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4 Town of Cedar Point
5 Board of Commissioners Regular Meeting
6 January 22, 2019
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8 The Town of Cedar Point Board of Commissioners held their regularly scheduled monthly
9 meeting on Tuesday, January 22, 2019 at 6:30 PM. Mayor Hatsell determined a quorum to be
10 present and opened the meeting.
11

12 PRESENT: Mayor Hatsell, Commissioners Castellano, Nash, and F. Winberry, Town
13 Administrator Seaberg, Town Attorney Whitford, Deputy Nakamura, Town Clerk Calhoun and
14 public
15

16 ABSENT: Commissioner D. Winberry
17

18 Commissioner Nash made a **Motion** to excuse Commissioner D. Winberry from the meeting.
19 The Motion carried 3-0.
20

21 Pastor Jeff Duncan of Grace Church gave the Invocation, followed by the Mayor leading the
22 Pledge of Allegiance.
23

24 The Agenda was presented for Adoption; Commissioner Castellano made a **Motion** to adopt the
25 Agenda as presented. The Motion carried 3-0.
26

27 The Consent Agenda was next presented for Board consideration and approval. The Consent
28 Agenda consisted of the Financial Statements, Code Enforcement Report, Zoning Permit Report,
29 Fire Inspection Report, and the Minutes from the August, October, November and December
30 meetings. Commissioner F. Winberry made a **Motion** to approve the Consent Agenda as
31 presented. The Motion carried 3-0.
32

33 A Public Hearing to hear and discuss Public Comments concerning a rezone request (RZ-18-
34 005) was the next Agenda item. This request was to rezone a parcel located at 246 Old Highway
35 58 from R-15M Residential Mobile Home District to B-1 General Business District.

36 Commissioner Nash made a **Motion** to go into Public Hearing. The Motion carried
37 unanimously, 3-0. Mr. Seaberg presented a brief overview of the application. Ms. Bonnie
38 Morton, applicant, was present for any questions or comments. She explained that the adjacent
39 lot is already zoned commercial, making the parcel in question more suitable for the purpose of
40 selling. This property originally belonged to the applicant's mother, who passed away. Ms.
41 Morton is heir to this property and wishes to sell this parcel.

42 The Mayor opened the floor to public comment.
43
44 Mr. Richard Waite, 243 Old Highway 58, has property located across the street from the
45 applicant's parcel. He believes the property should remain Residential, with the possibility of
46 rezoning to Commercial should the Walmart property be sold and developed. He would prefer
47 the Board take a wait and see approach, rather than rezoning it this evening.
48
49 Dianna Mazza, 135 Ash Street, expressed concern over stormwater runoff should there be a
50 commercial entity constructed on this parcel.
51
52 Mr. Jim Cates, 259 Old Highway 58, was against the rezone due to the lack of interest
53 developing the Walmart property.
54
55 No further comments were provided.
56
57 Commissioner F. Winberry made a **Motion** to go out of Public Hearing. The Motion carried 3-0
58
59 The Mayor asked for Board comments, beginning with Commissioner F. Winberry, who had no
60 comment.
61
62 Commissioner Nash referenced the Comprehensive Plan, which should be a blueprint for the
63 Town's future development and growth. He stated that development should not be limited just
64 because surrounding commercial lots had not been developed yet. The Comprehensive Plan is
65 very clear as to what the Town is striving towards.
66
67 Commissioner Castellano had no comment.
68
69 Commissioner Nash made a **Motion** to approve the rezone request (RZ-18-005) with the
70 Consistency Statement as follows: The Board of Commissioners of the Town of Cedar Point
71 hereby finds that the proposed Official Zoning Map amendment application **Rezoning**
72 **Application RZ-18 005** a request to rezone a parcel, Tax Parcel 5374-0898-5711 located at 246
73 Old Hwy 58 from R-15M Single Family Residential District–Mobile Home to B-1 General
74 Business District **is** consistent with the Town of Cedar Point Comprehensive Plan adopted
75 November 27, 2012 because the parcel in question being located within an **Existing Core Area,**
76 **Central Business Corridor Overlay District, and a Business Corridor Land Use**
77 **Classification** as designated on the Town of Cedar Point Future Land Use Map (2012). These
78 Future Land Use designations **do** encourage the zoning district at which the applicant is
79 proposing the parcel in question to be located within. Further, the Board finds that the proposed
80 Official Zoning Map amendment application **Rezoning Application RZ-18-005** a request to
81 rezone a parcel, Tax Parcel 5374-0898-5711 located at 246 Old Hwy 58 from R-15 M Single
82 Family Residential District–Mobile Home to B-1 General Business District **is** reasonable and in
83 the public interest because an **Existing Core Area, Central Business Corridor Overlay**
84 **District, and a Business Corridor** Future Land Use designation **do** encourage the zoning
85 designation at which the applicant is proposing. The Motion carried 3-0.
86
87 A Commercial Site Plan for Performance East Motorsports was the next item for Board
88 consideration. Mr. Jonathan McDaniel, of Bell & Phillips Surveying, was present on behalf of
89 the applicant. The Planning Board approved this site plan at their January 8, 2019 meeting with
90 the condition that the LID (Low Impact Development) aspect be respected.

91 There will also be new plantings of crape myrtle and pine trees to further enhance the property.
92 There was no Board discussion.
93

94 Commissioner Castellano made a **Motion** to approve the Commercial Site Plan as presented.
95 The Motion carried 3-0.
96

97 A cellular phone tower co-locate request was next presented for Board consideration and
98 approval. This tower will be upgraded for T-Mobile by Bluewave Deployment, and is located
99 off Cedar Point Boulevard, behind Crystal Coast Tents and Events. This co-locate involves
100 adding an antenna onto the tower, which brings it up to 97% maximum load of antenna and other
101 co-location components. Town Attorney Whitford explained that the NC General Assembly has
102 implemented laws that make any flexibility on the local government's part difficult. Basically,
103 the Board must approve the request. Commissioner F. Winberry made a **Motion** to approve
104 Bluewave Deployment's Co-Location request. Motion carried 3-0.
105

106 Deputy Nakamura presented his Deputy Report, reminding citizens about acting as law
107 enforcement. There have been many instances of citizens blocking roadways or stopping
108 vehicles they believe are driving in an unsafe manner. Deputy asked that citizens call dispatch
109 or, if an emergency, call 911.
110

111 Mr. Seaberg presented his Town Administrator report, beginning with an update on the Fir Street
112 paving project. The stormwater permit has been received, and a signed contract has been
113 received from Onslow Paving & Grading. Phase I will be underway most likely in the spring
114 when the weather improves. Phase II will proceed thereafter; no Board direction is necessary for
115 this second phase.
116

117 Hurricane Florence significantly damaged the sidewalk near the bridge. The final numbers are in
118 and it is estimated that \$25,000 will be needed to return the sidewalk to pre-storm condition. Per
119 FEMA guidelines, it must be restored first to pre-storm conditions, then subsequent
120 improvements can be made to prevent further damage.
121

122 There is a Project Budget Ordinance for \$25,000 to begin the repairs on the sidewalk. Funding
123 will be pulled from Powell Bill funds. Mr. Seaberg asked for direction from the Board as to how
124 to approach the sidewalk repairs and improvements. The Board directed Mr. Seaberg make
125 necessary repairs to bring the sidewalk to pre-storm, then consult with Mr. Alan Bell to confirm
126 how much rip rap will be needed and how it should be placed to avoid further damages from
127 future storms.
128

129 Mr. Whitford suggested hiring a design professional to look at the area and determine if there is
130 enough space without having to secure the easements from property owners. If there is not
131 enough space, condemn these small slivers of property to gain enough area to facilitate repairs.
132 He also reminded Mr. Seaberg to be sure to secure all necessary permits to include CAMA.
133 Commissioner Nash made a **Motion** to authorize Mr. Seaberg to move forward with repairing
134 the sidewalk to pre-storm condition and securing a contractor by sealed bid process. The lowest
135 bid will be awarded the contract.
136

137 Mayor Hatsell requested Mr. Seaberg rewrite the contract for Phase I Debris Removal to
138 eliminate the need for Town staff to give written authority to commence work post storm.
139

140 Due to communication issues directly after Hurricane Florence, it was impossible to
141 communicate electronically with Ricky Taylor, Phase I contractor. Mr. Seaberg agreed that the
142 contract would be reworded.
143

144 The Masonic Park Property update was next provided by Mr. Seaberg. Instead of going in the
145 direction of a bond, the purchase will be funded with a loan. This method is expected to be
146 better economically for the Town. A \$250,000 grant was awarded to the Town from Coastal
147 Land Trust. A grant in the amount of \$500,000 is being pursued through the Parks and
148 Recreation Trust Fund (PARTF). Commissioner F. Winberry made a **Motion** to approve the
149 Town pursuing the PARTF Grant. Motion carried 3-0.
150

151 Commissioner Castellano made a **Motion** to authorize the Town to accept the \$1,000,000 Clean
152 Water Trust Grant. Motion carried 3-0.
153

154 Mr. Seaberg then presented the Budget Calendar for Board consideration and approval. Dates
155 are as follows: March 22, 2019, draft proposal presentation of the 2019-2020 budget. March 29,
156 Budget Work Session 9:00 AM, Thursday, April 18, 2019, revised draft proposal as well as the
157 2017-2021 Strategic Budget Plan. Friday, April 26, 2019, *if needed* an additional Budget Work
158 Session. Thursday, May 16, 2019, Final Draft proposal. Tuesday, May 21, 2019, a Public
159 Hearing to receive citizen input concerning the budget as well as the Strategic Budget Plan.
160 Tuesday, June 25, 2019, *if needed* an additional Public Hearing. Commissioner F. Winberry
161 made a **Motion** the Budget Calendar as presented. Motion carried 3-0.
162

163 The Planning Board report consisted of a Commercial Site Plan for Performance East
164 Motorsports and a rezone request. The rezone request (RZ-18-006) requested a parcel of land
165 located at 430 Sherwood Avenue from R-15 Single Family Residential District to B-1 General
166 Business District. The Planning Board unanimously approved the request at their January 8,
167 2019 meeting. A Public Hearing date must be set by the Board. Commissioner Nash
168 made a **Motion** to set the Public Hearing date for rezone request RZ-18-006 for Tuesday,
169 February 26, 2019. Motion carried 3-0.
170

171 The Board of Adjustment Chairman, Bill Ennett has stepped down from the position of
172 Chairman, but will remain on the board as a regular member. The board will meet to vote on a
173 new Chairman. Interviews should be set up for candidates wishing to serve on the Board of
174 Adjustment; Town Clerk Calhoun will compile a list of applicants. The Planning Board also has
175 vacant seats; Town Clerk Calhoun does have applications on file that could potentially fill these
176 seats.
177

178 The Mayor then opened the floor to public comments.
179

180 Dianna Mazza asked if contact had been made for those property owners along the right of way
181 affected by the sidewalk repairs.
182

183 Paul Garavaglia expressed concern over speeding vehicles and the need for additional law
184 enforcement officers. He also noted drainage problems at the intersection of Masonic Avenue
185 and Little Bay and encouraged the town to better plan for the non-typical rainfall events. He was
186 worried that the new Performance East Motorsports would only add to the drainage problem.

187 Jonathan McDaniel pointed out that the new Performance East Motorsports would not contribute
188 towards the drainage issues found at Masonic and Little Bay, rather, this location has its own
189 infiltration drainage system.
190

191 Mayor Hatsell reassured everyone that the Town will remain watchful over the drainage issues at
192 the intersection of Masonic Avenue and Little Bay. Once the Town gains possession of the
193 Masonic Property, the drainage issue can be addressed more aggressively.
194

195 The Mayor moved on to Commissioner Comments:
196

197 Commissioner F. Winberry had no comments.
198

199 Commissioner Nash gave a briefing about the PARTF grant that is being pursued.
200

201 Commissioner Castellano had no comments.
202

203 Town Attorney Whitford had no comments.
204

205 Mayor Hatsell stated that there was discussion a few years ago concerning adding a second
206 deputy. The Town's statistics at that time did not reflect a need for additional deputies to be
207 present in Cedar Point. However, now that the town has seen additional growth, It may be time
208 to re-examine this matter.
209

210 Town Clerk Calhoun encouraged everyone to be on the lookout for the Parks & Rec Survey
211 coming digitally. This survey will gauge what the citizens would like to see with the new
212 Masonic Property.
213

214 There being no further business to discuss, the meeting was adjourned. Commissioner F.
215 Winberry made a **Motion** to adjourn the meeting. Motion carried 3-0.
216

217 The meeting adjourned at 8:25 PM
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224
225
226 
Scott Hatsell, Mayor


Jayne Calhoun, Town Clerk