



Town of Cedar Point  
Board of Commissioners Regular Meeting  
October 24, 2017

The Town of Cedar Point Board of Commissioners held their regularly scheduled monthly meeting on Tuesday, October 24, 2017 at 6:30 PM. The Mayor determined a quorum to be present, and opened the meeting. Pastor Rich Franklin, White Oak Church of God, delivered the Invocation, followed by the Mayor leading everyone in the Pledge of Allegiance.

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

The Agenda was presented for Board approval, with a Closed Session in accordance with NCGS 143-318.11(a)(6), Personnel Matters, being added as item 17b. Commissioner Castellano made a **Motion** to adopt the Agenda as amended. Motion carried unanimously.

The Consent Agenda, consisting of the financial reports, zoning permit report, Code Enforcement Officer report, the Minutes from the September 22, 2017 Agenda Work Session and the September 26, 2017 Regular Meeting, and the Trick or Treat hours being set for Tuesday, October 31, 2017 from 5:00 PM to 8:30 PM. Commissioner Meadows requested the September 22, 2017 Agenda Work Session Minutes be removed and tabled until the November 28, 2017 meeting. Commissioner Castellano made a **Motion** to approve the Consent Agenda with changes. Motion carried unanimously.

Register of Deeds Karen Hardesty and Clerk of Court Pam Hanson presented a summary of each of their offices, and what was available to citizens.

A Public Hearing to hear public comment and discuss a rezone request (RZ-17-003) to rezone a piece of property at Highway 24 and Masonic Avenue from RA to B-3 was the next item on the Agenda. Commissioner F. Winberry made a **Motion** to go into Public Hearing. Motion carried unanimously. Mr. Seaberg presented a brief overview of the application and land use capabilities, and also presented a Consistency Statement for Board approval. The new classification would enable the applicant to construct a retail establishment, Neuse Sporting Goods.

39 Commissioner D. Winberry made a Motion to close the Public Hearing. Motion carried  
40 unanimously. There were no Public Comments. There were no questions or comments from the  
41 Board. Commissioner Castellano made a **Motion** approve the rezone request as well as the  
42 accompanying Consistency Statement. Motion carried unanimously.  
43

44 The second Public Hearing, concerning a Text Change (TEXT-17-003) to the Cedar Point Code  
45 of Ordinances, was presented. This change would introduce a new zoning district, the MXD  
46 Mixed Use District, to the Code. This district was unanimously approved for recommendation to  
47 the Board of Commissioners by the Planning Board at their October 3, 2017 meeting.

48 Commissioner D. Winberry made a **Motion** to close the Public Hearing. Motion carried  
49 unanimously. There were no Public Comments. Commissioner Meadows noted that the  
50 restaurants with drive up windows should be included on the list of Conditional Uses. Also, the  
51 minimum project size within an MXD should be specified as 15,000 square feet. Commissioner  
52 Castellano raised concern that at lines 90 and 91, “No use may occupy more than fifty (50)  
53 percent, and no two (2) uses combined shall occupy more than sixty (60) percent of the floor area  
54 of buildings or gross acreage,” forces residential to be at 40%. The Board did not feel that this  
55 should be amended. Commissioners D. and F. Winberry had no changes or comments,  
56 Commissioner Meadows felt building height should not be a maximum of 45 feet and should be  
57 reduced. The Board felt this was an adequate number for building height. Commissioner  
58 Castellano made a **Motion** to adopt the Mixed Use District (MXD) with noted changes.  
59 Commissioner Meadows voted Nay, Motion carried 3-1.  
60

61 The third Public Hearing for a Text Change (TEXT-17-004) to the Cedar Point Zoning Code  
62 adding recent changes in the law. Commissioner D. Winberry made a **Motion** to go into Public  
63 Hearing. Motion carried unanimously. The proposed changes included unlisted uses, Board of  
64 Adjustment Matters, notices of Public Hearing, protest petitions and citizen comments.  
65 Commissioner D. Winberry made a **Motion** to go out of Public Hearing. Motion carried  
66 unanimously. There was no Public Comment. Commissioner Meadows asked the following  
67 sentence be added at the end of Section 2(a), “The Mayor and Board of Commissioners shall also  
68 be notified.” Commissioner F. Winberry made a **Motion** to adopt the Text Change with  
69 amendments. Motion carried unanimously.  
70

71 An Ordinance was next presented allowing the addition of 2 Planning Board members. This  
72 change would be to the Town Ordinances and does not require a Public Hearing. Commissioner  
73 Meadows suggested the following changes: Section 2-21.3: *The planning board shall elect a  
74 chairman and create and fill such offices as it may determine. The term of the chairman and  
75 other officers shall be one year, with eligibility for reelection. The chairman shall not have  
76 voting privileges except in matters of a tied vote to break the tie. The planning  
77 board shall adopt rules for transaction of its resolutions, discussions, findings, and  
78 recommendations, which record shall be a public record. The planning board shall hold at  
79 least one meeting monthly as long as there are items for consideration, and all of its meetings  
80 shall be open to the public. There shall be a quorum of four members for the purpose of taking  
81 any official action required by this division.* Commissioner Castellano advised striking term  
82 limits for alternate members. Commissioner Castellano made a **Motion** to adopt the ordinance  
83 with changes. Motion carried unanimously. Mayor Hatsell requested that member applications  
84 be provided to the Board.

85 Deputy Nelson presented his report advising of a Pill Drop at Food Lions in Carteret County  
86 Saturday, October 28, 2017 from 10:00 AM to 2:00 PM. He also reminded everyone to be safe  
87 on Halloween night.  
88

89 Mr. Seaberg presented his Administrator's report, beginning with a late arriving email about a  
90 NCDOT Public Meeting regarding the intersection of Highways 24 and 58. This meeting will  
91 take place at the Aquatics Center in Cape Carteret on Tuesday, November 7, 2017. He also  
92 reminded the Board of their necessary input towards the Audio/Visual upgrades to the Board  
93 Room.  
94

95 In matters of the Planning Board, Mr. Seaberg reminded the Board that a Public Hearing date  
96 must be set for the rezone request (RZ-17-001) for the Ennett property, now that the MXD is in  
97 place. The Planning Board will review the application at their November 14, 2017 meeting.  
98 Commissioner Castellano made a **Motion** to set the Public Hearing for the rezone request (RZ-  
99 17-003) for Tuesday, November 28, 2017 at 6:30 PM. Motion carried unanimously.  
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101 Mr. Whitford commended the Board and Town staff for their diligence toward the MXD creation  
102 and edits.  
103

104 Commissioner F. Winberry requested Mr. Seaberg look at our contract with Waste Industries.  
105 They have made recent changes in the acceptable size of trash cans, and some are now  
106 considered unacceptable.  
107

108 Commissioner Meadows encouraged the Board to discuss and decide on the A/V requirements  
109 for the Board Room. The Board collectively agreed that a projector and screen (located behind  
110 the dais) as well as a new television would be sufficient. Mr. Seaberg will set this in motion.  
111

112 Mayor Hatsell expressed concern over Riptidz failing their fire inspection 3 times. Since this is a  
113 place frequented by the public, something should be done about bringing them into compliance  
114 with fire codes. To date, the business has been notified of violations and fines, but no money has  
115 been paid.  
116

117 The Mayor opened the floor to Public Comment, beginning with Everett Long, who stated that  
118 on trash days, many times he is picking up trash that has been left by Waste Industries workers.  
119 Sarah and Renee Winberry both stated their trash cans are left on the sidewalks after collection  
120 and this poses a safety hazard. Mr. Seaberg will address this with Waste Industries.  
121

122 The Board then moved into Closed Session at 8:30 PM.  
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124 The Board returned to Open Session at 8:40 PM.

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

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129 The meeting adjourned at 8:45 PM.

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Scott Hatsell, Mayor

  
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Jayne Calhoun, Town Clerk