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4 Town of Cedar Point Board of Commissioners
5 Agenda Work Session Meeting
6 August 24, 2023
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8 The Town of Cedar Point Board of Commissioners held an Agenda Work Session meeting on
9 Thursday, August 24, 2023 at 6:30 PM at Town Hall. Mayor Hatsell determined a quorum to be
10 present and opened the meeting.

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12 PRESENT: Mayor Hatsell, Commissioners Reilly, Bray, Castellano, Nash, and Winberry, Town
13 Manager Rief, and Town Clerk Calhoun
14

15 The first agenda item was a Commercial Site Plan Amendment for Bogue Sound RV Park. Due
16 to NCDOT's plans to expand the right turn lane onto Highway 58 toward Emerald Isle, the
17 entrance to the RV Park must be relocated. A new gated driveway will be located adjacent to the
18 outbound driveway of Bojangles. Commissioner Bray made a **Motion** to approve the
19 Commercial Site Plan amendment as presented. The Motion carried 5-0.
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21 A Special Use Permit Application Hearing was next on the Agenda. This application requested
22 an alteration to the original Conditional Use Permit to allow live entertainment at the Salty Air
23 Market. The applicants, Kevin Talbert and David Lamm, were present. Mr. Rief opened the
24 Hearing and read through procedural requirements. Town Clerk Calhoun swore in Mr. Rief, Mr.
25 Talbert and Mr. Lamm. Mr. Rief then read the application into the record, the applicants
26 confirmed the information that was read was accurate.
27

28 The applicants were then given the floor to speak. Mr. Talbert stated that their plans included
29 fencing in the entirety of the market, doing away with the existing small sections of fence,
30 adding palm trees, installation of a pergola with a fire pit, and adding a portable stage.
31

32 Board discussion followed. Commissioner Nash asked what types of entertainment would be
33 there and the frequency of the acts. Mr. Talbert answered Fridays and Saturdays they would host
34 live music from 6:00 PM to 9:00 PM, on Thursdays pool and cornhole would be offered from
35 6:00 PM to 9:00 PM and the venue would be closed on Sundays. Commissioner Reilly pointed
36 out a possible encroachment on Town Right of Way on western edge of property where parking
37 is located. He also expressed concern over fire apparatus having enough space to drive apparatus
38 into the venue.

39 Mayor Hatsell pointed out that there haven't been any vendors in some time, and the venue
40 seemed to be getting away from the vendor market status. Mr. Talbert stated that they are
41 making every effort to get vendors to return.

42
43 Letters were received and read aloud from Mr. Orin Weeks and Mr. Marshall King, both in
44 opposition to the Special Use Permit.

45
46 Mr. Ronald Faulkner, vendor, pointed out that there has been live music there for many years.
47 On several occasions, fire apparatus have come for non-emergency events and have had no
48 trouble accessing the venue.

49
50 David Lamm stated that there have been no noise complaints from adjoining property owners
51 and many of them are patrons regularly attending

52
53 Kimberly Talbert stated that the market property was becoming an eyesore. The Talberts wished
54 to make improvements and upgrades and make it family and pet friendly.

55
56 Commissioner Castellano agreed that it needed to look nice, but without irritating the neighbors
57 with loud music.

58
59 Findings of Fact were then read through and identified:

60
61 *Item A, that the proposed use conforms to the character of the neighborhood, considering the*
62 *location, type and height of buildings or structures and the type and extent of landscaping on the*
63 *site. Commissioners Reilly and Nash vote no. A condition should be added that entertainment*
64 *be confined to the hours of 6:00 PM to 9:00 PM. Commissioners Bray, Castellano, and*
65 *Winberry voted yes.*

66
67 *Item B, that adequate measures will be taken to provide ingress and egress so designed as to*
68 *minimize traffic hazards and traffic congestion on public roads. The Board voted Yes*
69 *unanimously.*

70
71 *Item C, that adequate utilities (water, sewer, drainage, electric, etc.) are available for the*
72 *proposed use. The Board voted Yes unanimously.*

73
74 *Item D, that the proposed use will not be noxious or offensive by reason of vibration, noise,*
75 *odor, dust, smoke or gas. The Board voted Yes unanimously.*

76
77 *Item E, that the establishment of the proposed use will not impede the orderly development and*
78 *improvement of surrounding property for uses permitted within the land development district.*
79 *The Board voted Yes unanimously.*

80
81 *Item F, that the establishment, maintenance and/or operation of the proposed use will not be*
82 *detrimental to or endanger the public health, safety, or general welfare. The Board voted Yes*
83 *unanimously.*

84 Item G, *that the use will be operated in compliance with all local, state, and federal laws and*
85 *will not become a nuisance by creating criminal activity or public disturbance.* The Board voted
86 Yes unanimously.

87
88 Commissioner Reilly made a **Motion** to close the Public Hearing. The Motion was unanimous,
89 5-0.

90
91 Commissioner Nash made a **Motion** to approve Special Use Permit SUP-2023-03 with the
92 conditions that music be limited to Fridays and Saturdays, 6:00 PM to 9:00 PM, and other
93 entertainment such as pool and cornhole Thursdays, from 6:00 PM to 9:00 PM or, at such times
94 this may be extended with the Town Manager's discretion. The language set forth in the Unified
95 Development Ordinance must also be followed. Commissioner Reilly voted Nay. The Motion
96 carried 4-1.

97
98 A Public Hearing for a Text Amendment was the next Agenda Item. This text amendment
99 concerned amendments for Section 5.7a signage within the Central Business Overlay District
100 and Chapter 9, Definitions. The Planning Board recommended striking the computation per lot
101 limit for signage and allow multi-tenant signage. The definitions for a digital sign and a digital
102 billboard were also added. Mayor Hatsell also added a limit to digital signage not to be allowed
103 within 500 feet of a residential area. A Consistency Statement was also included.

104
105 There was no Public Comment.

106
107 Commissioner Reilly made a **Motion** to close the Public Hearing. The Motion carried 5-0.

108
109 Commissioner Nash made a **Motion** to accept the Planning Board recommendation and the
110 addition of the prohibition of digital billboards within 500 feet of a residential area. The Motion
111 carried 5-0.

112
113 An Annexation Petition (ANN-2023-07) was next on the Agenda. The petition is for 355 VFW
114 Road. Town Clerk Calhoun has investigated the sufficiency of the application and it has met all
115 the requirements to annex into the Town limits. Commissioner Reilly made a **Motion** to open
116 the Public Hearing. The Motion carried 5-0. There was no Public Comment. Commissioner
117 Reilly made a **Motion** to close the Public Hearing. The Motion carried 5-0.

118
119 Commissioner Bray made a **Motion** to approve Annexation Petition ANN-2023-07. The Motion
120 carried 5-0.

121
122 A second Annexation Petition (ANN-2023-08) was presented for Board consideration. This
123 petition was for 107 Circle Drive. Mayor Hatsell directed Town Clerk Calhoun to investigate the
124 sufficiency of the application.

125
126 An RFP for the kayak launch parking lot was the next Agenda item. The deadline for responses
127 is before the September meeting. It was the Board's consensus to send out the RFP as written
128 and will be placed on the Consent Agenda for Tuesday's meeting.

129 Mr. Rief presented his Manager's Report, beginning with the group We The Water utilizing the
130 park as a stopping point for their kayak journey. They are requested to leave their kayak
131 overnight and camp on the park property. The Board collectively agreed to this request.
132

133 The new Ventrac quote came in slightly higher; \$66,753 which is approximately \$2,000 more
134 than the budgeted amount. Mr. Rief expects delivery of the machine sometime in the next few
135 weeks.
136

137 Celeste Cairns, Representative for our area, met with Mr. Rief concerning certain issues
138 throughout the Town with which she may be able to assist. A turnaround at the end of VFW
139 Road, Fir Street continuation of repaving, drainage, sidewalks on Highway 58 to VFW Road,
140 and a Boardwalk over the water at the Swansboro Bridge.
141


142 The annual Fall Cleanup date must be set.
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144 The Board of Adjustment composition will be changed from the Board of Commissioners to a
145 separate membership. These applications will be presented to the Board at the Tuesday regular
146 meeting.
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148 The Homeschool Beta Club has asked to use the Board room for their Initiation Ceremony
149 during business hours. A date for this has yet to be determined. The Board consensus agreed to
150 let them use the meeting room.
151

152 There being no further business to discuss, the meeting was adjourned. Commissioner Bray
153 made a **Motion** to adjourn the meeting. The Motion carried 5-0.
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155 The meeting Adjourned at 9:10 PM.
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Scott Hatsell, Mayor



Jayne Calhoun, Town Clerk