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4 Board of Commissioners Agenda Work Session
5 December 10, 2020
6 Conducted Remotely
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8 The Town of Cedar Point Board of Commissioners held an Agenda Work Session on Thursday,
9 December 10, 2020 at 6:30 PM. Mayor Hatsell determined a quorum to be present and opened
10 the meeting.

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12 PRESENT: Mayor Hatsell, Commissioners Castellano, Bray, Winberry and Nash, Town
13 Administrator Rief, Town Clerk Calhoun and public.
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15 The first item for Board consideration and discussion was a Special Use Permit application. Mr.
16 Rief opened the hearing with an overview on the nature of a quasi-judicial proceeding. Town
17 Clerk Calhoun then swore in Mr. Rief and Mr. Drew Lutheran, applicant, for testimony. The
18 meeting was then paused to allow Mr. Lutheran to return to his office to continue.
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20 The Board considered the next Agenda item which was a Commercial Site Plan for Cedar Point
21 Storage. Mr. Warren Benton, applicant, was present for any questions. Board discussion
22 followed Mr. Rief's presentation:
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24 Commissioner Nash expressed concern over parked UHaul trucks in front of the business. Mr.
25 Benton indicated that there is a limit to the number of trucks they have on site to avoid having
26 too many trucks parked in front of the business.
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28 Commissioner Nash made a **Motion** to approve the Commercial Site Plan for Cedar Point
29 Storage with the condition that trucks be parked behind the building, or in the three designated
30 spots behind the building. The Motion carried 4-0.
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32 A Text Amendment (2020-07) to the Cedar Point UDO was next presented. This amendment
33 would allow granite and tile sales in a B-1 zoning district. Commissioner Winberry made a
34 **Motion** to open the Public Hearing. The Motion carried unanimously.
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36 The current language only allows this type of business in a LIW (Light Industrial Warehouse)
37 district. The applicant is proposing the business location on Highway 58; their temporary
38 location is currently on Cedar Point Boulevard.

39 Their original store front was destroyed by a tornado on Emerald Isle. Commissioner Winberry
40 made a **Motion** to close the Public Hearing. The Motion carried 4-0. Action will be taken on
41 this matter at the December 15, 2020 Regular Meeting.

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43 A second Text Amendment (2020-08) was the next Agenda item for Board consideration. This
44 Text Amendment would allow parks and playgrounds in the following zoning districts: B-1, B-
45 2, B-3, MC, HSCD and MXD zoning districts. Current language does not specifically allow for
46 parks and playgrounds. Commissioner Winberry made a **Motion** to go into Public Hearing. The
47 Motion carried 4-0. Mr. Rief provided a brief overview of the Text Amendment language.
48 Action will be taken on this matter at the December 15, 2020 Regular Meeting.

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50 The Special Use Permit hearing continued. Mr. Rief provided a brief overview of the application
51 and staff opinion. The applicant is proposing opening an establishment that will serve BBQ.
52 The applicant is intending on opening a private club to avoid health department scrutiny for the
53 restaurant portion of the business. Mr. Rief pointed out that a private club that serves food must
54 be in a 501c3 status for 1 year prior to applying for an ABC permit. The current septic system
55 allows for only 24 patrons at a time in the business, and there is also concern over parking. Mr.
56 Rief also outlined the history the Town and Mr. Lutheran has had when the prior business was
57 Cedar Point Tavern, to include the many violations to the Zoning Ordinance. It was Mr. Rief's
58 recommendation that the permit be denied, based on this history, and the overall suitability of the
59 location. Staff recommendations were as follows:

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61 A Commercial Site Plan is needed, compliance with County and State permitting requirements,
62 clear off all junk, debris and other materials from the property completely, and not just move
63 them to the adjacent property, the maximum number of 24 patrons inside the establishment
64 cannot be exceeded, compliance with all Town requirements, and an expiration date of 1 year
65 after date of issue of the permit. Board discussion followed:

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67 Commissioner Nash asked Mr. Lutheran about the usage of the covered patio behind the
68 business, to which Mr. Lutheran replied that once inspected, the area would be used for bands
69 and entertainment. Commissioner Nash expressed concern over the usage of other areas for
70 parking when the business lot becomes full. He also recommended denial of the application and
71 to return when the other issues were resolved.

72
73 Mr. Lutheran pointed out that he could not get any inspections or permits without Cedar Point's
74 issuance of the SUP. Cedar Point is holding up his efforts to comply with any regulations. Mr.
75 Rief indicated that the Board can table this request up to 35 days to enable the applicant to make
76 necessary repairs/modifications.

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78 Commissioners Winberry and Castellano suggested allowing applicant to change to a private bar,
79 which will meet conditions. Both believe it's better for the place to be cleaned up first.

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81 Commissioner Bray asked that Mr. Lutheran pay the fees owed from the violations, in excess of
82 \$30,000, which Mr. Lutheran stated he would never be able to afford to pay back.

83 Mr. Rief advised that the Board has the legislative authority to waive all or part of the fees.
84 Commissioner Winberry pointed out that the fines have nothing to do with the SUP application
85 and could be discussed later.

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87 Commissioner Winberry made a **Motion** to approve the Special Use Permit, with the 6
88 requirements listed, and change to a private bar from a private club. The Motion carried
89 4-0.

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91 Mr. Rief presented his Administrator Report. Road patching is complete at Tammy Page Court.
92 The Administrative Assistant, Sherrie Hancock, resigned, the position is advertised, and resumes
93 are being accepted. Tuesday night's regular meeting will be conducted via Zoom, Toys for Tots
94 toys will be collected, and Mr. Rief will be sworn in as Town Manager.

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96 There being no further business to discuss, the meeting was adjourned at 8:40 PM

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Scott Hatsell, Mayor



Jayne Calhoun, Town Clerk