



Town of Cedar Point
Board of Commissioners Regular Meeting
July 25, 2017

The Town of Cedar Point Board of Commissioners held their regularly scheduled monthly meeting on Tuesday, June 25, 2017 at 6:30 PM. Mayor Hatsell determined a quorum to be present, and opened the meeting.

PRESENT: Mayor Hatsell, Commissioners Castellano, D. Winberry, F. Winberry, Town Administrator Seaberg, Town Attorney Whitford, Town Clerk Calhoun, Deputy Nelson and public

ABSENT: Commissioner Meadows

Commissioner Castellano made a **Motion** to excuse Commissioner Meadows from the meeting. Motion carried unanimously.

Pastor Jeff Duncan from Grace Church presented the Invocation, followed by Mayor Hatsell leading the Pledge of Allegiance

The Agenda was presented for Board consideration, and Commissioner F. Winberry made a **Motion** to adopt the Agenda as presented. Motion carried unanimously.

The Consent Agenda, consisting of the Financial Reports, Minutes from the June 27, 2017 Regular Meeting and the Zoning Permit Reports was presented for Board consideration and approval. Commissioner D. Winberry made a **Motion** to approve the Consent Agenda as presented. Motion carried unanimously.

A Public Hearing to discuss and hear public comments concerning a Change in Use application (CUP-17-001) from Mr. Paul Musco, Across the Bridge Brewery.

Commissioner F. Winberry made a **Motion** to go into Public Hearing. Motion carried unanimously.

Mr. Seaberg presented a brief overview of the prospective business. Across the Bridge Brewery would be an establishment specializing in craft beers, and high end cocktails, plus a food truck serving brick oven pizzas and tapas. There would be outside seating, and the food truck would be located adjacent to the building. Adjacent and abutting property owners were notified via US Mail, Certified Return Receipt.

There are conditions that must be met prior to business becoming operational such as a vegetative buffer and a signed agreement concerning hours of operation and noise.

Mayor Hatsell gave the floor to the applicant, Mr. Paul Musco. Mr. Musco was very insistent that this establishment would not be a nightclub, and would not feature bands outside or loud music. He is aiming for a different demographics, and this would be a family friendly place as well.

The floor was given to the public for comment, with Mr. and Mrs. Steve Wheaton being the first to speak. Their backyard is adjacent to the applicant's property, and Mr. Wheaton is extremely concerned over the loud music that has been a mainstay at past establishments, all of which were bars and nightclubs. Town Attorney Whitford asked Mr. Wheaton where the noise came from, and was this noise amplified? Mr. Wheaton answered affirmatively, stating that the loud music was coming from the previous business that was there.

Mrs. Pat Wheaton voiced the same complaint, indicating that she could not enjoy evenings on her back porch because of the loud music.

Mrs. Vicky Lehman, expressed concern also over loud music, and also the parking lot not being big enough to accommodate patrons. She also was concerned over Mr. Musco changing his mind about having live music and hosting live bands, anyway.

There were no further public comments.

Commissioner D. Winberry made a **Motion** to close the Public Hearing. Motion carried unanimously.

Discussion followed, beginning with Town Attorney Whitford. Under the Land Use Law, uses under the rules of Conditional Uses are appropriate for Town public health and safety must be taken into consideration. Fire, EMS and water services will not be overburdened due to the business. The Board may prescribe, where appropriate, conditions and safeguards to this end. Mr. Whitford encouraged the Board to pose questions to the public and the applicant.

Mayor Hatsell addressed Mr. Wheaton as to his previous experiences with loud music. The Deputy did respond right away to the noise complaints. There will be a vegetative buffer installed, to alleviate any future noise concerns. Mr. Musco did reiterate that he had no desire to offer live music or even play loud music via radio or stereo.

Commissioner Castellano stated that the Planning Board asked for a signed document agreeing to the conditions to include respecting the noise ordinances. Mr. Musco is unopposed to signing such a document.

Commissioner D. Winberry made a **Motion** to approve the Conditional Use Permit (CUP-17-001) with the signed document agreeing to the conditions. Motion carried unanimously.

The next item on the agenda was a Project Budget Ordinance for a pedestrian access across Highway 24 to the new Bojangles. This crosswalk would allow pedestrians safe crossing from north side of Highway 24. It would be in conjunction with the NCDOT installing a traffic light to accommodate the traffic to and from Bojangles. The cost to the Town would be approximately \$10,000, and would Powell Funds would be used. Commissioner Castellano expressed concern over the sequencing of the light allowing for pedestrians to safely cross; DOT will ensure proper sequencing.

Commissioner Castellano made a **Motion** to approve the Project Ordinance for a Crosswalk at the Bojangles at Highway 24. Motion carried unanimously.

Mr. Seaberg presented his Town Administrator's report, beginning with a contribution request for dredging of Bogue Inlet. The contributions collected in 2016 have been depleted and the State is now looking to form a maintenance fund. \$2500 is being requested from the Town. A deadline for payment has not been given. Commissioner Castellano made a **Motion** to approve a contribution to the dredging of Bogue Inlet. Motion carried unanimously.

The Planning Board Report consisted of a Rezone Request (RZ-17-002) from the Stanley Corporation. The request is asking that approximately 4.7 acres at 441 Cedar Point Boulevard be rezoned from MC Mobile Home and Camp Park District to B-1 Business District. A public hearing is necessary for the Board of Commissioners to hear and discuss public comment. Commissioner F. Winberry made a **Motion** to schedule a public hearing for Rezone Request RX-17-002, The Stanley Corporation, for Tuesday, August 29, 2017. Motion carried unanimously.

A Text Change (TEXT-17-002) amending the Cedar Point Ordinances, changing the Central Business Overlay District to a Mixed Use Development District was presented next. A public hearing is required for this Text Change. Commissioner F. Winberry made a **Motion** to set a public hearing date for Text Change TEXT-17-002 for Tuesday, August 29, 2017. Motion carried unanimously.

A final review of the Unified Development Ordinance will be presented in September.

Deputy Nelson presented his report, advising residents to lock their vehicles, even if they are in the driveway. There has been an increase in vehicle breakins.

Town Attorney Comments: Mr. Whitford stated that the MXOD was a good document and is making final comments on it and will forward to Mr. Seaberg.

Town Clerk Calhoun presented vacancies on the Planning Board due to Members Castellano and Lanier resigning. There are 3 member applications pending, however, the Board requested moving the alternates into seats at first, to give the Board a chance to review applications.

A reminder that next month's meeting date has changed by one week, being scheduled for Tuesday, August 29, 2017 at 6:30.

The Mayor and Board looked forward to seeing everyone at CedarFest.

The Mayor opened the floor to public comment. Ms. Jeannine Jones, a resident of Hill Street, asked if speed bumps could be installed as well as a children playing sign, due to excessive speeding of vehicles. This will be researched further and discussed at a future meeting.

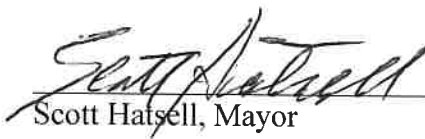
The Board then went into Closed Session per NCGS 143-318.11(a)(6) Personnel Matters. The Board went into Closed Session at 7:50 PM.

The Board returned to Open Session at 8:02 PM.

Commissioner Castellano made a **Motion** to extend an offer of employment to Mr. Dwight Turner, for Code Enforcement Officer. Motion carried unanimously.

There being no further business to discuss, the meeting was adjourned. Commissioner Castellano made a **Motion** to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 8:03 PM.


Scott Hatsell, Mayor


Jayne Calhoun, Town Clerk