or control.

Discussion among board members and Mr. Rooney revealed that the two existing residences would be required to hookup to the sewer system if they experienced problems with their septic systems in the future. Mrs. Piland asked Morgan Johnson to comment on this request. Mr. Johnson stated that the Eastover Sanitary District has an ordinance, #2007-4, District Sewer Use Ordinance, that states any subdivision with 2 or more dwelling lots or commercial establishment located within the sanitary district, shall be required to connect to the Eastover water and sanitary sewer system where available when within 2000 feet of said line. Mr. Johnson read the ordinance and stated that the property owners would be in violation of the ordinance if they did not hookup, and asked the Council to consider this in their decision. Mr. Johnson further stated that one of the property owners in this four lot subdivision is currently being billed for sewer. Mr. Buffaloe asked for clarification in that the county ordinance required 300 feet for hookup, but ESD required hookup within 2000 feet, and Mr. Johnson confirmed this. When asked about action if the property owner could not obtain an easement for hookup, Mr. Johnson deferred to Attorney Jackson who stated that property would have to be condemned for an easement, and the applicant would have to pay an amount determined by the three ESD Board Members. Mr. Johnson also added that an easement would not be required for the 340 ft hookup. All agreed this was an unusual situation.

Mayor McLaurin asked for testimony from the applicant, and Alonza Godwin told how she had applied and paid for a perk test on the property. When she went to get the permit she was told that Eastover now required hookup to the sewer system since it was available. She also stated that she received conflicting information when talking between ESD, PWC, and Cumberland County Inspections. They had scheduled to close on the mobile home purchase on June 28th, but this had delayed closing. If they have to hook up to sewer, the \$450 is lost and estimated cost for sewer and water hookup is \$3,000.00. She is further concerned about liability if a blockage occurs on the sewer line which adversely affects others. Mrs. Godwin asked about elevation and additional costs for a lift station. Mr. Johnson responded to a question by Mr. Buffaloe regarding lift stations by saying that the applicant would have to obtain a survey of the property and have it reviewed by ESD engineers to determine if a lift station is required.

Mr. Johnson then stated that he felt this request should come before the Eastover Sanitary District Board. They provided the water and sewer, and had an ordinance requiring hookup, and he hoped the Eastover Town Council would not try to counter that ordinance. Attorney Jackson spoke up and indicated that the Town Council could grant a waiver, but it would be subject to approval by the Eastover Sanitary District Board.

Mrs. Piland offered a **motion to Close the public hearing**, 2nd by Mr. Buffaloe, and the vote was unanimous in favor of the motion.

Mrs. Piland made a motion to deny the waiver, stating that:

The Council for the Town of Eastover, having held a public hearing to consider the waiver request for **Case No. 06-039** requesting to not be required to connect to the public sewer system and develop the subject property in a manner not permissible under the literal terms of the County Subdivision Ordinance, which the Town Council by resolution has adopted as the subdivision regulatory authority for the town; and having heard all of the evidence and arguments presented, I move that the board makes the following **FINDINGS OF FACT** and draws the following **CONCLUSIONS**:

1. It is the Town Council's **CONCLUSION** that, strict compliance with the provisions of the County Subdivision Ordinance **would not** cause a special hardship to the property owner and it would be inequitable to approve this request; this finding is based on the following **CONDITIONS**:

The property owner was made aware in May 2006 that public sewer was expected to be available and connection would be required for any new construction and/or dwellings – the property owner proceeded with the final approval and recording of the new subdivision lots and therefore in essence agreed to the conditions of approval as originally established;

2. It is the Council's **CONCLUSION** that the public purposes of the County Subdivision and County Zoning Ordinances **would not** be served to an equal or greater degree if this request were approved; this finding is based on the following **CONDITIONS**:

The public purposes of the ordinances are specifically intended to protect the health, safety and welfare of the public – new septic tanks for new construction inside an area with public sewer available is not the preferred method for waste disposal in an incorporated area; and

3. It is the Council's **CONCLUSION** that the property owner **would** be afforded a special privilege denied to others; this finding is based on the following **CONDITIONS**:

The property owners have benefitted by creating four lots on a minimum standard dirt private street and now do not want to comply with other ordinance minimum standards. Other developers of properties creating the same number of lots with public sewer in close proximity would be expected and required to extend and connect to the public system for all new construction. BECAUSE OF THE FOREGOING, I MOVE THAT THE REQUEST FOR WAIVER BE DENIED.

Mr. Buffaloe gave a 2nd, and the vote was unanimous in favor of **denial**.

Agenda Item #3:

CASE NO. P12-37: REZONIING OF 24.783+/- ACRES FROM A1 AGRICULTURAL AND C(P) PLANNED COMMERCIAL TO C2(P) PLANNED SERVICER 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)

(Note: Defer to August 7, 2012 Town Council Meeting.)

Mayor McLaurin asked for a motion to defer. Council Member Sara Piland made a motion to defer Case No. P12-37 to the August 7, 2012, Town Council Meeting. The motion was 2nd by Council Member Lawrence Buffaloe. The vote was unanimous in favor of the motion.

Agenda Item #4:

CASE NO. P12-40: REZONIING OF 24.783+/- ACRES FROM A1 AGRICULTURAL AND C(P) PLANNED COMMERCIAL TO C2(P) PLANNED SERVICER 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)

Agenda Item #5:

PUBLIC HEARING CASE NO. P12-40: REZONING OF 2.05 +/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2003 AND 2005 MIDDLE ROAD AND ON THE NORTH SIDE OF SR 1728 (MIDDLE ROAD), EAST OF SE 1725 (DOBBIN HOLMES ROAD); SUBMITTED BY KAY ROYAL WILLIFORD (OWNER). (EASTOVER)

Mayor McLaurin asked for the presentation from Mr. Rooney. After a brief summary of the request, Mr. Rooney stated that the Cumberland County Planning Board had approved the request for rezoning.

Mayor McLaurin opened the public hearing and asked if there were speakers. Mr. Richard Walker had signed to speak in favor of, and Mrs. Kay Williford had signed also (if needed). Mr. Walker stated that he was assisting his cousin, Mrs. Williford. She had sought advice from the county planning department, and their response was for an R30 zoning to bring the property into compliance. No one spoke in opposition.

Mrs. Piland made the motion to close the public hearing, seconded by Mr. Buffaloe. The

vote was unanimous in favor. Mr. Buffaloe made the following motion: I make a motion to follow the Planning Board's recommendation and approve Case No. P12-40 for rezoning, incorporating, and approving the staff's consistency and reasonableness statements, as written in their recommendation. The motion received a 2nd from Mrs. Piland, and the vote was 5-0 in favor of the motion.

Agenda Item #6:

CASE NO. 12-083: CONSIDERATION OF THE FIREHOUSE – EASTOVER'S STUDIO OF PERFORMING ARTS, REQUESTING FOR A C(P) SITE PLAN REVIEW (DANCE, PIANO, & VOICE STUDIO), COUNTY ZONING ORDINANCE; ZONING: C(P); TOTAL ACREAGE: 0.18+/-; LOCATION: 4021 DUNN ROAD (US HWY 301). (EASTOVER)

Mr. Rooney made the presentation for the site plan, and stated that the planning staff had recommended approval with conditions. One of those conditions was that they have a written agreement for twelve (12) parking spaces in addition to the five (5) on the property. An agreement has been made with Eastover Artworks for those spaces. Ms. Toni Brinker is the owner/instructor at Firehouse-Eastover Studio of Performing Arts, and she spoke briefly of the activities she plans at the site. She will offer different styles of dance for ages 3 and up, and also hopes to offer piano, voice, and guitar training. Mrs. Piland made a motion to approve the site plan subject to recommended conditions, and a 2nd came from Mr. Buffaloe. The vote was unanimous in favor of the motion.

Agenda Item #7:

CASE NO. 12-084: CONSIDERATION OF THE STEVEN LOVICK PROPERTY, REQUEST FOR A SUBDIVISION REVIEW, COUNTY SUBDIVISION ORDINANCE; ZONING: RR; TOTAL ACREAGE: 6.23+/-; LOCATION: 3367 FLEA HILL ROAD (SR 1814). (EASTOVER)

Mr. Rooney offered a brief presentation stating that the lots were actually larger than required for the current zoning, and the planning staff recommended approval. Mrs. Piland made a motion to approve the subdivision review subject to recommended conditions, and a 2nd from by Mr. Buffaloe. The vote was unanimous in favor of the motion.

Agenda Item #8:

CASE NO. 12-089: CONSIDERATION OF THE RUBY W. MORGAN PROPERTY, REQUEST FOR A ZERO LOT LINE SUBDIVISION REVIEW, COUNTY SUBDIVISION ORDINANCE; ZONING: A1; TOTAL ACREAGE: 14.42+/-; LOCATION: 2444 & 2528 & 2544 TUCKER ROAD (SR 1797)

Mr. Rooney presented the case which required zero lot line approval because two of the existing lots were smaller than required for the zoning, and the two being created out of one were larger. Overall density would be maintained. The planning staff recommended approval. Motion to approve subject to conditions was made by Mrs. Piland, and 2nd by Mr. Geddie. Vote was 5-0 in favor of the motion.

Agenda Item #9:

Consider No-Toll I-95 Coalition Membership.

After discussion, the Council took no action on a request from the Roanoke Rapids Chamber of Commerce to join the effort to block tolls on I-95.

Agenda Item #10:

Consider Town Speed Limit Ordinance.

The Council approved an amendment to Ordinance #01-2010, Ordinance Regarding Setting Speed Limits within the Town of Eastover. The ordinance originally covered the NCDOT streets in Eastover, and was amended to include street(s) now owned by the Town. The speed limit on roads and streets owned and maintained by the Town will 35 MPH unless otherwise posted. Mrs. Piland made the motion to approve, with a 2nd by Mr. Geddie. Vote was 5-0 in favor of the motion.

Agenda Item #11:

Consider contract with Cumberland County Sheriff's Office.

The Town of Eastover contracts annually with the Sheriff's Office for a deputy during the hours of 8:00 a.m. – 5:00 p.m. Monday through Friday.

On a motion from Mr. Pearce, and 2nd by Mr. Buffaloe, the Council approved the contract for Fiscal Year July 1, 2012 – June 30, 2013 by a vote of 5-0.

VII. RECEIVE MAYOR'S UPDATE.

Mayor McLaurin asked about the survey on Talley Woodland Park, and the Town Manager responded that it should be complete next week.

Mayor McLaurin also asked for an update on School Street, and Attorney Jackson stated that he was in the process of reviewing all of the title searches. Once complete, we can approach the residents in that area.

Mayor McLaurin also thanked the Town Manager and Mr. Nail for placing the flags along Dunn Road, and thanked Mr. West for his work in keeping the Town properties neat and orderly.

VIII. RECEIVE TOWN COUNCIL UPDATE.

There were no comments from Town Council members.

IX. RECEIVE TOWN MANAGER'S UPDATE.

The Town Manager had no comments.

X. CONSIDER A MOTION TO ADJOURN.

A motion to adjourn was made by Mr. Buffaloe at 8:07 p.m., and a 2nd was offered by Mrs. Piland. The Council voted unanimously in favor of adjournment.

Town of Eastover

Charles G. McLaurin, Mayor

Attest: _____, Town Clerk
Jane F. Faircloth