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6 Town of Cedar Point
7 Board of Commissioners Regular Meeting
8 August 27, 2019
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10 The Town of Cedar Point Board of Commissioners held their regularly scheduled monthly
11 meeting on Tuesday, August 27, 2019 at 6:30 PM. Mayor Hatsell determined a quorum to be
12 present and opened the meeting.
13

14 PRESENT: Mayor Hatsell, Commissioners Castellano, D. Winberry, Nash, and F. Winberry,
15 Town Administrator Seaberg, Town Attorney Whitford, Town Clerk Calhoun, and public
16

17 Pastor David Harper, Cedar Point \Pentecostal Holiness Church, presented the invocation,
18 followed by Mayor Hatsell leading the Pledge of Allegiance.
19

20 The Agenda in its new format offered the first Public Comment at the top of the Agenda. Mayor
21 Hatsell opened the floor to anyone who wished to speak concerning items *not* listed on the
22 Agenda. Mrs. Dianne Mazza expressed concern regarding the speeding issues on Highway 24,
23 as well as the traffic lights not being in sequence.
24

25 The Agenda and the Consent Agenda were both presented for Board consideration and approval.
26 Commissioner F. Winberry made a **Motion** to adopt the Agenda and approve the Consent
27 Agenda as presented. Motion carried 4-0.
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29 The next item for action and consideration was the certification of David Rief's contract and the
30 appointment of Jayne Calhoun as Interim Town Administrator. Commissioner D. Winberry
31 made a **Motion** to certify and approve the contract for Mr. David Rief, incoming Town
32 Administrator, with a salary of \$75,000. The Motion carried 4-0.
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34 Commissioner F. Winberry made a **Motion** to appoint Jayne Calhoun as Interim Town
35 Administrator at an hourly rate of \$25. Motion carried 4-0.
36

37 A Rezone Request was the next item on the Agenda; RZ-19-001 is a request to rezone
38 approximately 1.2 acres from R-20 Single Family Residential District to B-1 Business District.

39 The Board discussed this rezone request at their August 22, 2019 Agenda Work Session
40 Meeting. Commissioner Castellano made a **Motion** to go into Public Hearing. Motion carried
41 4-0.

42
43 Mr. Seaberg presented a brief overview of the application. There were no questions from the
44 Board. The signup sheet for public comment regarding this rezone was presented; Ms. Theresa
45 Kostrzewa, 137 Palmetto Drive was surprised that the Town would preserve 56.6 acres for a
46 park, and not preserve this neighborhood's residential zoning.

47
48 Mr. Michael Shuchar, 126 Dolphin Bay, asked that they not rezone this property. Mr. Shuchar
49 quoted the UDO as well to back up his request. He also pointed out that the lack of information
50 and/or business plan will be detrimental to the Town, increase traffic and pollution problems, and
51 there currently is not enough law enforcement presence to maintain order. Dolphin Bay Estates
52 is currently a school bus stop as well, something else to be considered. All residents are opposed
53 to this rezone request.

54
55 There was no further public comment.

56
57 Commissioner D. Winberry made a **Motion** to close the Public Hearing. Motion carried 4-0.

58
59 The Mayor asked for Board comments/discussion:

60
61 Commissioner Nash stated that, based on information presented at the Agenda Work Session on
62 August 22, 2019, he sees this lot as an extension of the subdivision and therefore is not in favor
63 of the rezone.

64
65 Commissioner F. Winberry does not think it will work if this property is rezoned to Business and
66 the resulting curb cuts would not work either.

67
68 Commissioner Castellano believes that property owners should do as they please with the
69 property they own, however, she concurs with Commissioner F. Winberry that this rezone would
70 not be a good fit for the Town.

71
72 Commissioner D. Winberry pointed out that the canal is considered public water and therefore
73 cannot be rezoned. Mr. Seaberg replied that this matter is not clearly outlined in the UDO, but
74 the Town can rezone public water.

75
76 Commissioner Nash made a **Motion** to *deny* the Rezone Request (RZ-19-001) and adopt the
77 following Consistency Statement: The Board of Commissioners adopts this as its consistency
78 statement in conformity with the North Carolina General Statute 160A-383. The subject
79 property is at the entrance of a single-family residential subdivision where properties are zoned
80 for single family uses. In the Town's Comprehensive Plan in the section titled "Business
81 Corridor" is the statement "existing residential uses are encouraged to remain, but commercial
82 uses are encouraged."

83 In the case of this application, the board finds that a commercial rezoning is not consistent with
84 public safety or the public interest and that the statement in the comprehensive plan regarding the
85 encouragement of existing residential uses to remain overpowers the statement about commercial
86 uses being encouraged. Therefore, the proposed rezoning is not consistent with the
87 comprehensive plan. The Motion carried 4-0.

88
89 The Debris Monitoring contract was next presented for Board approval. This contract will be for
90 a period of 3 years and will satisfy the requirements of a representative tracking each load of
91 storm related debris that is taken to the certified dump sites. The winning bidder is DebrisTech
92 out of Mississippi. This agreement will not become active unless and until there is a Declared
93 disaster. Commissioner F. Winberry made a **Motion** to approve the Debris Monitoring contract
94 for 3 years. Motion carried 4-0.

95
96 Mayor Hatsell then presented the second Public Comment section. Mr. Don Redfearn wanted
97 the Board to know that the park property is very close to opening, and that there were still some
98 safety concerns that needed to be resolved.

99
100 Deputy Nakamura presented his report; stating that the Town Hall break-in continues to be under
101 investigation, but they do have a suspect.

102
103 Town Clerk Calhoun presented the Planning Board report, request the Board set a Public
104 Hearing to hear and discuss public comments concerning a rezone request (RZ-19-002), a
105 request to rezone approximately .45 acres from R-20 Single Family Residential to R-15M, Single
106 Family Residential. Commissioner D. Winberry made a **Motion** to set the date for a Public
107 Hearing for rezone request RZ-19-002 for Tuesday, September 24, 2019. Motion carried 4-0.

108
109 Mr. Seaberg presented the Board with Minutes from a 1989 BOC meeting at last week's Work
110 Session. These Minutes outlined the adoption of an Ordinance adopting the 45 MPH speed limit
111 on Highway 24. If the Board were to move to dissolve this Ordinance, this would then, by
112 Statute, cause the speed limit to be reset to 35 MPH. Commissioner Castellano made a **Motion**
113 to dissolve the Ordinance created in 1989 directing the speed limit on Highway 24 as 45 MPH.
114 Motion carried 4-0. A letter will be sent to Mr. Preston Hunter, our regional representative for
115 NCDOT, requesting that the speed limit be reduced.

116
117 Mayor Hatsell opened the floor to Board comments:

118
119 Commissioner Nash invited the audience members to take a look at the Master Plan drawing
120 available at the rear of the board room. He also was pleased that the debris monitoring contract
121 was in place, as it should provide necessary oversight during storm debris removal. He also
122 advised that the West Carteret Fire Department will be purchasing a new ambulance and will
123 hold a Public Hearing concerning this purchase on Wednesday, September 11, 2019.

124
125 Commissioner D. Winberry wished Chris good luck at his new post at Town of Swansboro.

126
127 Mayor Hatsell then presented Chris with a commemorative plaque for his 14 years of service to
128 the Town of Cedar Point and invited the audience to remain after the meeting for refreshments.

129 There being no further business to discuss, the meeting was adjourned.
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131 Commissioner F. Winberry made a **Motion** to adjourn the meeting. The Motion carried 4-0.
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133 The meeting adjourned at 7:50 PM
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148 Scott Hatsell, Mayor



Jayne Calhoun, Town Clerk