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4 Town of Cedar Point Board of Commissioners
5 Regular Meeting
6 May 23, 2023
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8 The Town of Cedar Point Board of Commissioners held their regularly scheduled monthly
9 meeting on Tuesday, May 23, 2023 at 6:30 PM at Town Hall. Mayor Hatsell determined a
10 quorum to be present and opened the meeting.
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12 PRESENT: Mayor Hatsell, Commissioners Reilly, Bray, Castellano, Nash, Winberry, Town
13 Manager Rief, Town Attorney Whitford, and Town Clerk Calhoun
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15 A Moment of Silence was observed, followed by the Mayor leading the Pledge of Allegiance.
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17 The Agenda and Consent Agenda, consisting of the April 20, 2023 Agenda Work Session
18 Meeting Minutes, and the April 25, 2023 Regular Meeting Minutes, was presented for Board
19 consideration and approval. Commissioner Bray made a **Motion** to approve the Consent Agenda
20 as presented. The Motion carried 5-0.
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22 A hearing for a Special Use Permit (SUP-2023-02) was the next item on the Agenda. This
23 application was to allow the use of the adjacent lot for a street yard display of outdoor furniture.
24 Mr. Rief provided an overview of the quasi-judicial proceedings. Town Clerk Calhoun swore in
25 the applicant, Mr. Tony Howell and Mr. Rief.
26

27 There were no site visits by Board members, ex parte communications, or objections to the
28 participation of any Board members.
29

30 Mr. Rief read the application into the record. The applicant submitted an addendum to the
31 original application; Mr. Rief read both into the record. Both the application and the addendum
32 were deemed truthful by Mr. Howell and entered into the record.
33

34 Mr. Rief read the UDO requirements for street yard displays, and Mr. Howell was given the floor
35 to speak. He stated that the owner of the property gave him permission to place the furniture on
36 the property. Commissioner Bray asked Mr. Howell if he was planning on any landscaping to
37 which Mr. Howell stated he would be open to any suggestions. Commissioner Castellano asked
38 how much furniture was planned to be displayed, to which Mr. Howell stated along the entire
39 front length of the property, 50 feet from the right of way.

40 Mr. Rief reminded Mr. Howell that there is a required 15 feet of buffer landscaping required
41 from the right of way.

42
43 Mayor Hatsell questioned whether this use was allowed in this area due to its flood zone status.
44 Mr. Rief stated that there was no permanent structures plan, so the use would be allowed. Mayor
45 Hatsell also expressed concern with the grass footing being compromised should the water rise.
46 Mr. Howell stated the display has been there since mid-February with no issues with the footing.

47
48 Town Attorney Whitford stated the Board can put conditions on the Special Use Permit, and
49 clearly state the use as an accessory use. Other conditions recommended are as follows: A
50 termination clause can be stated as well, such as termination of the permit once the use
51 concludes. The display should be limited to outdoor furniture and accessories only, with no sales
52 conducted on subject property unless the store is open for business. No amplified music will be
53 allowed, and lighting, if any, should be directed downward so as not to cause light pollution or
54 disturbance to neighboring properties. Use of parking spaces for display of outdoor furniture
55 will not be allowed, however, no additional parking will be required. Proper maintenance of
56 display area and product is required. The permit will only be valid for a period of 5 years.

57
58 Mr. Howell stated he does not plan on lighting the display area, however, if the Board sees a
59 need to have additional lighting, he will consider that. The security cameras will be mounted on
60 the store building.

61
62 Commissioner Nash would like this type of display limited to vacant parcels and the town's best
63 interest should be considered.

64
65 Mayor Hatsell then put the Findings of Fact to a vote. Commissioner Nash voted Nay on item
66 A which states that the proposed use conforms to the character of the neighborhood, considering
67 the location, type and height of buildings or structures and the type and extent of landscaping on
68 the site. He stated he does not like the expansion of the display. The Board was unanimously in
69 favor of the other 6 Findings of Fact as well as Mr. Whitford's recommended conditions.

70
71 Commissioner Reilly made a **Motion** to close the Hearing. The Motion carried 5-0.

72
73 Commissioner Bray made a **Motion** to approve the Special Use Application (SUP-2023-02) with
74 the added conditions. Commissioners Reilly and Nash voted Nay. The Motion carried 3-0.

75
76 The Commercial Site Plan Review for Crosley Corporation was the next agenda item. The
77 applicants have not responded to emails and phone calls from Mr. Rief concerning updated
78 drawings. Commissioner Reilly made a **Motion** to table the matter until such time as updated
79 drawings are received. The Motion carried 5-0.

80
81 A Public Hearing to consider the 2023-2024 Proposed Budget was next for consideration.
82 Commissioner Reilly made a **Motion** to open the Public Hearing. The Motion carried 5-0.

83 The draft budget was presented for Board consideration and discussion at their May 18, 2023
84 Agenda Work Session. There were no changes to discuss.

85
86 A resident from Marsh Harbour inquired about the proposed sidewalk down Sherwood as well as
87 the Marsh Harbour sign remaining at the entrance to the subdivision. Mr. Rief explain the
88 proposed sidewalk will be on the pool side of Sherwood, and the sign will remain at the entrance
89 as that is the development's property not the Town's.

90
91 There was no other public comment.

92
93 Commissioner Bray made a **Motion** to close the Public Hearing. The Motion carried 5-0.

94
95 Commissioner Castellano made a **Motion** to approve the 2023-2024 Budget. The Motion carried
96 5-0.

97
98 Deputy Nakamura was unable to attend this evening's meeting.

99
100 Mr., Rief presented his Manager's Report, beginning with concern over a Senate Bill being
101 considered at the State level. SB675 proposed to remove ETJs from all municipalities. Mr. Rief
102 feels the legislature should give towns leverage or the ability to annex ETJ properties. Mr. Rief
103 will be drafting a letter to send to the State Judiciary Committee and our local delegates
104 regarding his sentiments on this proposed legislation.

105
106 Town Clerk Calhoun read a letter from Coastal Regional Solid Waste Management Authority
107 (CRSWMA) that stated Chris Seaburg was the Cedar Point representative. A new representative
108 must be appointed, and Commissioner Winberry stated he would be the delegate for the Town.

109
110 Commissioner Reilly announced the VFW would be hosting a job fair June 24, and July 1, 2023
111 at the VFW.

112
113 Mayor Hatsell praised Mr. Rief on his work on the 2023-2024 Budget and also wished everyone
114 a safe holiday weekend.

115
116 There being no further business to discuss, the meeting was adjourned. Commissioner Reilly
117 made a **Motion** to adjourn the meeting. The Motion carried 5-0.

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119 The meeting Adjourned at 8:17 PM.

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Scott Hatsell, Mayor



Jaye Calhoun, Town Clerk