



Town of Cedar Point
Board of Commissioners Regular Meeting
August 29, 2017

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7 The Town of Cedar Point Board of Commissioners held their regularly scheduled monthly
8 meeting on Tuesday, August 29, 2017 at 6:30 PM. Mayor Hatsell determined a quorum to be
9 present, and opened the meeting.

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

14
15 Pastor Tim Winters from Emmanuel Baptist Church presented the Invocation, followed by
16 Mayor Hatsell leading the Pledge of Allegiance

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18 The Agenda was presented for Board consideration, and Mayor Hatsell moved item d. Ordinance
19 to Allow the Sale of Alcoholic Beverages Before Noon on Sundays to item 8a. In regard to item
20 8, Public Hearing for a Text Change (TEXT-17-002) to the Cedar Point Zoning Ordinance,
21 Mayor Hatsell stated that the Public Hearing would be held, however, no Board vote would
22 come of this matter. This Text Change will be sent back to the Planning Board for further
23 editing, discussion and changed. Commissioner Castellano made a **Motion** to adopt the Agenda
24 with the changes noted. Motion carried unanimously.

25
26 The Consent Agenda, consisting of the Financial Reports, Minutes from the July 25, 2017
27 Regular Meeting, the Closed Session Meeting from July 25, 2017, Zoning Permit Report, Fire
28 Inspector's Report and a Resolution to participate in the State 401(k) and 457(b) retirement plans
29 was presented for Board consideration and approval. Item d. was moved to item 8a.
30 Commissioner D. Winberry made a **Motion** to approve the Consent Agenda with changes.
31 Motion carried unanimously.

32
33 A Petition for Voluntary Annexation was presented for Board discussion. 155 Boat Landing
34 Drive has asked to be annexed into the Town. Mayor Hatsell directed Town Clerk Calhoun to
35 investigate the sufficiency of the application and a public hearing was set for Tuesday,
36 September 26, 2017.

37 A Public Hearing to discuss and hear public comments concerning a Rezone Request (RZ-17-
38 002) for the Stanley Corporation was next proposed to the Board. Commissioner D. Winberry
39 made a **Motion** to go into Public Hearing. Motion carried unanimously.

40
41 Mr. Seaberg presented a brief overview of the property in question. This property has a B-1
42 Zoning District towards the front, and MC zoning in the rear portion. Adjacent and abutting
43 property owners were notified, and there was not opposition from them. A Consistency
44 Statement was given to the Board for approval and discussion. The Statement reads as follows:

45
46 The Board of Commissioners of the Town of Cedar Point hereby finds that the proposed Official
47 Zoning Map amendment application

48
49 **Rezoning Application RZ-17-002: a request to rezone approximately 4.7 acres of**
50 **property, Tax Parcels 5374-1313-8584 located at 441 Cedar Point Blvd. from MC Mobile**
51 **Home and Camp Park District to B-1 General Business District** is consistent with the Town
52 of Cedar Point Comprehensive Plan adopted November 27, 2012 because of parcel in question
53 being located either entirely or proportionately within an Existing Core Area and Business
54 Corridor Land Use Classifications as designated on the Town of Cedar Point Future Land Use
55 Map (2012). These Future Land Use designations does encourage the zoning district at which
56 the applicant is proposing the parcels question to be located within. Further, the Board finds that
57 the proposed Official Zoning Map amendment application

58
59 **Rezoning Application RZ-17-002: a request to rezone approximately 4.7 acres of**
60 **property, Tax Parcels 5374-1313-8584 located at 441 Cedar Point Blvd. from MC Mobile**
61 **Home and Camp Park District to B-1 General Business District** is reasonable and in the
62 public interest because an Existing Core Area and/or Business Corridor Future Land Use
63 designations does encourage the zoning designation at which the applicant is proposing.

64
65 There were no public comments.

66
67 Commissioner D. Winberry made a **Motion** to close the public hearing

68
69 Commissioner F. Winberry made a **Motion** to approve the Consistency Statement as written.
70 Motion carried unanimously.

71
72 Commissioner Castellano made a **Motion** to approve the request RZ-17-002. Motion carried
73 unanimously.

74
75 A Public Hearing for a Text Change (TEXT-17-002) to the Cedar Point Zoning Ordinance was
76 presented next. A new district, known as a Mixed Use District (MXOD) was proposed.
77 Commissioner F. Winberry made a **Motion** to go into Public Hearing. Motion carried
78 unanimously.

79
80 As stated at the beginning of the meeting, this matter will be given back to the Planning Board
81 for further information. The next Planning Board meeting will be Tuesday, September 12, 2017
82 at 6:30 PM. The Mayor opened the floor to Public Comment.

83 Mr. Kirby O'Malley, Magens Bay HOA was first to speak. He asked the Board if the questions
84 in the letter from Magens Bay attorney Mr. Russell Alexander would be answered. Town
85 Attorney Whitford, while in receipt of the same letter, understood the course of the meeting
86 differently. He was not aware that he would be answering the questions in the letter, rather, that
87 the Text Change be removed from the Agenda as a Motion item. This per the requests of Mr.
88 Alexander and the Magens Bay residents. The Public Hearing is still open, and comments will
89 be heard from all who wish to speak. There would be approximately 3 more public meetings at
90 which the public may offer their input and comments.

91
92 Mr. O'Malley proposed a citizen task force consisting of citizens who would offer input and
93 commentary to this change. Mayor Hatsell stated that this would not be considered at this time,
94 rather, allow the Planning Board to examine this closer and make corrections. The citizens are
95 always included in the Public Meetings and are allotted time for commentary. If a need for a
96 Task Force is seen, then it can be discussed a future date. Mr. O'Malley stated that at the last
97 Planning Board meeting the members were accepting of the draft as presented, which he found to
98 be unacceptable.

99
100 Mr. John Zimmerman was the next to speak, outlining how the whole concept of the Mixed Use
101 began. He pointed out that the Wilmington area, and its Mayfair, was 100 times larger than
102 Cedar Point and this property in question. He does not consider Mayfair as 'community' rather,
103 he considers a big mall with parking. He considers Mayfair as a poor example for the MXOD
104 Text Change. Mixed use does not mean ANY use, not automobile intensive, such as drive thru
105 windows, gas stations or auto repair businesses. He quoted a plan in southeast Virginia where
106 townhomes were interspersed with retail. An entity such as this should be able to sustain itself.
107 Mr. Zimmerman will be presented copies of his markup for Board review.

108
109 Mr. Andy Ennett, property owner and applicant spoke next. An area has to have a district before
110 there can be a plan. During the last Planning Board meeting, there were several points taken and
111 also several rejected. Mr. Ennett feels this new district would benefit the whole Town, not just
112 his property. Cape Carteret is looking at this type of zoning, and Swansboro just approved
113 several condo units to be built. Mayfair was just an example, and the proposed Cedar Point
114 MXOD should not be so restrictive that it cannot be developed.

115
116 Town Attorney Whitford presented a list of items for Board consideration (this list is referenced
117 herein and incorporated within these Minutes).

- 118 • Give developer option of MXOD or underlying zoning
- 119 • What is the minimum percentage that will be residential?
- 120 • How do you factor percentage of residential
- 121 • In the case of residential bonuses, developer can put 3 residential units per acre, if certain
- 122 things are done; currently, there are 8 units per acre allowed
- 123 • Is the fringe area adequate? Will the vegetative buffer be sufficient against residential
- 124 areas?
- 125 • When residential areas are being considered, what types of residences are being
- 126 considered? Condos? Town houses? Single dwelling?
- 127

- 128 • In reference to the height limitations, should be in feet, not how many stories.
- 129 • Permitted uses should be closely examined; what will be allowed and what will be
- 130 excluded?
- 131 • Traffic standards must be studied
- 132 • The limits for impervious surfaces must be examined
- 133 • A clear and stringent approval process must be made available within the Ordinance
- 134 consisting of a formal application with a detailed development plan and a final approval
- 135 from the Town. Compare what was proposed in plan form to the actual completed
- 136 structures. This can be done administratively, without the need for a public meeting.

137
138 Commissioner Meadows made a **Motion** to close the Public Hearing. Motion carried
139 unanimously.

140
141 Commissioner Meadows stated that this MXOD draft changes 20% of the Town's zoning and he
142 is not for this Text Change at all. It would act as an 'either/or' zoning, and it would be up to the
143 owner or developer to request from the Town to be part of the MXOD. Commissioner Meadows
144 also stated that all property owners who are affected by the proposed Text Change be notified by
145 mail of this proposed zoning change. Commissioner F. Winberry agreed with Commissioner
146 Meadows, and suggested just adding a new zoning district, in addition to current zoning.

147
148 Mr. Seaberg pointed out that these issues were already in discussion, and these suggested
149 changes can be made in future versions.

150
151 Town Attorney Whitford explained that these changes and concerns can be addressed within the
152 new drafting of the MXOD. The owner ultimately has the option to choose which district,
153 however, there will be process the owner must adhere to and follow. Existing uses must be
154 protected.

155
156 Commissioner Castellano likes the idea of flexibility that is afforded by the MXOD.

157
158 The Brunch Bill Resolution, which allows for the sale of alcohol on Sundays before noon, was
159 put before the Board for discussion. Commissioner D. Winberry was approached by the
160 manager of Riptidz, who asked for the Board to consider this change. The bar opens at 11:00
161 AM daily, and it would afford them the possibility of serving alcohol before noon.
162 Commissioner Meadows opposed this Resolution, stating that Sunday alcohol sales should
163 remain after noon. He also expressed concern that this opened the possibility of other entities
164 selling alcohol before noon besides dining establishments. Mayor Hatsell called for a Motion to
165 approve or deny this Resolution. Commissioner F. Winberry made a **Motion** to approve the sale
166 of alcohol before noon on Sundays. The vote was Commissioners D. and F. Winberry voting
167 aye, and Commissioners Castellano and Meadows voting nay. Mayor had the tie breaking vote,
168 which was nay, therefore the Resolution was not passed.

169
170 Deputy Nelson presented his report, beginning with a cautionary warning to all who use the
171 public boat ramp. The parking lot is for boats with trailers only, not for single vehicles. Those
172 parking in the lot with no boat trailer will be towed from the premises. This is a State owned
173 property, thereby enforcement is by the NC Wildlife Commission, not the Deputy.

174 He also reminded everyone to be mindful of school being back in session, and be watchful for
175 children and school buses.

176
177 The Town Attorney had no further comments.

178
179 Commissioner Meadows expressed concerns over boats anchored in the creeks and inlets that
180 were then abandoned. Some had broken free of their moorings and drifted or sunk. He asked the
181 Town Attorney if there was a County ordinance on the books to speak to this issue, and could the
182 Town piggyback on this. Mr. Whitford explained that the Town's jurisdiction does not extend
183 into these waters, and it was quite a financial undertaking for the Town if indeed that jurisdiction
184 was given. The NC General Assembly can pass a local bill speaking to this, if the Board so
185 chooses to move forward.

186
187 Commissioner Meadows also asked that the General Liability policy be given to the Town
188 Attorney for closer examination, based on the confusion over the boat rides being exempt from
189 the Town policy at CedarFest time. There is, to some degree, immunity given against legal
190 action to government employees.

191
192 The Mayor then opened the floor to Public Comment, beginning with Ms. Amy Tomlinson, a
193 resident on Hill Street. She expressed extreme concern over the amount of speeding vehicles on
194 Hill and Ash Streets. She asked for Town assistance in the form of speed bumps.

195
196 Ms. Christy Brewer also spoke concerning the speed issues, and asked for a way to have the
197 street closely monitored, and also to install Children at Play warning signs. Mr. Seaberg and the
198 Mayor assured both that this would be closely monitored and the Deputy would increase his
199 patrols in that area. She did indicate that the speeding issue has gotten better, possibly due to
200 increase patrols.

201
202 There being no further business to discuss, the meeting was adjourned. Commissioner D.
203 Winberry made a **Motion** to adjourn the meeting. Motion carried unanimously.

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205 The meeting adjourned at 8:24 PM.

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Scott Hatsell, Mayor


Jayne Calhoun, Town Clerk