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3 Board of Commissioners  
4 Regular Meeting – Remotely Conducted  
5 April 28, 2020  
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8 The Town of Cedar Point Board of Commissioners held their regularly scheduled monthly  
9 meeting on Tuesday April 28, 2020 at 6:30 PM. This meeting was conducted remotely, using  
10 the Zoom Remote Meeting program. Mayor Hatsell determined a quorum to be present and  
11 opened the meeting.  
12

13 PRESENT: Mayor Hatsell, Commissioners Castellano, Bray, Nash and Winberry, Town  
14 Administrator Rief, Town Attorney Whitford, Town Clerk Calhoun and members of the public.  
15 Of note: Mr. Rief and Ms. Calhoun were physically present; all other attendees were remotely  
16 attending the meeting.  
17

18 Town Administrator Rief gave the Invocation, followed by the Mayor leading the Pledge of  
19 Allegiance.  
20

21 The Agenda and Consent Agenda were presented next for Board consideration and approval.  
22 The Consent Agenda, consisting of the March 24, 2020 Regular Meeting Minutes, the Financial  
23 Dashboard, Budget Amendment for the Park Property Loan, Letter of Support for Carteret  
24 County as a Retirement Community, and the Contract for Auditing Services FY 2020-2021.  
25

26 Commissioner Winberry made a **Motion** to approve the Agenda and Consent Agenda as  
27 presented. The Motion carried 4-0.  
28

29 The Mayor opened the floor to public comment, and there was none.  
30

31 The next agenda item was the reopening of three public hearings from the March 24, 2020  
32 meeting, beginning with Text Amendment 2020-02, an amendment to Chapter 5A, Flood  
33 Damage Prevention, found in the Unified Development Ordinance.  
34

35 Commissioner Castellano made a **Motion** to reopen the Public Hearing. The Motion carried 4-0.  
36 There was no public comment. Commissioner Bray made a **Motion** to close the Public Hearing.  
37 The Motion carried 4-0.

38 Mr. Rief presented a brief overview of the text amendment. He began by explaining aspects of  
39 this ordinance that the Town could not change. These items include the elevation; the bottom of  
40 the house must be elevated above sea level; the Coastal A zone cannot be changed; those  
41 structures located in this designation cannot have a solid foundation.  
42

43 The things the Town *can* change in this text is the freeboard setting; currently the freeboard is at  
44 2 feet, the State is recommending 4 feet. The higher the freeboard requirements are, the lower  
45 insurance rates will be. The Planning Board recommended it to remain at 2 feet. Board  
46 discussion followed:  
47

48 Commissioner Nash: Feels the 2 foot requirement is adequate, a 4 foot requirement would create  
49 undue hardship to future home builders.  
50

51 Commissioner Castellano agrees with Commissioner Nash' opinion and likes the middle of the  
52 road approach.  
53

54 Commissioner Winberry: Agree  
55

56 Commissioner Bray: Agree  
57

58 Should it be stipulated in this ordinance that a non-conversion agreement is required for those  
59 dwellings located in the flood zone. This would mean if the lower portion of the house was  
60 enclosed, this enclosed space could not be used as living space. The Town can enforce an annual  
61 inspection. The Planning Board was in favor of this stipulation. Board discussion followed:  
62

63 Commissioner Nash is in favor if Mr. Rief recommends this to be prudent.  
64

65 Mr. Rief stated he has mixed emotions; this would be complaint driven. Enforcement would be  
66 easier if this language was in the UDO.  
67

68 Commissioner Castellano: Would this annual inspection be optional? Mr. Whitford agrees with  
69 Mr. Rief; the Town can still enforce the Ordinance with a daily fine. This may not apply to the  
70 current owner, but future owners would be on notice.  
71

72 Commissioner Winberry: In favor.  
73

74 Commissioner Bray: In favor.  
75

76 The next item for discussion in this text amendment is the prohibition of fill material. The  
77 Planning Board was *not* in favor of this. Adding this prohibitive language to the ordinance  
78 would garner points in the rating system. Mayor Hatsell asked what benefits if any would be  
79 derived from this prohibition? Mr. Rief explained that adding fill material affects the stormwater  
80 runoff. Mr. Whitford pointed out that there is a provision in the UDO regarding fill based on  
81 adjacent property owners, with no prohibitions.  
82

83 There was no further Board discussion.

84 Mr. Whitford made a few corrections to the text: changing civil citation to civil penalty; and the  
85 word ‘their’ to ‘his.’

86  
87 Commissioner Nash made a **Motion** to approve this Text Amendment 2020-02, Flood Damage  
88 Prevention Ordinance, with the related consistency statement. The Motion carried unanimously.

89  
90 The next Text Amendment, 2020-03, concerned decriminalization of the Town’s ordinances.  
91 Commissioner Winberry made a **Motion** to reopen the Public Hearing. The Motion carried 4-0.  
92 There were no public comments. Commissioner Castellano made a **Motion** to close the Public  
93 Hearing. The Motion carried 4—0.

94  
95 Mr. Rief presented a brief overview, explaining that the Town has never enforced violations of  
96 the ordinances. Any penalties assessed under the current language must be given to the school  
97 board. If decriminalization of these ordinances occurs, the monies will be retained by the Town.

98  
99 There was no Board discussion.

100  
101 Commissioner Castellano made a **Motion** to approve Text Amendment 2020-03,  
102 decriminalization of the ordinances along with the required Consistency Statement. The Motion  
103 carried 4-0.

104  
105 The final Text Amendment, 2020-04, concerned the definition of a corner lot. Commissioner  
106 Winberry made a **Motion** to reopen the Public Hearing. Motion carried 4-0. There were no  
107 public comments. Commissioner Winberry made a **Motion** to close the Public Hearing. Motion  
108 carried unanimously.

109  
110 Mr. Rief presented a brief explanation: this Text Amendment offers a bit more flexibility for  
111 those odd shaped lots and would give the Administrator the authority to determine which side  
112 would be the front of the house without needing a variance.

113  
114 Mr. John Odum, an audience member, asked if a Variance would be needed to appeal the  
115 Administrator’s decision? Mr. Rief stated it would not be necessary, this Text Amendment  
116 would allow staff to make that determination.

117  
118 Commissioner Bray made a **Motion** to approve Text Amendment 2020-04, change to the  
119 definition of a corner lot, with the associated Consistency Statement. The Motion carried 4-0.

120  
121 Mr. Rief presented his Administrator report, beginning with setting a date for the Public Hearing  
122 for a rezone request. The Planning Board reviewed this rezone request at their May 5 meeting  
123 and recommended it be put before the Board of Commissioners. This rezone request, RZ-2020-  
124 01 is a request to rezone 3 parcels of property from MXD (Mixed Use) to a Conditional R-10.  
125 This rezone will facilitate the 15,000 square foot minimum lot size, and a 60-foot lot width. The  
126 Public Hearing will be at the May 19<sup>th</sup>, 2020 Board of Commissioners Meeting.

127  
128 Clean Water Management Trust Fund has indicated that the grant funds are available. There is  
129 some legwork to be done by Town staff to finalize the money coming to the Town.

130 We are currently awaiting confirmation from the PARTF grant award as well.  
131  
132 Work continues on the upcoming budget; Mr. Rief pointed out that other municipalities in the  
133 area are looking at a tax increase of .01 to .03.  
134  
135 The Town continues to observe Social Distancing by not opening Town Hall to the public and by  
136 conducting meetings using the Zoom Meeting software.  
137  
138 Mayor Hatsell opened the floor to Commissioner comments.  
139  
140 Commissioner Castellano commended Town staff on their handling of Town business during the  
141 COVID shutdown.  
142  
143 Commissioner Bray had no comments.  
144  
145 Commissioner Nash gave a brief report on the Park property. There have been many visitors  
146 enjoying the park, even during the shutdown. There is also an American flag flying at the  
147 entrance of the park.  
148  
149 Commissioner Winberry expressed concern over the old Crumpler's garage building with its  
150 deteriorating front roof that is now falling down. Mr. Rief has had conversations with the owner  
151 who is planning on tearing the roof down once the shut down orders have been relaxed.  
152  
153 The Mayor commended Town staff on conducting business seamlessly even though Town Hall  
154 was closed to the public.  
155  
156 There being no further business to discuss, the meeting was adjourned. Commissioner Bray  
157 made a **Motion** to adjourn the meeting. The Motion carried unanimously.  
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159 The meeting adjourned at 7:39 PM.

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Scott Hatsell, Mayor

  
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Jayne Calhoun, Town Clerk