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4 Town of Cedar Point Board of Commissioners  
5 Agenda Work Session  
6 March 17, 2022  
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8 The Town of Cedar Point Board of Commissioners held an Agenda Work Session on Thursday,  
9 March 17, 2022 at 6:30 PM.  
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11 PRESENT: Mayor Hatsell, Commissioners Reilly, Bray, Castellano, Nash, and Winberry, Town  
12 Manager Rief, Town Clerk Calhoun and public  
13

14 Mayor Hatsell determined a quorum to be present and opened the meeting.  
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16 The first order of business was a Hearing for a Special Use Permit Application; a request to  
17 allow a Community Food Hall in a B-1 Zoning District, located at 135 Sherwood Avenue. Mr.  
18 Rief read through the procedural matters and described what was to be expected with a Special  
19 Use Permit Application Hearing. Those wishing to provide relevant testimony were sworn in to  
20 include Mr. David Rief, Mr. and Mrs. Red Harrell (applicants), and Mr. Karl Hackbarth. There  
21 was no objection to any of the Board participating in this hearing or recusal of any board  
22 members. Commissioner Nash stated that he had an ex parte conversation with Town Staff  
23 concerning septic capacity and parking.  
24

25 Mr. Rief read the application into the record including the standards to be met for the application.  
26

27 Ms. Ashley Harrell, applicant, of 319 Bell Cove Court, Emerald Isle, was given the floor. She  
28 stated that she is the current owner of Gaffer's Restaurant located on Emerald Isle. Her family  
29 resided in Marsh Harbour Subdivision at one time and is familiar with the day-to-day operations  
30 required of a restaurant facility. Their goal is to house a food hall inside the building, which  
31 consists of different food vendors and a tap room for craft beers. There is also potential for live  
32 music.  
33

34 Board questions followed: Commissioner Nash stated a Commercial Site Plan Review would be  
35 required, with any changes being proposed to be reviewed by the Planning Board as well as the  
36 Board of Commissioners. He also questioned the septic capacity and parking space. Ms. Harrell  
37 responded that currently the occupancy limit for the septic is 15 seats, but it's their intention to  
38 increase the capacity to 75 seats. Parking is currently 1 space for every 3 seats.

39 Commissioner Reilly wanted to know of any responses from the Notice Letter sent to adjacent  
40 property owners; there was none.  
41  
42 Mayor Hatsell asked if there were any landscaping plans available; Ms. Harrell indicated those  
43 plans were still in the preliminary stages. Mayor Hatsell expressed concern that there would be  
44 live music after 9:00 PM, and most likely would suggest this being a condition upon approval of  
45 application that there would be no live music after 9:00 PM.  
46  
47 Ms. Harrell stated that there would be an onsite, full-time manager, plus attorneys to ensure  
48 compliance to all regulations and a smooth transition. There are also plans to employ security  
49 and maintenance staff.  
50  
51 Commissioner Reilly asked how many vendor stalls were proposed to which Ms. Harrell  
52 answered 7 ‘anchor’ stalls with 4 to 6 kiosks. Commissioner Reilly also voiced concern over the  
53 parking issues and suggested consideration be given to the Fire Department and their staff trying  
54 to sleep.  
55  
56 Town Attorney Whitford recommended affirming to the record that the Special Use Application  
57 submitted was true and correct. Ms. Harrell confirmed that it was.  
58  
59 Mr. Karl Hackbarth, 110 Castaway Cove, Marsh Harbour HOA, quoted a survey taken amongst  
60 the residents of the subdivision. This survey was mostly against the food hall. The concern was  
61 mostly traffic and cut throughs within the subdivision.  
62  
63 Commissioner Nash stated an SUP is the one time direction and conditions can be set.  
64 Occupancy should be based on septic and parking and should not implement hours of operation  
65 conditions. There should be a stipulation for live music that would ensure that noise be kept to a  
66 minimum.  
67  
68 Mayor Hatsell asked if the Board was prepared to make a Motion to approve, approve with  
69 conditions or disapprove the Special Use Permit Application. Commissioner Nash made a  
70 **Motion** to approve the Special Use Permit Application with the following conditions: no  
71 entertainment past 9:00 PM, entertainment must be inside, and increase capacity for septic and  
72 parking. The Motion carried 5-0 unanimously.  
73  
74 Mr. Harrell stated that the conditions limit their business model. Ms. Harrell stated that she was  
75 not willing to sign the permit due to its limitations.  
76  
77 Town Clerk Calhoun swore in Mr. LA Johnson, property owner and Mr. Red Harrell, applicant.  
78  
79 Mr. Harrell stated that their business model would be that of a lively environment. Mr. Johnson  
80 stated that the establishment never had a problem with parking and that there is plenty of room  
81 for patrons to park.  
82  
83 Mr. Rief pointed out that a permit is required per Town ordinances for amplified music, and the  
84 establishment is allowed 24 events per year.

85 Mr. Whitford recommended leaving the approval as it is. The Board can amend the permit later;  
86 the Town should keep the door open for further discussion.

87  
88 The next agenda item concerned an Annexation Petition for 244 White Oak Street. Mayor  
89 Hatsell directed Town Clerk Calhoun to investigate the sufficiency of the petition.  
90 Commissioner Reilly made a **Motion** to schedule a public hearing for the annexation at 244  
91 White Oak Street on Thursday, April 21, 2022. The Motion carried 5-0.

92  
93 Mr. Rief announced Public Director Don Redfearn's retirement this July. He proposed hiring a  
94 public works employee. Mr. Rief proposed a Budget Amendment to move \$15,000 to the Town  
95 Services Tech position. The fee in lieu of payment for Bridgeview Subdivision of \$113,152.15  
96 will be set aside to its own fund, and Powell Bill funds will be moved to street maintenance for  
97 streets and roads improvements.

98  
99 Mayor Hatsell recommended hiring two Public Works employees. Mr. Rief will place this item  
100 on the March 22, 2022 Agenda.

101  
102 The Fourth of July fireworks display will be staged on the driving range at MacDaddy's. At the  
103 conclusion of the fireworks show, there will be right turns only for exiting vehicles. Barricades  
104 will be put up at Marsh Harbour to prevent cut through traffic. Mr. Rief will draft a resolution  
105 for this road closure to present to the board at the Tuesday regular meeting.

106  
107 The plans for the kayak launch at the park have changed slightly to accommodate the gangway at  
108 a 45° angle. Estimate for launch and materials is at \$45,737. Board approval is necessary to  
109 move forward with this project.

110  
111 The estimate to rehab the Town signs (both gateway signs and the Sherwood Avenue sign came  
112 in at \$3300 for all. The electronic signs will be discussed at the Budget Work Session on April 1,  
113 2022.

114  
115 The insurance adjuster has responded with an estimate of \$9,993 for the streets damaged by  
116 hydraulic fluid from a GFL trash truck. The adjuster suggested contracting a pressure washing  
117 company to attempt to clean the damaged streets. If this method is unsuccessful, Mr. Rief will  
118 go back to the insurance company.

119  
120 The annual Spring Cleanup is slated for Saturday, April 30, 2022. Mr. Rief negotiated with  
121 Emerald Isle Manager Matt Zapp a cost of \$54 per hour per truck, \$50 per hour per man, fuel  
122 costs, and \$75 per load. This cleanup effort may take more than a day and the Town will extend  
123 the service dates if needed.

124  
125 A Special Use Permit Application has been submitted for a General Contractor's office located at  
126 512 Cedar Point Boulevard.

127  
128 A Rezone Request was received for 132 Cedar Point Boulevard to rezone from R20 to B2. The  
129 applicant is proposing jet ski and pontoon boat rentals.

130

131 This request is expected March 22, and there will also be signage proposed.

132

133 The Walmart property is under contract; plans are expected soon.

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135 There being no further business to discuss, the meeting was adjourned. Commissioner Winberry  
136 made a **Motion** to adjourn the meeting. The Motion carried 5-0.

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138 The meeting adjourned at 8:28 PM.

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Scott Hatsell, Mayor

  
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Jayne Calhoun, Town Clerk