



**CITY OF SOUTHPORT  
BOARD OF ALDERMEN  
REGULAR MEETING AGENDA  
223 E. BAY STREET  
March 14, 2024  
6:00 PM**

**Agenda**

Please turn off all cell phones

Meetings are open to the public. Face masks and social distancing may be used at the discretion of each individual. The Board of Aldermen reserve the right to make changes to this policy, as needed to help prevent the spread of the Coronavirus.

If you are not able to attend the Board of Aldermen meetings in person, the meeting will be available for you to watch via live-stream on the City of Southport website (<https://cityofsouthport.com/board-of-aldermen-meetings/>), Facebook page, and YouTube channel.

**ETHICS STATEMENT:**

*"If any members know of any conflict of interest or the appearance of a conflict of interest concerning matters on the agenda, please so state at this time."*

- A. Call to Order**
- B. Invocation**
- C. Pledge of Allegiance**
- D. Mayor's Comments**
- E. Public Comment**
- F. Approval of Agenda**
- G. Approval of the Consent Agenda**
  - 1. Regular Board of Aldermen Meeting Minutes February 5, 2024 (*Will be emailed*)
  - 2. Regular Board of Aldermen Meeting Minutes February 8, 2024 **pgs 3-11**
  - 3. Board of Aldermen Closed Session Meeting Minutes February 8, 2024 (**sealed**)
  - 4. Board of Aldermen Closed Session Meeting Minutes February 12, 2024 (**sealed**)
  - 5. Special Board of Aldermen Meeting Minutes February 16, 2024 **pgs 12-13**
- H. Special Presentations**
  - 1. Century 21 Triangle Group Realtor Proposal (Marjorie Greene) **pgs 14-60**
- I. Public Hearings**
  - 1. Public Hearing-Text Amendment: Mixed Uses in Highway Commercial (M. Meehan)

2. Public Hearing-Zoning Map Amendment Robert Ruark Drive (M. Meehan) **pgs 71-85**

**J. Agenda**

1. Request for ARPA Funds for Camera Project-Police Department (Chief Coring) **pgs 86-87**
2. Authorization to Purchase Materials for Electrical Underground Project (E. Pittenger) **pgs 88-89**
3. City Manager Search (B. Therrien) **pg 90**
4. Sunny Point Property (B. Therrien) **pgs 91-97**

**K. Committee Reports**

1. ABC Board Minutes January 10, 2024 **pg 98**
2. ABC Sales Report **pg 99**
3. Forestry Committee January 9, 2024 Minutes **pg 100**
4. Forestry Committee February 13, 2024 Agenda **pg 101**
5. Historic Preservation Commission Minutes February 7, 2024 **pg 102-103**
6. Cemetery Committee Minutes January 24, 2024 **pgs 104-105**
7. Board of Adjustment Meeting Minutes January 23, 2024 **pgs 106-107**

**L. Manager's Report**

**M. Mayor's Comments**

**N. Board Comments**

**O. Closed Session N.C.G.S. 143-318.11 (a) (5).** To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

**P. Adjourn**



**Board of Aldermen Meeting Minutes**  
**Community Building, 223 E. Bay St.**  
**February 8, 2024**  
**6:00 P.M.**

**Present:** Mayor Rich Alt, Mayor Pro Tem Rebecca Kelley, Alderman Karen Mosteller, Lowe Davis, Robert Carroll, Frank Lai and Marc Spencer.

**Absent:** None

**Staff:** Manager Bonnie Therrien, Deputy Clerk Tanya Shannon, PIO ChyAnn Ketchum, City Planner Mo Meehan, Fire Chief Charles Drew, Todd Coring, Police Chief, Public Services Director Tom Stanley, City Attorney Brady Herman, Battalion Chief Ralph Treadway, Parks and Rec. Director Heather Hemphill, Lance Flint, Finance Director; Bob Jarvis, City Engineer; Mike Lavezzo, Building Inspector; Harlan Pyles, Code Enforcement; Tori Deviney, Permit Technician; and Brandon Stevens, Deputy Finance Director.

**A.** Call to Order: Mayor Rich Alt called the meeting to order at 6.00 p.m.

**B.** Mr. Donnie Joyner gave the invocation

**C.** Mayor Alt led the Pledge of Allegiance.

Mayor Alt asked for the Board to consider an amendment to the agenda. The amendment involved moving the Special Presentations item after the agenda item (C) and moving the Closed Session item (O) to item (8). The meeting would then return to Open Session to continue the agenda. Alderman Spencer made a motion to approve. Mayor Pro Tem Kelley seconded the motion. ***Unanimous Vote; Motion Carried.***

**D. Special Presentations:** Mayor Alt presented a Proclamation in Honor of Black History Month. Alderman Davis presented a proclamation and a key to the City to Mr. Owen Gidlow in recognition of his long-term service and commitment to Southport.

***Mayor Alt Read the Ethics Statement***

**E. Public Comment:**

1. Flick Guerrina, who resides at 710 Dale Ave., is the Deputy Commissioner of the Cape Fear Regional Jetport. He expressed his concerns about the way city managers are treated and emphasized the need for respect. He reiterated that the Board should not make accusations and report information without having all the facts. He urged the Board to respect each other and give the City Manager the necessary space to carry out their job effectively.
2. Norfrette Bellamy, 559 Jabbertown Rd. She feels that the Board has not been transparent regarding the installation of a sewer line along Jabbertown Rd. According to her, the City has gone behind the residents' backs. She believes that there is no benefit for the sewer lines to run down Jabbertown Rd., and it will only cause inconvenience to the people living on this road. She suggests that the lines should be installed along Rob Gandy Blvd., the adjacent road.
3. Tom Veale, 6480 Walden Pond Lane, has expressed his concerns regarding the property on Sunny Point. He inquired about the measures that have been implemented to protect the environment and the endangered wildlife in the event of Polote's mining activities on the property. Additionally, he also asked about the entity that would be responsible for overseeing the mining operations.
4. Terry Duff, 519 Walden Pond Lane, discussed Sunny Point property's stewardship. He requested more information regarding the hunting rights applicable to the property and asked to see the records related to it. He further commented that the City's actions concerning this property will affect the nearby properties. He expressed his confusion regarding why mining is allowed on this city property but not on others if useful minerals are found there.

5. Carolee Morris, 6497 Walden Pond Lane, has expressed concerns about the intended use of the property located at Sunny Point. She believes that the City should sell it to the NC Wildlife Association with the aim of preserving the environment and natural habitats. According to her, this will create a legacy that will never be forgotten.
6. Sue Hodgin, 608 Cottage Point Way, took the podium to express her heartfelt sentiments about Mr. Joe Medlin, a dear friend and long-time Southport resident. Despite his passing, she believes that he will always be remembered for his charitable nature and kindness.
7. Martha Johnson, 227 E. 11th St., would like to remind the Board of their oath of office and the code of ethics they must abide by while serving the public.
8. Jay Royal, 502 Jabbertown Rd., is highly concerned about the proposed sewer lines that are planned to run down the same road. He has expressed that the residents on this road have septic systems, and the installation of these sewer lines could potentially disrupt their sewer systems if the trees and roots are torn out during the process.
9. Thad Hill, 519 N. Lord St., is also a property owner at 317 E. 11th St. He has recently discovered an easement on his property on E. 11th St. that cuts through his property. After doing some research and getting a survey done, he discovered that the easement was not in the right place. Thad has been trying to find a solution to this issue for the past six months and has now requested assistance from the City to help resolve the matter.
10. Ron and Dot Madden, 6518 Waldon Pond Lane, have expressed their desire to see the City take steps to preserve the 440+ acres at Sunny Point. According to Mr. Madden, the best way to achieve this would be for the City to sell the property to the NC Wildlife Association. He believes that preserving this land would have a significant impact on conservation efforts. Mr. Madden has even offered to purchase the property from the City himself and then sell it to the Wildlife Association because he genuinely believes it is the right thing to do.
11. Brian Stevens of 503 Cades Trail raised concerns regarding multiple issues. Firstly, he addressed the rezoning request for 8 acres off Robert Ruark Drive from R-20 to R-10. Additionally, he expressed concerns about the construction work being carried out on Caswell between 12th and 14th Streets. He also suggested that the Board consider closing the streets between Howe and Moore and on Bay St. Finally, he proposed that Lord and Caswell be converted into one-way streets.
12. Ginny Prunty, 5906 Dutchman Creek Rd., asked the Board to table a decision on Conditional Zoning until after the Comprehensive Land Use Plan has been updated.
13. Ray Mitchell, 6495 Walden Pond Lane. According to the statement, Sunny Point has strict limitations, and any decision regarding property usage, other than conservation, should be made after careful consideration.
14. Donnie Joyner, 635 Jabbertown Rd., is opposed to installing sewer lines on Jabbertown Rd. He believes this decision is unjust towards the generations living on this road. He suggests that Rob Gandy Blvd., which is currently nonresidential, would be a more suitable location.
15. Carolyn Hankins, 526/528 Jabbertown Rd., is against the sewer lines being directed down Jabbertown Rd. She implored the Board to direct them down Rob Gandy instead.
16. Ronald Thompson, 115 Thompson Drive, expressed his concern that no impact, feasibility, or environmental study has been conducted on the impact of the proposed sewer lines running through Jabbertown Road. He also questioned whether the State had granted permission to run the lines on the easements. Mr. Thompson requested that the Board provide more transparency and better communication with the citizens.
17. Robbie Jones, 941 E Leonard St, would prefer installing the sewer lines on Rob Gandy instead of Jabbertown Rd.

18. Harry Burrell, 6284 Cattail Crt., is against any mining at the Sunny Point property and would like to see the property sold to Wildlife Conservation.
19. Pat Kirkman, 119 Park Ave., expressed her concern that the old city courthouse has not been properly maintained or preserved. She provided a brief history of the 172-year-old building and asked why more is not being done to protect it.
20. Bonnie Bray, 115 Quartermaster Dr., provided an update on the Up Your Arts project. She inquired whether Polote had offered to lease the land at Sunny Point for mining. Additionally, she asked if an environmental impact study would be conducted before mining began. Recently, she learned that Brunswick County might be interested in the property despite having previously heard that they were not. She questioned how any negotiations with Brunswick County would be handled. Moreover, she wanted to know what would happen if the property were sold and what the profits would be used for.
21. Forest Schuritzer, 300 E. West St., would like to see the Sunny Point property being environmentally protected and preserved. He said preservation is more valuable than money.
22. Angela Hilburger, 6470 Rolling Run Rd., submitted comments read by the Deputy Clerk. She wrote to encourage the Board to vote to sell the 440+ acre land to the Wildlife Commission instead of leasing the land for mining by the Polote Mining Company.
23. Casely Baldwin submitted comments that were read into the record. She said a price cannot be put on protecting wildlife and natural resources. She encouraged the Board to sell the Sunny Point property to the Wildlife Commission.
24. Fred Fiss, who lives at 216 N. Atlantic Ave., submitted comments that were read into the record. He said that the City is taking steps to evaluate the trees in Franklin Square Park to ensure they're protected and preserved. However, he also expressed concern about the trees in the median beside the city gym. People have been driving over the curb and on top of the roots, which could be causing damage. Mr. Fiss suggested installing a barrier, such as rope, to prevent further damage to these areas.
25. Shirley Sullivan, 5002 Seaward Crt., submitted comments. She would like the Board to table or deny the Conditional Text Amendment.
26. Jo B. McCants submitted comments requesting the Board to reconsider the decision to use Jabbertown Rd. to assist in merging the two sewer systems that are not intended to benefit the residents of Jabbertown Rd.

After no further comments, Alderman Mosteller motioned to close public comment, which Mayor Pro Tem Kelley seconded. ***Unanimous Vote; Motion Carried.***

#### **G. Approval of the Agenda**

Mayor Alt proposed a change to the agenda order. He requested that Item 7, which concerns the Sunny Point Property, be moved to the second position and Jabbertown Sewer Line to Item 1. The rest of the agenda would then proceed as originally listed, with the "Special Presentations" item next in line. Mayor Pro Tem Kelley made a motion to approve the agenda with the amendment, which Alderman Mosteller seconded. (no vote)

Alderman Carroll made a friendly amendment to remove item E. (Board Comments) and item F. (Mayor's Comments), which Mayor Pro Tem Kelley seconded. Aye: Alderman Carroll, Mosteller, Lai, Kelley, and Spencer. Nay: Alderman Davis. ***Motion Carried; 5-1.***

Alderman Spencer made a Motion to approve the final amended agenda, seconded by Alderman Lai. ***Unanimous Vote; Motion Carried.***

#### **H. Approval of the Consent Agenda**

1. Minutes of the Regular Board of Aldermen Meeting January 5, 2024.

2. Minutes of the Closed Session Meeting January 5, 2024 (sealed)
3. Minutes of the Special Board of Aldermen Meeting January 10, 2024.
4. Minutes of the Regular Board of Aldermen Meeting January 11, 2024.
5. Minutes of the Board of Aldermen Orientation Session January 17, 2024.
6. Minutes of Closed Session Meeting January 24, 2024 (sealed).

Alderman Spencer made a Motion to approve the Consent Agenda seconded by Alderman Lai.  
***Unanimous Vote; Motion Carried.***

## **I. Agenda**

### **1. Jabbertown Sewer Line (Carter Hubbard, WK Dickson).**

Mr. Hubbard presented three options for routing the force main for the City's sewer merger with the County - Jabbertown Road, Rob Gandy Road, and Howe Street. Mayor Pro Tem Kelley raised a concern about the "Creek Crossing" for the Rob Gandy option. Mr. Hubbard explained that horizontal directional drilling could mitigate any potential impacts. Ms. Kelley asked about affecting the water table, and Mr. Hubbard clarified it would be above the hardpan and aquifer. No further questions or concerns were raised.

Alderman Carroll made a Motion to have Rob Gandy Blvd. as the route for the sewer line to be installed in the new sewer project. Alderman Davis seconded. ***Unanimous Vote; Motion Carried.***

### **2. Discussion of Sunny Point Property (Alderman Carroll)**

Alderman Carroll gave an overview of the discussion at the last meeting. He explained that the Pelote Corporation and the North Carolina Wildlife Commission are interested in the property at Sunny Point, and the Board questioned if both organizations could find an agreeable term for both to utilize the property for each purpose without interfering with their objectives. Alderman Carroll said that recently, Brunswick County has become interested in the property for infiltration ponds as well as they were not previously. The North Carolina Wildlife Commission submitted a letter to the City stating they would not be interested in purchasing the property to be shared by Polote Corporation or any company for the excavation of soils. Therefore, Alderman Carroll stated that the best option is for the City to sell the property to the NC Wildlife Commission.

Alderman Carroll made a Motion to instruct Mayor Alt to execute the agreement between the City of Southport and the State of North Carolina Wildlife Commission for the purchase of approximately 441 acres, less approximately 10 acres, to be retained by the City for \$660,000. The motion included the opportunity for each party to make minor corrections to grammar, language, etc., second by Alderman Mosteller. (no vote)

There was a discussion on the property's use and sale and the expressed interest from Brunswick County. The land has been appraised and is considered best used for wildlife conservation, as the Clean Water Management Trust Fund funded it to protect the environment and wildlife. It was advised by counsel to put the sale on hold until there can be more discussion on whether the county is interested in utilizing it for negotiations and agreements with the merger.

Alderman Davis made an amended motion to table a decision until the matter is resolved with the county and what their interest is, and the negotiations are completed. Then, the decision is made on whether the property could be sold to NC Wildlife. (no second)

There was a discussion about the possibility of selling the property to individual buyers. Some attendees also brought this up during the public comments section. It was suggested that other conservationists might be interested in buying the property individually. Alderman Mosteller proposed that a time frame should be set for deciding. She also pointed out that waiting for the completion of negotiations with the county merger could take several weeks or even months.

Alderman Carroll and Davis rescinded their Motions. Alderman Carroll made a new motion to table a decision until the March regular meeting, then pending getting additional information and answers to questions about other specifics, move forward with instructing the Mayor to execute the option agreement and the State of North Carolina Wildlife for the purchase of approximately 441 acres, less the approximate 10 acres to be retained by the City in the amount of \$660,000, and include the opportunity for each party to make minor corrections to grammar, language, etc. Alderman Davis seconded the motion. Aye: Alderman Carroll, Mosteller, Davis, and Lai. Nay: Mayor Pro Tem Kelley and Alderman Spencer. **Motion Carried 4-2.**

Mayor Alt called for a 10-minute break. 8:35 p.m. Returned at 8:47 p.m.

**J. Audit Presentation- (Jay Sharpe, Sharpe Patel PLLC)**

Mr. Jay Sharpe gave an overview of the audit for the 2022-2023 Fiscal Year. He talked about issues he has found with the accounting systems used by the City in the past and problems that need to be rectified to have financial statements in good working order for the future. This report was submitted to the Local Government Commission in January and is available for review at City Hall. Overall, he stated that the City is in good shape and has three healthy funds.

Mayor Alt raised concerns about a discrepancy of \$10 million. He questioned whether there was money or if it was mistakenly believed that there was money when there was not. He asked if these funds existed and where they went. Mr. Patel explained that some of the funds were recorded in various entries and would need to be reviewed to understand their impact on the bottom line. Mayor Alt emphasized that a \$10 million error would be significant, and Mr. Sharpe clarified that it was a matter of net worth. The amount was calculated by subtracting the liabilities from the assets. Mayor Alt asked if the City had funds that they believed were present but were not and where the error occurred. In response, Mr. Sharpe stated that he would need to investigate the precise adjustments to determine the source of the calculation. Mayor Alt said he would discuss the matter with the City Manager. Mr. Sharpe said that he would provide the exact changes and adjustments. During the meeting, Mayor Pro Tem Kelley raised concerns about two recurring issues that have happened in the past. He asked if there was a plan in place to prevent these issues from happening again. Manager Therrien suggested reviewing the management letter and mentioned that Mr. Flint and Ms. Fortuna have already taken steps to prevent similar situations from happening in the future.

Mayor Pro Tem Kelley made a motion to adopt the 2022-2023 audit with Sharpe Patel PLLC and approve the contract extension to February 9, 2024, and seconded by Alderman Spencer. **Unanimous Vote; Motion Carried.**

Introduction of New Employees: Mike Lavezzo, Building Inspector, and HP Pyles Code Enforcement Officer, postponed until the next meeting.

**Agenda Continued**

**3. Discussion and Decision: Text Amendment-Section 3.9.B.5 Setback Exceptions and Encroachments. (M. Meehan).**

City Planner Meehan explained on November 16, 2023, the Planning Board decided to recommend denial of the Unified Development Ordinance Amendment to Section 3.9.B Setback Exceptions and Encroachments to the Board of Aldermen. The amendment proposed allowing HVAC generators and similar equipment to encroach up to 48 inches into a required setback. However, the staff presented an alternative, allowing for a 42-inch encroachment but not more than 24 inches from the property line. The justification for this text amendment is to accommodate smaller lot widths within cluster subdivisions and non-conforming R-10 lots throughout the City. Non-conforming lots not located in subdivisions may often have a 4' side setback; therefore, the units would be allowed to have no setbacks.

During the discussion, the need for the UDO to specify the impacts on non-conforming lots with a 4' minimum side setback was raised. Alderman Lai asked what would happen if the text amendment were denied and the exceptions were not allowed. He wanted to know where the equipment would be installed. In response, Ms. Meehan stated that the equipment would have to be installed either in the front or rear yard. It would have to be placed where it can meet the existing encroachment of 30' or change the design of the house and reduce its size. Fire Chief Drew was then asked if maneuvering through 24" of space with equipment would pose a fire safety hazard. Chief Drew replied that 24" would be a tight fit for emergency access.

It was proposed to amend the text, and the recommendation was made to send it back to the Planning Board for review. The primary focus of this amendment would be on non-conforming lots, which seem to have the most trouble meeting the setback requirements. However, it was also mentioned that homeowners could apply for a variance if they had no other options. Mr. Cameron Smith, the applicant, was called to the podium to clarify if the issue was mainly with conforming lots. Mr. Smith said he has seen the biggest problem with the 5-6 ft setbacks, mostly in PUDs. He then explained that it made sense from a building standpoint and did not always work to put the equipment behind the house since a generator needs an energy/gas source and cannot be placed anywhere.

A Motion was made by Alderman Davis to deny the Land Use Consistency Statement, citing inconsistency with Policy 2.14 and 7.22 of the Land Use Plan and the Zoning Text Amendment for setback encroachments as presented and second by Alderman Mosteller. (no vote)

There was a discussion, and Alderman Mosteller clarified that she was in favor of allowing the mechanicals in an R-10 environment with a 4' encroachment. She recommended sending the proposed amendment back to the Planning Board to address language for non-conforming lots.

A vote was taken on the motion. Aye, Alderman Davis. Nay: Alderman Kelley, Spencer, Mosteller, Lai, and Carroll. **Motion failed. 1-5**

Alderman Davis made a motion to send the Text Amendment-Section 3.9.B.5 Setback Exceptions and Encroachments back to the Planning Board for more clarification and review, seconded by Alderman Mosteller. Aye: Alderman Davis, Lai, Kelley, and Mosteller. Nay: Alderman Spencer and Carroll. **Motion carried 4-2.**

4. **Discussion and Decision: Text Amendment- Section 3.12.B.2 Driveways. (M. Meehan)**

Ms. Meehan reported that they approved a recommendation to the Board of Aldermen during the Planning Board meeting on November 16, 2023. The recommendation was in favor of a Unified Development Ordinance Amendment to Section 3.12.B.4 Driveways. This amendment would decrease the driveway setback for single and two-family dwelling units from 10' to 2' from the side lot lines. Additionally, the staff has asked for the 50' distance between two driveways entering the same lot to only apply to nonresidential uses.

Alderman Carroll made a Motion to approve the Land Use Consistency Statement, citing consistency with Policy 2.14 and 7.22 of the Land Use Plan and the Zoning Text Amendment for driveways as presented. Mayor Pro Tem Kelley seconded. (no vote)

In discussion, Alderman Davis stated that the text amendment applies to every property owner in the City. She said that anyone disadvantaged by the situation and feels they need only a 2ft setback, etc., can go to the Board of Adjustment and apply for a variance. Mayor Pro Tem Kelley said that the 2-foot setback came to the Aldermen after a request by the Board of Adjustments because they have seen it often enough to recommend a sweeping change instead of consistently getting requests for variances. She feels that this is a case that the Aldermen should certainly consider.

Alderman Carroll rescinded his motion.

Alderman Spencer made a motion to separate the proposed amendments and adopt the Consistency Statement for approval of Policy **2.14 Section 3.12.B.4 e) No nonresidential driveway (nearest edge) shall be located within 10 feet of a side lot property line except in the case of a shared driveway (single curb/access point) utilized by two (2) or more lots. Residential driveways shall not be located within two (2) feet of side lot property lines.** And second by Mayor Pro Tem Kelley. Aye: Alderman Spencer, Kelley, Lai, Mosteller, and Carroll. Nay: Alderman Davis. **Motion Carried 5-1.**

**Alderman Spencer made a Motion to send Policy 7.22 Section 3.12.B.4.a) Two (2) nonresidential driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 50 feet. Back to the Planning Board for further review.** Second by Mayor Pro Tem Kelley. **Unanimous Vote; Motion Carried.**

5. **Request for Public Hearing- Text Amendment: Mixed Uses in Highway Commercial.**

Mayor Pro Tem Kelley motioned to call a public hearing on March 14, 2024, to amend Section 3.5 Table 3.1 and 3.7.F of the Unified Development Ordinance, seconded by Alderman Spencer. **Unanimous Vote; Motion Carried.**

6. **Request for Public Hearing -Map Amendment- Robert Ruark Drive.**

Alderman Mosteller made a motion to call for a public hearing on March 14, 2024, for a Zoning Map Amendment on a tract of land on Robert Ruark Drive from R-20 to R-10, second by Alderman Lai. **Unanimous Vote; Motion Carried.**

7. **Conditional Zoning Update and Discussion. (M. Meehan)**

Ms. Meehan presented updates recommended by the Board of Aldermen at the Planning Board's meeting on December 21, 2023. The updated language now mandates a pre-application meeting instead of making it optional. It also changes the timing of the public input meeting from after the application submittal to before the submittal. It reiterates the requirement to incorporate public input in the applicant-submitted meeting report. During their meeting on May 18, 2023, the Planning and Zoning Board voted to recommend the approval of the Zoning Text Amendment. The Board's motion to recommend the approval included two modifications: minimum open space provision within Conditional Rezoning proposals and the inclusion of regulated trees within required materials in a Conditional Rezoning application.

Alderman Mosteller made comments supporting the Zoning Text Amendment for Conditional Zoning. She noted that the only downfall is that the process takes more time to allot for more public engagement. She incentivized the concept of smart development and the blending of mixed uses requiring less infrastructure. Smart development supports the preservation of land and natural resources. She does not agree with waiting until after the Comprehensive Land Use Plan project has been completed and supports the recommendation to adopt the amendment by the Planning Board, Staff, and the City Manager.

Mayor Alt stated that a development agreement could achieve similar goals as suggested by Conditional Zoning until the Comprehensive Land Use Plan has been updated and completed. Alderman Mosteller disagreed and said that a development agreement can't rewrite zoning. Mayor Alt said that the Comprehensive Plan is to provide direction on how the City would like to look and feel in the future. He feels that the community would like to have input on the comprehensive plan before making amendments to the process of how new development will be accomplished.

Alderman Davis motioned to deny the proposed Zoning Text Amendment and found it inconsistent with the 2014 CAMA Core Land Use Plan second by Mayor Pro Tem Kelly. Aye, Alderman Davis, Kelley, Lai, and Spencer. Nay: Alderman Mosteller and Carroll.

**Motion Carried. 4-2.**

Before moving into a closed session, Alderman Carroll motioned to discuss item 10 on the agenda, seconded by Mayor Pro Tem Kelley. **Unanimous Vote; Motion Carried.**

10. Recommendations for (2) Comprehensive Plan Steering Committee Positions (Alderman Carroll, Lai, and Mosteller.)

Alderman Spencer thanked everyone who submitted applications to be on the committee and said it was a hard decision. Alderman Carroll made a motion to appoint Mr. John McCloskey as a business owner representative and Ms. Karen Williams as a citizen representative for the Comprehensive Plan Steering Committee, second by Alderman Spencer. **Unanimous Vote; Motion Carried.**

O. Closed Session

*Mayor Alt stated the purpose of the **Closed Session per NCGS 143-318.11(a)(3)** To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session, and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.*

Alderman Carroll motioned to enter into Closed Session, seconded by Mayor Pro Tem Mosteller. **Unanimous Vote; Motion Carried. – 9:53 p.m.**

A motion was made to return to Open Session by Alderman Mosteller and second by Alderman Davis. **Unanimous Vote; Motion Carried—10:00 p.m.**

Alderman Carroll made a motion to release the legal opinion of Attorney Tom Terrell, seconded by Alderman Davis. **Unanimous Vote; Motion Carried.**

9. Clarification and Details from the Meeting with East-West Partners. (Alderman Carroll)

Alderman Carroll requested that an open discussion about recent events be included on the agenda. He believes the Board and the community must come together and learn from what has happened. By doing so, they can collaboratively work towards advancing Southport in a transparent, cooperative, and harmonious manner. He outlined some key facts and dates pertaining to Project Indigo. He questioned the transparency and city resources used to meet with attorneys from both parties without the direction of the entire Board. Mayor Pro Tem Kelley said she was asked to sit it at a meeting, and there were no negotiations. Alderman Mosteller noted that the code of ethics was adopted to promote and strengthen the faith and confidence of the citizens and their governing Board. She said, "Our ethics say that we don't act without authorization from the board, so I just want us to understand that, for me, there's a question of ethics." Mayor Alt said there was no wrongdoing, and no negotiating was conducted.

Mayor Alt read the legal opinion from Mr. Terrell regarding the State's open meetings law and the City's code of ethics. Mr. Terrell stated that the open meetings law was not violated as a majority of the Board was not present during the meeting. Furthermore, he found no clear requirement or prohibition of the City's code of ethics. According to him, it is common for members of the elected body of every major North Carolina municipality to meet with staff, developers, property owners, citizen groups, and adjacent neighbors outside of the public hearing process. Therefore, Mr. Terrell suggested that the Board should consider meeting and communicating regularly with the

development team, just as it does with citizens opposed to the potential development of the site. He also mentioned that although there are no laws or policies requiring board members to share when they learn or have heard from interested parties, it is often a good practice to do so.

Alderman Davis concluded that through this conversation, she had heard nothing about facts being concealed. Alderman Lai stated, "We've got one mission and one mission only, and that's to take care of the citizens in the City of Southport, and we've got to work together collaboratively to do that. That is our job. Our only job."

Mayor Alt requested a motion to adjourn after no further discussion. A motion was made by Alderman Spencer and seconded by Alderman Carroll. Unanimous Vote; Motion Carried.

**Adjournment** —10:50 p.m.

X

Mayor, Richard Alt

X

Mayor, Richard Alt

in



**Board of Aldermen  
Regular Meeting Minutes  
Indian Trail Meeting Hall  
February 16, 2024  
12:30 p.m.**

**Present:** Mayor Rich Alt, Mayor Pro Tem Rebecca Kelley, Aldermen  
Lowe Davis, Robert Carroll, Marc Spencer, Karen Mosteller and Frank Lai

**Staff Present:** Bonnie Therrien, City Manager  
Dorothy Dutton, Assistant Manager/ City Clerk  
ChyAnn Ketchum, Community Relations/PIO  
Lance Flint, Finance Director

**Others Present:** Bob Liepa, State Port Pilot

- A) Mayor Rich Alt called the meeting to order at 12:30 p.m. and welcomed everyone.
- B) Alderman Lowe Davis gave the Invocation.
- C) The Pledge of Allegiance was led by Mayor Alt.
- D) **Approval of the Agenda: A motion was made by Alderman Lai and seconded by Alderman Spencer to approve the agenda. All ayes; motioned carried.**

**E) Agenda**

1. City Manager Bonnie Therrien stated that the candidate for the City Clerk position had accepted the offer of employment. Dorothy Dutton thanked the Board for their willingness to hire a new Clerk, so she could focus on her duties as the Assistant City Manager. ***Alderman Davis made a motion to appoint Sara Thomas to the position of City Clerk. Alderman Mosteller seconded the motion. All ayes. Motion carried.***

2. Lance Flint, the Finance Director, explained that the North Carolina League of Municipalities has offered to provide the City with financial software called Black Mountain. The League is also providing free implementation and installation. There are several modules that the City will be able to use, that would normally cost \$108,000. The League is providing the software for free, and they are also sending accounting services to make sure the City's data and financials are in the best position moving forward. ***Alderman Spencer made a motion to Approve a Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement; approve Amendment #1 to the Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement, and approve the License Agreement for Purchase and Support of Application Software. Alderman Carroll seconded the motion. All ayes. Motion carried.***

Mr. Flint added that as part of the transition, the City will standardize the ledger accounts which will help moving forward with audits. He said that the City would have to renew the Springbrook Software because of the billing cycle. The implementation of Black Mountain is expected for June 2025.

**F) Mayor's Comments**

Mayor Alt requested that there be a press release about the new software.

**G) Board Comments**

Alderman Mosteller welcomed the new City Clerk. Alderman Spencer stated that other employees should be trained to do some of the Clerk's job duties if they are interested

in order to help with succession planning and consistency. Alderman Lai stated that he believed the Board had made a solid choice on the new City Clerk.

**H) Alderman Spencer made a motion to adjourn, which was seconded by Alderman Carroll. All ayes. Motion carried. Mayor Alt adjourned the meeting at 12:46 p.m.**

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Richard Alt, Mayor  
City of Southport

---

Dorothy Dutton, City Clerk  
Assistant City Manager

**REQUEST FOR PROPOSAL**

**DATE ISSUED: February 1, 2024**

**CITY OF SOUTHPORT**

---

**REQUEST FOR PROPOSAL**

**FOR:**

**Real Estate Services**

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**DUE DATE / TIME: February 23, 2024 at 3:00 pm.**

**Deadline for Inquiries: February 15, 2024**

**Time and Date Set for Submittal: February 23, 2024 at 3:00 pm.**

**Notice of Selection: March 4, 2024**

REQUEST FOR PROPOSAL (RFP)  
FOR  
**Real Estate Services**

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INFORMATION AND INSTRUCTIONS

**I. GENERAL INFORMATION**

- A. The City of Southport ("Southport") (<http://www.cityofsouthport.com>) seeks proposals from qualified real estate firms licensed to do business in North Carolina to provide and assist the City of Southport with finding property for City uses, negotiating pricing, and assisting with the sale of City property.
- B. The proposal must be received by the Assistant City Manager at 1029 N. Howe Street, Southport, NC 28461, by the date and times listed on the cover page of this RFP.
- C. Questions pertaining to the selection process should be directed to City of Southport City Manager Bonnie Therrien at [btherrien@cityofsouthport.com](mailto:btherrien@cityofsouthport.com).
- D. Southport shall not be held responsible for any oral instructions. Any changes or clarifications to this Request for Proposal ("RFP") will be in the form of an addendum, which will be furnished to all registered RFP holders.
- E. Southport reserves the right to reject any or all proposals, to waive any informality or irregularity in any proposal received, and to be the sole judge of the merits of the respective proposal received.
- F. Questions regarding this RFP may be directed to City Manager Bonnie Therrien via email at [btherrien@cityofsouthport.com](mailto:btherrien@cityofsouthport.com). They shall be received no later than five (5) business days prior to the opening date to allow for the timely preparation and posting of addenda. Questions received, and the responses for each question shall be set forth in a written addendum. No oral interpretations shall be made to any respondent as to the meaning of any portion of the RFP documents.
- G. Any addenda to this RFP will be posted on the City's website. Therefore, all interested respondents should check the website from now through procurement opening. It is the sole responsibility of the respondent to be knowledgeable of all addenda related to this procurement.
- H. The City does not discriminate on the basis of race, color, sex, national origin, religion, age, or disability. Any contractors/firms or vendors who provide services, programs, or goods for the City are expected to fully comply with the City's non-discrimination policy.

**II. ANTICIPATED SCOPE OF WORK**

The City of Southport, a City of approximately 4000 residents, is located in the Coastal Plains Region of North Carolina. The City of Southport facilities are spread within eight (8) office locations and eight (8) public parks. The City of Southport staff is growing, and a space needs feasibility study was conducted to plan the needs for the future. Additionally, the City may be interested in developing other parks and recreational opportunities for the residents and visitors of Southport. From time to time, an experienced Realtor would be beneficial to help identify properties,

negotiate, and assist with the transfer of properties on behalf of the City. The successful candidate will occasionally attend Board meetings at night, give guidance to the Board on appropriate pricing, etc., guide the City Manager with negotiations, and find properties the City could buy for specific reasons that the Board dictates. This candidate would practice discretion in any and all transactions.

### **III. RFP ORGANIZATION**

#### **A. REQUIRED INFORMATION:**

To facilitate the City's objective review of the RFPs from different Firms, the City asks that each submittal include the following:

1. Cover Letter (1-page)
2. Tab A: Proposed Scope of Services / Approach
3. Tab B: Project Experience
4. Appendix A: Professional References
5. Fee Proposal

#### **COVER LETTER**

The cover letter shall not exceed one (1) page and shall contain, at minimum, the following information: Name of the primary Realtor and any planned alternatives, as well as the contact names, addresses, phone numbers, and email addresses for each primary Realtor and alternatives. The cover letter shall also be signed by a Principal or other member of the company authorized to commit the Realtor.

#### **TAB A- PROPOSED SCOPE OF SERVICES/APPROACH**

Identify at least two (2) but no more than four (4) similar projects where you were the Primary Realtor for an organization or municipality. Demonstrate your company's experience, including all alternative realtors on similar projects. The projects submitted should demonstrate that the Realtor and/or the team have performed the same or similar type of services to be considered relevant.

#### **TAB B – PROJECT EXPERIENCE**

Describe the project timeline for completion. The proposed project schedule should illustrate the company's capability to meet the requirements. Provide a Project Work Plan/schedule showing key project milestones. The schedule shall demonstrate the company's ability to meet the designated milestones.

#### **Appendix A – PROFESSIONAL REFERENCES**

The RFP should include a minimum of three (4) professional references, with contact information (name, contact, telephone number, email, physical address) whom the City of Southport may contact regarding your company's performance on their projects. The references should be similar projects performed by the Realtor/Firm in small-to-medium-sized organizations and municipalities, preferably in North Carolina.

#### FEE PROPOSAL

Proposals must be placed in a sealed envelope clearly marked "Response to RFP for **"Real Estate Services"** with three (3) hard copies must be **submitted to Dorrie Dutton, Assistant City Manager, 1029 N. Howe Street, Southport, NC 28461, by February 23, 2024, at 3:00 pm local time.**

Failure to comply with the following criteria may be grounds for disqualification: Receipt of submittal by the specified cut-off date and time; The number of originals and/or copies of the submittal specified.

#### **IV. SELECTION PROCESS AND SCHEDULE**

- A. Selection of the Realtor will be made based on the company's qualifications and ability to meet the City's needs.
- B. Qualification statements will be evaluated by a selection committee on the following basis for the project under construction:
  - 1. Experience and Capability-Realtors/Firms will be evaluated with respect to their experience with projects similar in size and scope.
  - 2. Proposed cost of services.
  - 3. The City of Southport reserves the right to select the Realtor/Firm that best meets its needs and negotiate a final Scope of Work that reflects the work to be done.
  - 4. The following tentative schedule has been prepared for this project. RFP's due:

**February 23<sup>rd</sup>, 2024 @ 3:00 PM**

Realtor/Firm notified of Selection: March 4, 2024

- C. Upon the Board of Aldermen's approval, it is anticipated that the contract will be executed by the City Manager by the end of March 2024. Southport reserves the right to terminate the selection process at any time.

# REQUEST FOR PROPOSAL FOR: COMMERCIAL REAL ESTATE SERVICES

Prepared exclusively for

**CITY OF SOUTHPORT**

**MARGUERITE GREENE**  
**SENIOR VICE PRESIDENT**  
**COMMERCIAL**  
M 919.219.9312  
mgreene@marccom.com

**CENTURY 21®**



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Professional References

February 23, 2024

Dear Bonnie Therrien, City Manager,

Thank you very much for the opportunity to present this RFP to assist the City of Southport in identifying properties for various City use, negotiating pricing, and assisting in the sale of City property. The City requires both Buyer and Seller Agent Representation, as your agent(s) we will practice discretion in all transactions, attend Board meetings and provide guidance. In the case where the City requires Seller Agent Representation to sell City owned property, we will utilize leads generated through world-class web platforms, concurrent marketing tools and various commercial databases with proven results. The credentials of Century 21® Collective, and our record will address our industry tested and recognized qualifications in representing the City of Southport in both acquisitions and in marketing your properties for sale.

Century 21® Collective has deep roots in the community, our outreach programs most recently include raising funds for Brunswick Community College and supporting our Local Marine Habitat. We are locally owned and managed, and successfully represent an array of properties in this local market and on a multi-statewide basis, representing both a local and national clientele.

Your Team, Marguerite Greene, Senior Vice President Commercial and Kelly Carraway, Senior Commercial Associate and are both among THE TOP PRODUCING AGENTS IN NORTH CAROLINA. Together our knowledge, experience and total commitment to your goals, backed by the industry's best resources will drive a transaction process that runs smoothly and promotes success.

Primary Realtor, Marguerite Greene contact information:  
(919) 219-9312

[mgreene@marccom.com](mailto:mgreene@marccom.com)

Alternative Realtor, Kelly Carraway  
contact information:

(919) 441-6912

[Kellyc21tg@gmail.com](mailto:Kellyc21tg@gmail.com)

CENTURY 21 Collective is an independently owned and operated franchise affiliate of Century 21 Real Estate, franchisor of the iconic CENTURY 21 brand, comprised of 14,250 independently owned and operated franchised broker offices in 85 countries and territories worldwide with more than 150,000 independent sales professionals.

We hope you will consider selecting us as your advisors.

Very truly yours,

Marguerite Greene,  
SVP Commercial Agent, REALTOR®  
Century 21 Collective  
Certified Business Development Agent

Kelly Carraway,  
Senior Commercial Associate  
Century 21 Collective

Lindsey Jenkins, Broker/Owner, Century 21 Collective  
910 368-9626 · [lindseyjenkins5@gmail.com](mailto:lindseyjenkins5@gmail.com)



**MARGUERITE GREENE**  
SENIOR VICE PRESIDENT COMMERCIAL,  
Century 21 Triangle Group  
Century 21 Providence  
Century 21 Collective  
**919 219-9312**  
[mgreene@marccom.com](mailto:mgreene@marccom.com)



**KELLY CARRAWAY**  
SENIOR COMMERCIAL, ASSOCIATE  
Century 21 Triangle Group  
Century 21 Collective  
**919 441-6912**  
[Kellyc21tg@gmail.com](mailto:Kellyc21tg@gmail.com)



## **TAB A: PROPOSED SCOPE OF SELLING SERVICES/ APPROACH**

All our Commercial Agents must successfully complete our Advanced Commercial Advisor (ACA) a training program for CENTURY 21 Commercial® Specialists to become part of a private network of skilled and knowledgeable commercial real estate professionals.

We are proudly servicing the Commercial Real Estate needs of North Carolina, strategically positioned from the coast-to- mountains, we provide full market coverage.

The Commercial Division and Operations are led by commercial real estate veteran, Marguerite Greene, who serves as Senior Vice President, Commercial Sales,

- Century 21 Triangle Group (Raleigh Area),
- Providence (Charlotte Area) and
- Collective (Oak Island/Coastal Areas).

Our ability to reach markets throughout the state and our nationwide lead database have proven to be a successful combination for our clients. We will position our leverage and combine market expertise to develop innovative strategies to market your property for sale. As well as achieve your objectives of identifying properties to purchase which best meets the City of Southport's feasibility study results for both the staffing and recreational needs.





## **TAB A: PROPOSED SCOPE OF BUYING SERVICES/ APPROACH**

We offer the expertise to guide you through the entire Commercial Real Estate Purchase transaction from:

- Research,
- Selection,
- Market Analysis,
- Identifying,
- Negotiations
- Examination Period
- and finally, to Acquisition, the Closing.

The Commercial Land Buying Process can have many layers and can include civil and environmental site inspections, concept plan, preliminary plans, site construction plans and permitting.

Conversely, if purchasing an Existing structure, a variety of other services could be required: History of use, environmental hazards, inspections, ADA compliance, zoning concerns and road improvements

With a team approach, out-of-the-box thinking and innovative resources, we combine our talent, skills and tools to meet and exceed your expectations.

It's your satisfaction and success that drives us.



# **TAB A: 1 SIMILAR PROJECT BUYER AGENT REPRESENTATION**

ABOVE  
AND  
BEYOND

## **LAND ACQUISITION: 2917 Airport Rd. Sanford, NC**

Agents: Marguerite Greene/Akash Joshi

Representing SARVA USA, LLC

In cooperation with the Town of Sanford

Worked with Town of Sanford to identify target areas for expansion. Pursuing and identifying properties that could be rezoned to realize their future land use plan and infrastructure growth.

Discussions included:

- Zoning,
- Utilities,
- Water,
- Sewer,
- Infrastructure,
- NCDOT Requirements/Plans
- Obstacles
- Public
- Expected Delays
- Expected Zoning Application Timeline



# TAB A: 1 SIMILAR PROJECT BUYER AGENT REPRESENTATION

ABOVE  
AND  
BEYOND

## **LAND ACQUISITION: 2917 Airport Rd. Sanford, NC**

Agents: Marguerite Greene/Akash Joshi

Representing SARVA USA, LLC

In cooperation with the Town of Sanford

We performed the following Tasks to complete the above referenced project:

### **Workflow:**

- Discuss & align with Town's growth plan
- Identify Parcels
- Discussion with Town for identified parcel - historical information, future land use plans
- Site visit with the SMEs
- Understanding of the Geotech Conditions
- Meeting with Town to understand availability of all utilities
- Several discussions with the Legal, Environmental, and Planning Department
- Prepare Preliminary Site Plans for the Conditional Zoning application. Scheduling, fees, Application of Rezoning
- Attend and Present at Rezoning Public Meeting
- Attend of Town closed-door meeting with Public Utility, Fire department, & Infrastructure
- Rezoned approval.



## **TAB A: 1 SIMILAR PROJECT 2917 AIRPORT RD. SANFORD, NC**

ABOVE  
AND  
BEYOND

Once we identified the proposed property, we discussed site specific development concerns and proposed solutions with Town staff.

We developed a rough timeline with associated milestones based on the feedback received from the Town. We then negotiated with the Seller and their representative and executed an offer to purchase the property.

A Two (2) Phase Development plan was approved.

- Phase 1 –  
One (1) 6,500 SQ FT Building serviced by septic system.  
The Developer will occupy 3,500 SQ Ft and will be working with the local High School and Community College to offer engineering internships.  
Zoning changed from CZ to Light Industrial
- Phase 2 –  
Develop the rest of the site as Research & Development Park  
Build Four (4) additional 5,500 SQ FT Buildings on site serviced by city water and sewer.



# TAB A:

## 1 SIMILAR PROJECT

## SIMILAR PROJECTS

## 2917 AIRPORT RD.

## SANFORD, NC/PHASE 2

ABOVE  
AND  
BEYOND





# TAB A: 1 OF 3 SIMILAR PROJECTS SELLER AGENT REPRESENTATION

ABOVE  
AND  
BEYOND

## SIMILAR PROJECTS SELLER AGENT REPRESENTATION:

### **Commercial Property Sales Brunswick County**

Agent: Marguerite Greene  
Representing  
Southport RE Investments LLC

While our firm has other commercial listing in the Brunswick County area these three projects actively listed. They are selected to illustrate listings for sale and marketed by Marguerite Greene in the current market and is shown as a **similar project** in relationship to selling City owned properties.

### **Land with Commercial Standalone Retail Building in Southport**

This is a portfolio sale; the property can be purchased as the Brewery with 14.15 acres or individually (land 13.50 and Brewery on .65 acres). The business has CO and licenses but never opened. The owner does have projections that we can provide, with a signed confidentiality agreement.

In this case a local residential firm had the Seller Lead but realized they did not have the Commercial Real Estate knowledge and expertise to successfully market this property and reached out to Marguerite Greene to co-list the property.



# **TAB A: SELLER AGENT REPRESENTATION COMMERCIAL LAND STANDALONE BUILDING IN SOUTHPORT**

ABOVE  
AND  
BEYOND





# TAB A: 2 OF 3 SIMILAR PROJECTS SELLER AGENT REPRESENTATION

ABOVE  
AND  
BEYOND

## SIMILAR PROJECTS SELLER AGENT REPRESENTATION:

### **Commercial Property Sales Brunswick County**

Agent: Marguerite Greene

Representing

J Powers

### **Land with Approved County Plan for Multifamily and Commercial Development in Leland**

Located just minutes away from US 17 and shopping, this exceptional property offers a unique opportunity for investors and developers. With approximately 17.38 acres of land, this site boasts an approved site plan by Brunswick County for 180 multifamily units, along with 2 acres dedicated to commercial retail and office space.

The approved plan includes 180 multifamily units, providing an excellent opportunity to capitalize on the area's strong demand for luxury rentals. Additionally, the 2 acres of commercial space present a prime location for a grocery store, daycare center, restaurants, and medical offices.





# TAB A: SELLER AGENT REPRESENTATION MULTIFAMILY & COMMERCIAL LAND IN LELAND





# **TAB A:**

## **3 OF 3 SIMILAR PROJECTS**

### **SELLER AGENT REPRESENTATION**

ABOVE  
AND  
BEYOND

#### **SIMILAR PROJECTS SELLER AGENT REPRESENTATION:**

##### **Commercial Property Sales Brunswick County**

Agent: Marguerite Greene

Representing

W.A. Roach Family, LLC,

##### **Commercial Site for Retail Development in Supply**

15.9 +/- acres on Highway US 17.

High visibility with 1,420.9 SQ FT road frontage along Ocean Highway W (US HWY 17 N) near intersection of HWY 211.

Zoned Commercial Low Density, this property is across from McDonald's, near Dollar General and several gas stations.

Property located across from McDonalds on a high visibility road frontage along Ocean Highway W (US HWY 17 N) and near intersection of HWY 211.

Immediate retailers include Hardee's, Bojangles, Dollar General, and several gas stations including Circle K and Marathon.



# TAB A: SELLER AGENT REPRESENTATION COMMERCIAL LAND IN SUPPLY

ABOVE  
AND  
BEYOND





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# CENTURY 21 COMMERCIAL®

## MEET OUR TEAM



Marguerite Greene, Senior Vice President, Commercial Sales, Century 21 Triangle Group (Triangle Area), Providence (Charlotte) and Collective (Oak Island).

As a CRE veteran, I have found great value in teamwork and leveraging company resources. Our Commercial Real Estate Agents are strategically located across North Carolina to meet our clients needs.

Each commercial real estate transaction has many moving parts. It can get unwieldy without the right support. So, CENTURY 21 Commercial® Collective agents are equipped to work closely with you throughout your real estate transaction.

**CENTURY 21** COMMERCIAL®  
Triangle Group  
Collective  
Providence



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# CENTURY 21 COMMERCIAL®

## MEET OUR TEAM - ALTERNATIVE REALTORS



**PAT FLANAGAN**  
VP of Commercial



**SUE SOULE**  
SENIOR COMMERCIAL  
ASSOCIATE



**TIM MATTHEWS**  
SENIOR COMMERCIAL  
ASSOCIATE



**KELLY CARRAWAY**  
SENIOR COMMERCIAL  
ASSOCIATE



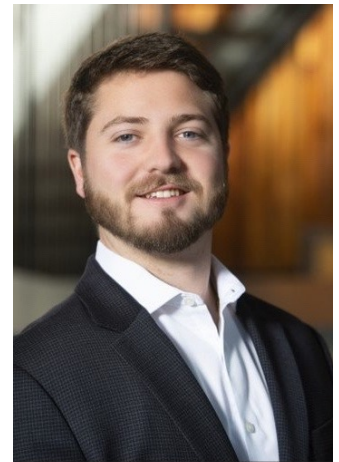
**ISABEL GONZALEZ**  
SENIOR COMMERCIAL  
ASSOCIATE



**GINA CLAPP**  
ADVANCED COMMERCIAL  
ADVISOR



**Rosie Zapata**  
Commercial Specialist



**Wyatt Mattingly**  
Commercial Specialist

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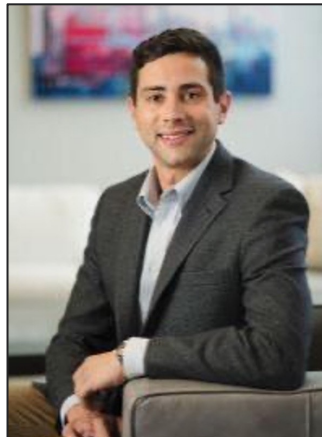
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# CENTURY 21 COMMERCIAL®

## MEET OUR TEAM - ALTERNATIVE REALTORS



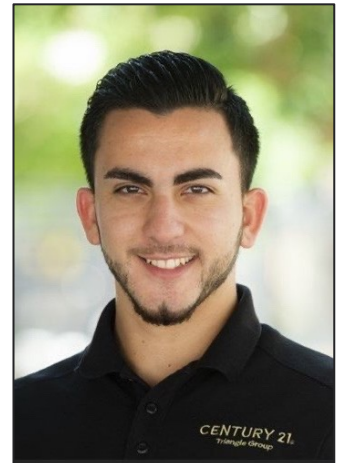
IAN MURPHY  
COMMERCIAL SPECIALIST



BEN PAYNE  
COMMERCIAL SPECIALIST



Pamela Keene  
Commercial Specialist



JOSE CRUZ  
COMMERCIAL SPECIALIST



KATIA MURPHY  
COMMERCIAL SPECIALIST



AKASH JOSHI  
COMMERCIAL SPECIALIST

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# CENTURY 21 COMMERCIAL.

## MEET OUR TEAM - ALTERNATIVE REALTORS

### 2023 Century 21 Commercial Agents Directory

|                   |                   |                                    |
|-------------------|-------------------|------------------------------------|
| Marguerite Greene | +1 (919) 219-9312 | mgreene@marccom.com                |
| Kelly Carraway    | +1 (919) 441-6912 | Kellyc21tg@gmail.com               |
| Akash Joshi       | +1 (919) 999-0087 | Akash_joshi_83@yahoo.com           |
| Ian Murphy        | +1 (919) 800-9117 | ian.murphy@relocatingraleigh.com   |
| Katia Murphy      | +1 (336) 455-3992 | katia.murphy@relocatingraleigh.com |
| Pat Flanagan      | +1 (919) 302-3298 | Pat.Flanagan@Century21.com         |
| Gina Clapp        | +1 (919) 818-3916 | gina@clapprealestate.com           |
| Ben Payne         | +1 (336) 906-9121 | paynebh7@gmail.com                 |
| Wyatt Mattingly   | +1 (919) 810-7430 | rwyattmattingly@gmail.com          |
| Jose Cruz         | +1 984-239-8452   | jose.cruz@century21.com            |
| Rosie Zapata      | +1 786-359-3337   | rosiezrealtor@gmail.com            |
| Pamela Keene      | +1 (919) 621-6595 | Pskeene50@gmail.com                |
| Isabel Gonzalez   | +1 (704) 771-5084 | lgonzalezc21@gmail.com             |
| Tim Matthews      | +1 (919) 291-1991 | c21tima@aol.com                    |
| Sue Soule         | +1 (919) 422-2074 | ssoule@capitalcitycommercial.com   |

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Collective  
Providence



## TAB B: PROJECT EXPERIENCE

Every Commercial Real Estate Transaction is different and not one-size-fits-all. To be effective, each Project Work Plan or Schedule must be customized to the property you are purchasing or marketing for the property you are selling or leasing.

It should also use a Commercial Real Estate Project Work Plan and Marketing Package format that matches your industry, property type, and whether the property is for sale or for lease.

We prioritize, schedule, and manage every project in a secured shared place, assign ownership, collaborate in context, provide feedback, and share files with your team in real-time.

Full transparency

We develop workflow/milestone spreadsheets with shared files, regularly scheduled virtual team meetings, check progress, and give updates.

We will collaborate with your teammates to plan, run, track all your marketing campaigns in one place. As well as providing monthly marketing reports.





## TAB B: PROJECT EXPERIENCE

Our Team has significant expertise in their areas of specialization and in their local markets. Together, we act and think as a team, strong with one purpose: to achieve our clients' goals.

With a team approach, out-of-the-box thinking and innovative resources, we combine our talent, skills and tools to meet and exceed our clients' expectations.

### **For Sellers / Investors**

- Project Leasing
- Consultancy
- Capital Markets
- Valuation & Advisory
- Sustainability & Environmental
- Marketing
- Research

### **For Developers**

- Management Services
- Valuation & Advisory
- Consultancy
- Sustainability & Environmental
- Investment Services
- Marketing

### **For Buyers / Tenants**

- Corporate Services
- Tenant Representation
- Valuation & Advisory
- Research
- Consultancy
- Call Center Services



# TAB B: BUYER REPRESENTATION PROJECT EXPERIENCE

## Purchasing a Commercial Property

### Step 1:

We will explore possible options for your consideration. Researching market availability and discuss options: buying an existing building or buying land and building whatever investment you are considering. We will develop a spreadsheet to compare each property. This will position you for the next step.

### Step 2: Secure Financing

### Step 3:

We will reach out to Owners or their listing agents on your behalf **(confidentially of the buyer will be exercised)**, perform Comparative Market Analysis and send documentation to any services you might require during your investigation period.

### Step 4:

Once a property has been identified the negotiations begin with a Letter of Intent. The Letter of Intent (LOI) is non-binding and shall serve as a framework to provide the basic economic terms as well as related conditions for the execution of the final purchase agreement.

Pricing will be based on several factors: Comparative Market Analysis and research on the property including buildable area, access and municipality requirements will help decide on the best offer price to begin this process.

The LOI process goes back and forth between both the buyer and seller until everyone agrees to the terms and we move to contract. There is no Due Diligence money exchanged in a commercial transaction, but an Earnest Money Deposit will go into escrow and be applied to the purchase price. The LOI is signed, and we start drafting the purchase contract.



# TAB B: BUYER REPRESENTATION PROJECT EXPERIENCE

ABOVE  
AND  
BEYOND

## Step 5:

Once all the contracts have been signed by both parties and the initial Earnest Money has been deposited then the contract is fully executed, and the examination period begins. We will coordinate between all parties involved in the transaction.

## Step 6:

The examination period will be different depending upon the type of purchase. Land verses existing building- will require inspections, wetlands, environmental and soil reports.

## Step 7:

Close on Your Transaction.  
We will help coordinate utilities, keys, and any special requirements. As a team we will be in constant contact with everyone on involved in the close of your transaction.

# RECENTLY SOLD & LEASED



**Apartments in Franklin County**



**Office in Alamance County**



**Land in Wake County**



**Drug Store in Wake County**



**Storefront in Harnett County**



**Land in Lee County**



**Medical Office in Wake County**



**Storefront in Johnston County**



**Land in Wake County**

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# RECENTLY SOLD & LEASED



Restaurant in Wayne County



Warehouse in Wake County



Land in Rowan County



Office/Flex in Wake County



Warehouse in Nash County



Land in Robeson County



Medical Office in Wake County



Office/Flex in Wake County



Land in Harnett County

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Providence



# TAB B: SELLER REPRESENTATION PROJECT EXPERIENCE

ABOVE  
AND  
BEYOND

## Selling a Commercial Property

To help sell your commercial property, we will utilize the CENTURY 21® System which includes world-class web platforms, marketing tools and proven services and post your property as a premium listing on Commercial websites.

We leverage our digital advertising to stay top-of-mind with your prospects.

**Experienced:** We have over 15 years of commercial real estate experience.

**Connected:** Trained commercial agents in the local real estate community with a vast network of commercial agents, investors, buyers, and sellers.

**Service with Results:** Step-by-step assistance, helping you sell your property for the highest possible price and under the best terms.

**Knowledgeable:** Expert area knowledge. We have three firms strategically located to service the entire state of NC for Local boots on the ground presence.

**Getting Started:** We will discuss what your selling objectives are. We will give you an idea of what to expect during the selling process. We will discuss the results of our Comparative Marketing Analysis (CMA) for your property as well as the current market. Before putting your property on the market, we will walk through your property, discuss minor repairs, marketing strategy and discuss pricing.

**Selling Your Property:** We will review and sign a Listing Agreement. We will arrange for photos, signage and installation. Get keys is applicable.



# TAB B: SELLER REPRESENTATION PROJECT EXPERIENCE

ABOVE  
AND  
BEYOND

## Selling a Commercial Property

**Marketing Your Property:** We will market your property competitively. Creating excitement in the marketplace through consistent and aggressive marketing efforts and integrating online and offline efforts our key to a successful sale. We will identify prospective buyers/investors for your property, disseminate marketing materials through proprietary local databases, unique property sites, and national syndicated listing partners. We will share your property listing with over 10,000 agents and 5,000 Commercial Investment Network brokers and market your property listing through CENTURY 21 Commercial® and Global web platforms. We will remain in constant communication with you and give you progress reports on showings and all activity.

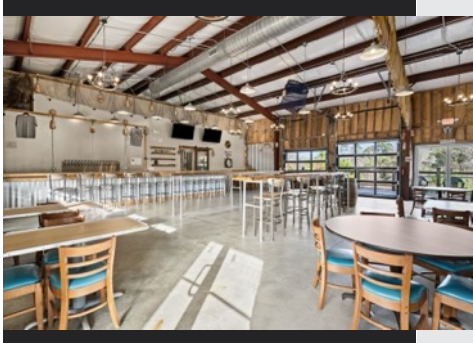
**Processing the Sale & Closing:** The complexities of processing transactional documents will be made very easy for you through our continuous guidance and communication. We will review all offers and terms of each offer with you and negotiate on your behalf so that you obtain the highest possible price for your property while protecting your best interests.

Once your property is in escrow, we will prepare all seller required documents and communicate every step of the way.

**Close of Escrow:**  
Congratulations, you have now sold your property! We will provide you with copies of all paperwork and be there to answer any questions.

Our Relationship continues, we can continue to help you with your real estate needs.

# RECENTLY LISTED



**Brewery in Brunswick County**



**Event Compound in Guilford County**



**Land in Brunswick County**



**Mixed Use in Wake County**



**Land in Brunswick County**



**Land in Lee County**



**Brewery in Harnett County**



**Warehouse in Nash County**



**Land in Brunswick County**

**CENTURY 21** COMMERCIAL®

Triangle Group  
Collective  
Providence

# Leverage our digital advertising to stay top-of-mind with your prospects.

Century 21 Commercial® promotes our services and affiliated agents in a variety of digital advertising media to reach online consumers:



## Loopnet™

Digital banner advertising for each Century 21 Commercial office on LoopNet™.



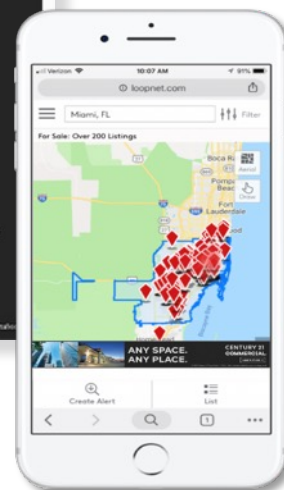
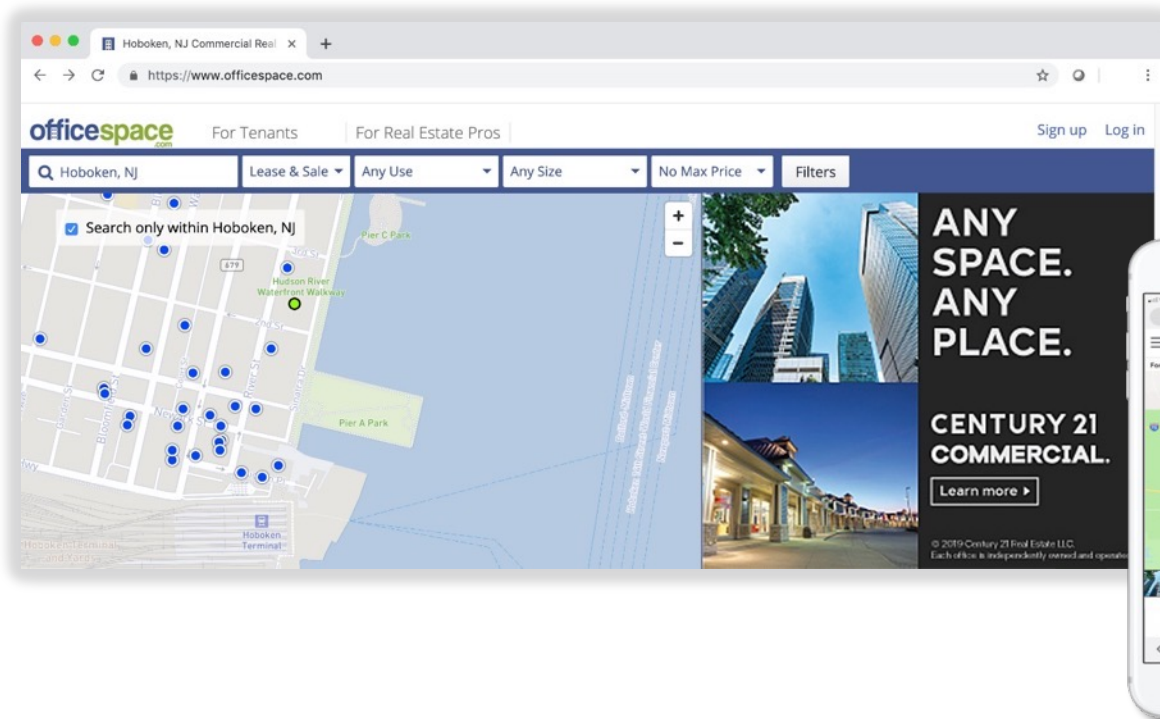
## Digital Advertising

Century 21 brand awareness and lead generation digital display advertising on relevant commercial real estate sites.



## Search Engine Marketing

Century 21 Commercial advertising on search engines, such as Google and Bing, based on consumer keyword searches.



**CENTURY 21 COMMERCIAL.**  
Triangle Group  
Collective  
Providence

# CENTURY 21 Commercial® Marketing Program:



To help sell your commercial property, we will utilize the **CENTURY 21® System** which includes world-class web platforms, marketing tools and proven services:



## Digital marketing

- Unique website for your property
- YouTube® videos
- Syndicated listing through partners
- Online banner ads



## Websites

- [C21Commercial.com](http://C21Commercial.com)
- [C21Global.com](http://C21Global.com)
- Map view/aerial view
- Filtered results
- Heat maps



## Physical presence

- Local advertising and signs
- National and regional network events



The following slides highlight some of these key marketing components. Working together, this comprehensive plan is designed to find the best buyer/tenants for your property.

# We start by creating a Unique Property Website.



## The result is:

### Clarity

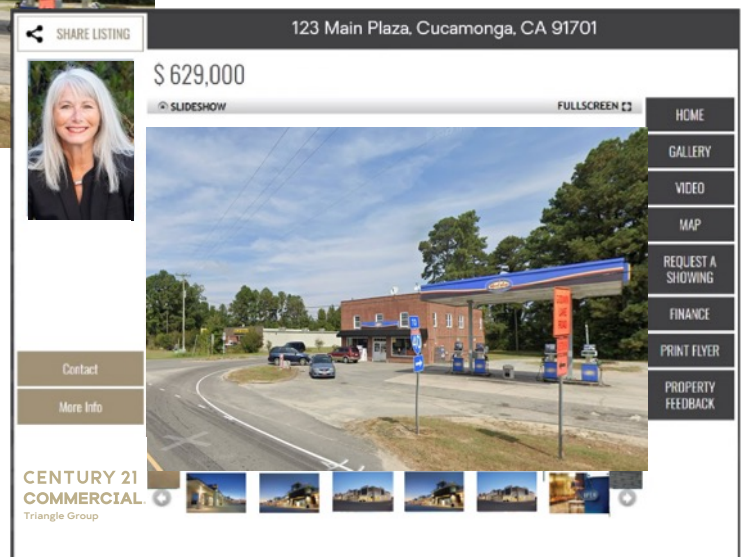
Buyers can quickly access all the key details about your property on one page

### Clutter-breaking

Attractive visuals and details that stand out among thousands of listings

### Comprehensive

Helps optimize your property in search results for both local and global clients



**CENTURY 21** COMMERCIAL

Triangle Group  
Collective  
Providence

## Feature your property wherever investment buyers look.

All C21 Commercial® national syndicated listing partners will automatically show your property:



And we are always expanding our database...

**CENTURY 21** COMMERCIAL®  
Triangle Group  
Collective  
Providence



COMMERCIAL.

We will represent you on  
property signs locally.

COMMERCIAL

CENTURY 21  
COMMERCIAL.  
Collective

AVAILABLE

BROKER  
MARGUERITE  
GREENE

919.219.9312

[commercialc21tg.com](http://commercialc21tg.com)

Each office is independently owned and operated.



CENTURY 21 COMMERCIAL.  
Triangle Group  
Collective  
Providence

# CENTURY 21 COMMERCIAL®

A global brand with local representation specializing in commercial spaces:



- Commercial areas for offices and shopping
- Commercial land
- Neighborhood commercial brokerage
- Retail and Flex Space
- Tenant/owner/landlord representation
- Developer/investor acquisition and disposition representation
- Site positioning for local, national and global brands
- Hotels
- Multi-family, senior living and special purpose facilities
- International real estate services

**CENTURY 21** COMMERCIAL®

Triangle Group  
Collective  
Providence

## THE MOST RECOGNIZED AND RESPECTED BRAND IN REAL ESTATE\*

48

YEARS OF  
INDUSTRY-LEADING  
EXPERIENCE1 OF THE WORLD'S MOST VISITED  
REAL ESTATE FRANCHISE WEBSITES

4.8M

WEBSITE VISITS PER MONTH\*\*

## CONNECTED BY A GLOBAL NETWORK

82  
COUNTRIES

640+

COMMERCIAL INVESTMENT  
OFFICES ACROSS THE U.S.

\* Study Source: 2018 Ad Tracking Study. The survey results are based on 1,200 online interviews with a national random sample of adults (ages 18+) who are equal decision makers in real estate transactions and active in the real estate market (bought or sold a home within the past two years or, plan to purchase or sell a home within the next two years). Brand awareness question based on a sample of 1,200 respondents. Results are significant at a 90% confidence level, with a margin of error of +/-2.4%. Recognition question based on consumers aware of brand in question. Results are significant at a 90% confidence level, with a margin of error of +/-2.4%.

The study was conducted by Millward Brown, a leading global market research organization, from September 5-16, 2018.

\*\* Google Analytics, January-December 2018.

CENTURY 21 COMMERCIAL.

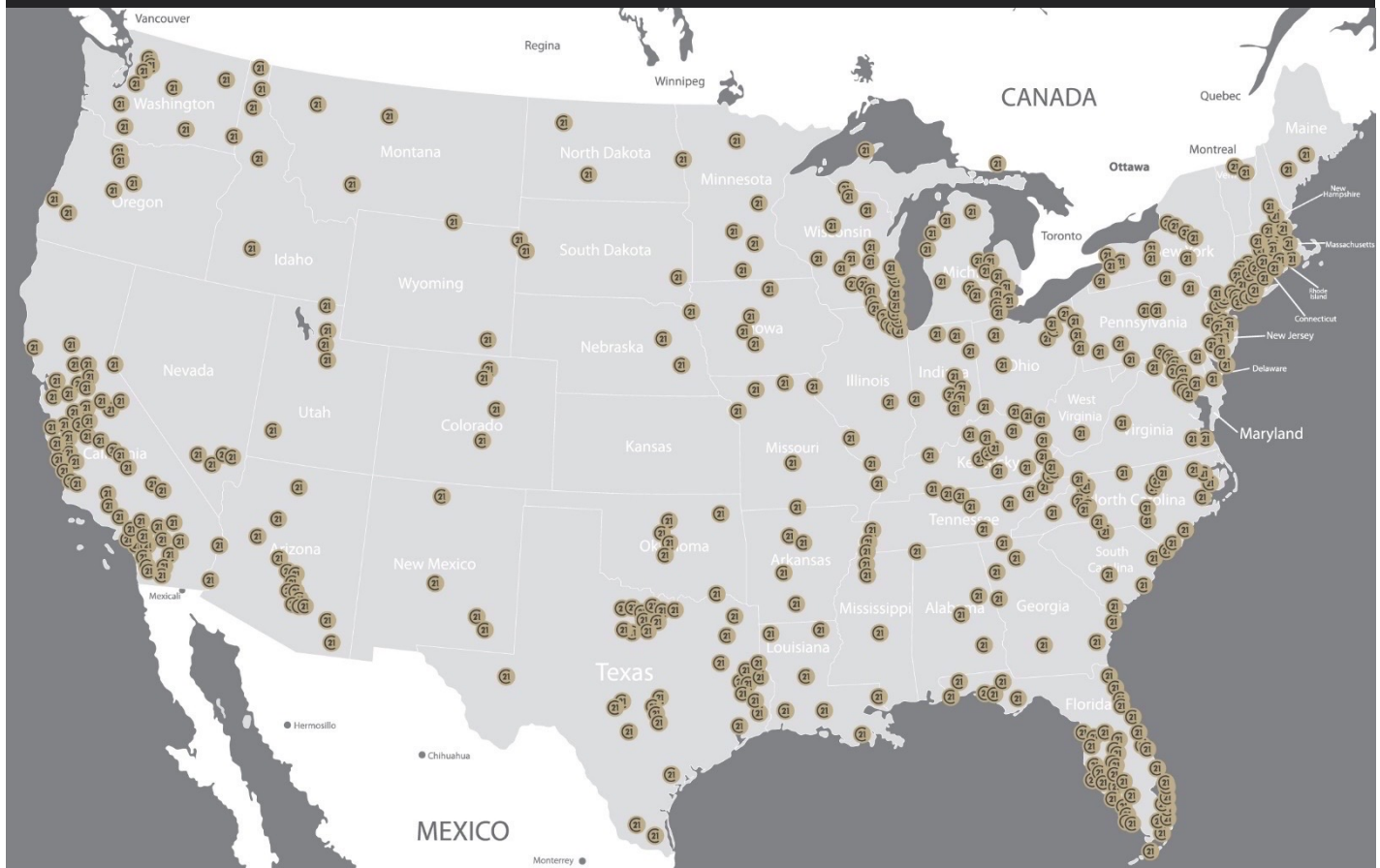
Triangle Group  
Collective  
Providence



COMMERCIAL.

## YOUR LOCAL REAL ESTATE. OUR NATIONWIDE REACH.

Leverage the C21 Commercial® network of  
**640+** commercial investment offices across the U.S.



**CENTURY 21** COMMERCIAL.®

Triangle Group  
Collective  
Providence

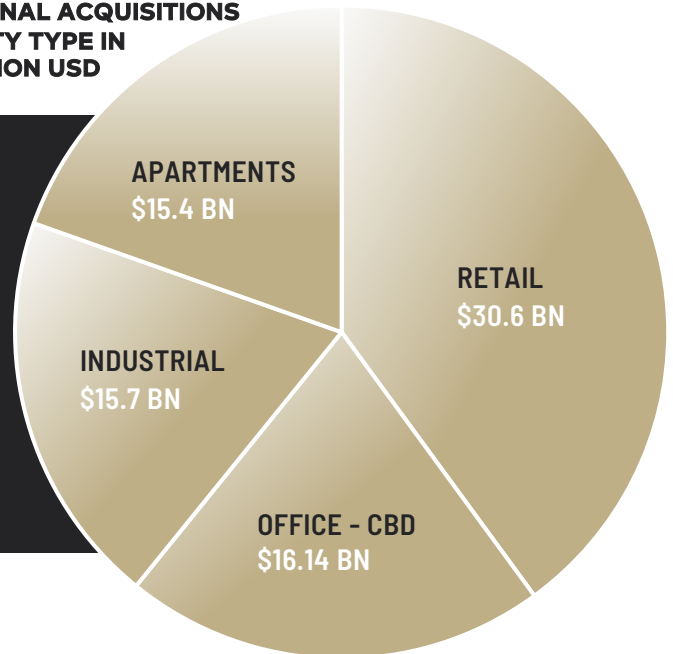
INTERNATIONAL ACQUISITIONS  
BY PROPERTY TYPE IN  
2018 IN BILLION USD

In 2018, over

**\$94.9 billion**

of commercial real estate in the U.S.  
was purchased by international buyers.\*  
And more than half of them

**paid fully in cash.\*\***



BEST-IN-CLASS WEB PLATFORMS WILL BRING  
YOUR SPACE LISTING A WORLD OF EXPOSURE.

At [C21Global.com](https://www.c21global.com),

buyers can view your property in

**18 languages**

and change your listing price into

**36 currencies**

\* Commercial Real Estate International Business Trends 2019. National Association of Realtors.  
The value cited is for the acquisition of commercial properties and portfolios of \$2.5 million or more.

\*\* 52% of commercial foreign buyers made an all-cash purchase. Ibid.

**CENTURY 21** COMMERCIAL®

Triangle Group  
Collective  
Providence



# APPENDIX A: PROFESSIONAL REFERENCES

ABOVE  
AND  
BEYOND

Bob Joyce  
Director of Economic Development (newly retired)  
Town Of Sanford  
Phone: (919) 774-8439  
Email: b j o y c e @ g r o w s a n f o r d n c . c o m  
RFQ Tasks Reference – 2917 AIRPORT RD. SANFORD, NC

Frank Marchetti  
Managing Partner  
Southport RE Investments LLC  
Phone: (910) 269-3111  
Email: F r a n k n a n c y s o u t h p o r t @ g m a i l . c o m  
RFQ Tasks Reference – Land with Commercial Standalone  
Retail Building in Southport

Jacky Powers  
Owner  
Phone: (910) 660-2510 or (803) 513-4685  
Email: j p 4 4 9 6 @ g m a i l . c o m  
RFQ Tasks Reference – Multifamily and Commercial Land in Leland



# THANK YOU

ABOVE  
AND  
BEYOND



**MARGUERITE GREENE**

SENIOR VICE PRESIDENT COMMERCIAL,  
Century 21 Triangle Group  
Century 21 Providence  
Century 21 Collective

**919 219-9312**

[mgreene@marccom.com](mailto:mgreene@marccom.com)



**KELLY CARRAWAY**

SENIOR COMMERCIAL, ASSOCIATE  
Century 21 Triangle Group  
Century 21 Collective

**919 441-6912**

[Kellyc21tg@gmail.com](mailto:Kellyc21tg@gmail.com)





# RECEIPT OF SUBMITTAL

Receipt of submittal by February 23, 2024, at 3:00 pm  
1 original and 8 copies RFP Binders.  
1 sealed envelope  
**"Response to RFP for "Real Estate Services"**  
Including three (3) hard copies of Fee Proposal

Submitted to Dorrie Dutton, Assistant City Manager,  
1029 N. Howe Street, Southport, NC 28461

Name: *Hermit Green* Date: *Feb 22, 2024*

Name: *Dorrie Dutton* Date: *2/22/2024*





# FEE PROPOSAL

ABOVE  
AND  
BEYOND

**Commercial real estate agents operate on a commission based on the sale or leasing of a property.**

For the bulk of commercial real estate deals, commercial real estate commission is paid to one or two real estate agents/firms:

1. Listing Agent: This agent is responsible for marketing properties and fielding inquiries for the property owner, landlord, or seller.
2. Buyer / Tenant Agent: This agent is responsible for locating commercial real estate space for sale or rent for tenants and buyers.





# FEE PROPOSAL

ABOVE  
AND  
BEYOND

**Cooperating Agents** - Commercial real estate transactions usually have two agents involved, a Seller/Landlord representative and a Buyer/Tenant representative. We do not practice Dual Agent. No one agent will represent both sides in a single transaction. In Commercial Real Estate we DO NOT practice Dual Agent and instead we practice Designated Agent, where we can assign a specific agent, each representing one principal in the transaction.

Like everything involving commercial real estate commission, the split can be handled several different ways depending on the commission itself. We split the commission 50/50, with the cooperating agent. If no cooperating agent involved, the full commission is paid to the listing agent's firm.

**Commercial real estate commission is either paid by a property owner or landlord**, depending on if the property is for sale or for lease. A leasing transaction usually is paid in two installments - half of the commercial real estate commission at lease signing and the other half upon tenant occupancy and it is based on the total lease term.

However, in the case of Off Market or For-Sale-by-Owner transactions, the owner/landlord might not elect to pay real estate commission. In the event, the commission is not being paid by Seller/Landlord or is less than 4% of the transaction, the Buyer/Tenant will be obligated to pay the commission or difference.



# COMMISSION PROPOSAL

## Seller/Landlord Properties:

To maximize our marketing efforts, we will invest in professional signage, images, and graphics for use in all offer memorandums, flyers, websites, and social media posts. These cost the agent personally in the range of \$600 - \$3,000 per listing depending on the property. We feel that you are entrusting in us to represent you and in turn we waive this cost and are personally investing in each property listed for sale.

- 6% of Sales Price/Total Lease Term
- 3% Split Each cooperating agent
- 6% to Listing Agent's Firm If no cooperating agent involved.
- 10% Option fee, should there be a forfeiture of earnest money

## Buyer/Tenant Properties:

We will work diligently to find both listed and off market properties. We will Contacting owners directly and build strong Broker and Industry Relationships by taking time to build a repour with listing agents, property owners and the community.

- 3% of Sales Price/Total Lease Term
- 6% to Buyer/Tenant Agent's Firm If no cooperating agent involved
- -3% if commission less than 3%, Buyer/Tenant to pay difference



## BOARD OF ALDERMEN

### AGENDA ITEM SUMMARY

**DATE:** 03/14/2024

**DEPARTMENT:** Development Services

**PRESENTED BY:** Maureen Meehan, City Planner

**ITEM SPONSORED BY:** S&G Holdings

**ITEM/TOPIC:** Hold a Public Hearing for a Unified Development Ordinance Amendment to Section 3.5 – Table 3.1 Residential Uses – Mixed Uses and Section 3.7.F Residential Use Standards

**COST:** N/A

**BUDGET LINE ITEM:** N/A

**JUSTIFICATION:** At their January 18, 2024, meeting the Planning Board voted to send the Board of Aldermen a recommendation of denial for a Unified Development Ordinance Amendment to Section 3.5 – Table 3.1 and Section 3.7.F, to allow mixed uses in Highway Commercial (HC) zoning districts. The Planning Board recommended denial because they thought it was too broad of a brush stroke to allow mixed uses in all the HC areas. They did agree that it would work in some HC areas. A duly advertised public hearing must be held prior to the Board of Aldermen deciding on the proposed amendment.

**IMPACT IF NOT APPROVED:** This is a legislative decision defined by the NC General Statutes. The Board is not obligated to approve the amendment. A statement of consistency must be adopted in conjunction with a motion to approve or deny the proposal.

**DEPARTMENT HEAD COMMENTS:** The attached proposed Unified Development Ordinance Amendment has been reviewed by staff for consistency with the land use plan. Staff found the proposal appeared consistent with the land use plan and forwarded it to the Planning Board for a recommendation.

**CITY MANAGER COMMENTS:** This is a Board decision.

**ATTACHMENTS:** Staff Report and Proposed Language, Consistency Statement, Application

**REQUESTED ACTION:** Hold a public hearing for an applicant requested amendment to the Unified Development Ordinance as presented in this report.

**PROPOSED MOTION:** Discussion only. The decision will be made at your April meeting.

**STAFF REPORT**  
**ZONING TEXT AMENDMENT APPLICATION**  
**SECTION 3.5 TABLE OF PERMITTED AND SPECIAL USES**

| APPLICATION SUMMARY         |                                                                                                    |
|-----------------------------|----------------------------------------------------------------------------------------------------|
| Presentation Date           | March 14, 2024<br>Board of Aldermen                                                                |
| Applicant                   | S&G Holdings                                                                                       |
| Relevant Ordinance Sections | Section 3.5 – Table 3.1 Residential Uses – Mixed Uses and Section 3.7.F. Residential Use Standards |

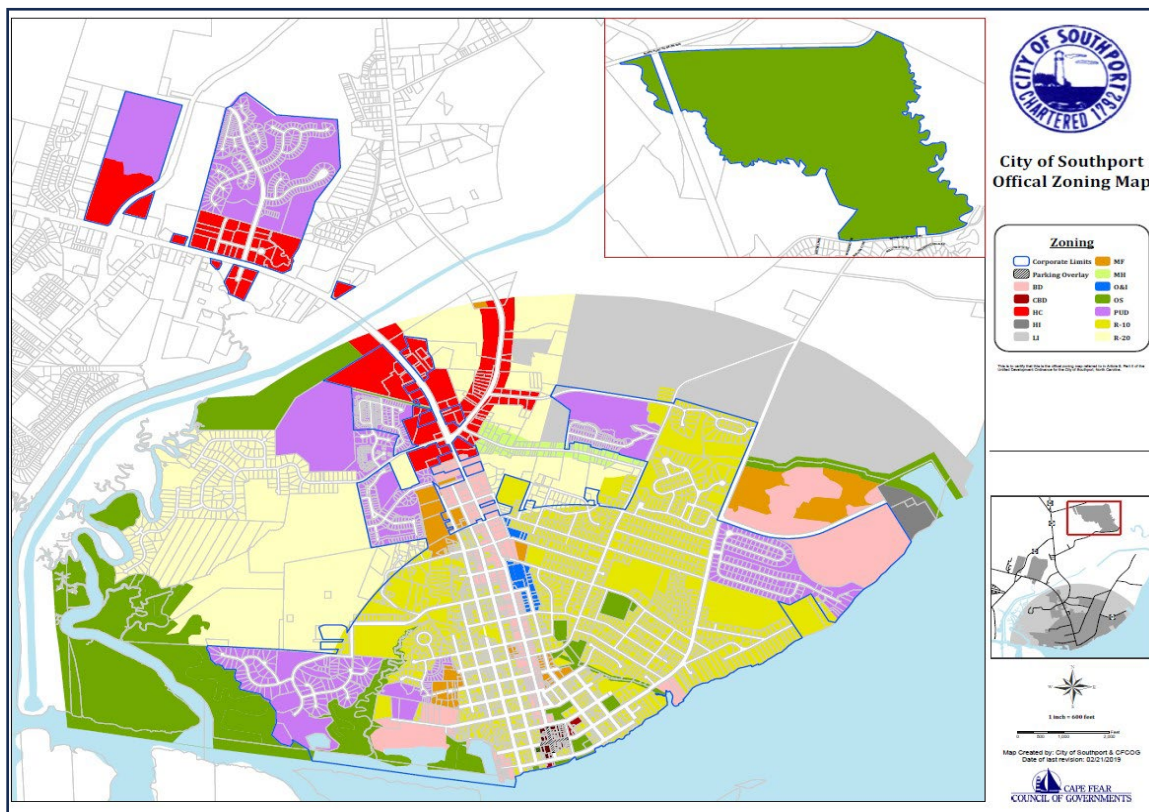
| ZONING TEXT AMENDMENT PROPOSAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S&G Holdings, applicant, respectfully submits a Zoning Text Amendment to the City of Southport Unified Development Ordinance. Specifically, the request is to amend Section 3.5 – Table 3.1 Residential Uses to permit Mixed Uses in the HC – Highway Commercial zoning district, with standards. All proposed changes, including additions and deletions, can be found as an attachment to this report and may also be viewed in the City of Southport Development Services Department offices. |

| REVIEW PROCESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A Zoning Text Amendment proposal is considered a legislative process. As laid out by North Carolina General Statutes, a legislative process is a policy-level decision with broad discretion by the decision-making authority, in Southport’s case the Board of Aldermen. In a decision to approve or deny a legislative proposal, the Board of Aldermen shall include a statement referencing the decisions consistency with the adopted land use plan for the City of Southport. Per the City of Southport Unified Development Ordinance, the Planning and Zoning Board shall also provide a recommendation on any proposed Zoning Text Amendment to the Board of Aldermen. The Board of Aldermen shall hold a public hearing prior to voting on any Zoning Text Amendment. |

| AMENDMENT DESCRIPTION AND APPLICANT PETITION                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The amendment to this section would allow Mixed Uses in the Highway Commercial (HC) zoning district. The standards that are required for all mixed-use developments would be applicable to any development in the HC district. |

The applicant applied for this amendment to expand the housing options throughout the city, especially in the areas along Rob Gandy Boulevard SE. Currently, the only zoning districts that

allow mixed uses are PUD, O-I, BD, and CBD. While the applicant is most interested in the parcels along Rob Gandy Boulevard SE, the addition would allow mixed uses in any of the HC zoning districts. The zoning map below shows HC properties in red.



| Table 3.1:<br>Table of Uses | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard |      |      |     |    |     |     |     |    |    |    |    |     | Use<br>Stand<br>ard |
|-----------------------------|---------------------------------------------------------------------------------------------------------------|------|------|-----|----|-----|-----|-----|----|----|----|----|-----|---------------------|
|                             | ICS                                                                                                           | R-10 | R-20 | M-F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O-S | Section #           |
| MIXED USES                  |                                                                                                               |      |      |     |    | PS  | PS  | PS  | PS | PS |    |    |     | 3.7.F               |

## F. MIXED USES

Where permitted, the following shall apply:

1. First floor shall be permitted business uses only.
2. The floor area devoted to the dwelling(s) in the CBD or BD shall not exceed the floor area devoted to the permitted business use(s).
3. The floor area devoted to the dwelling(s) in the PUD, O-I, **or HC** shall not exceed twice the floor area devoted to the permitted business use(s).
4. The minimum floor area for each dwelling shall be 500 square feet and the maximum floor area shall be 1,000 square feet.

5. No mixed-use building shall exceed the maximum height limit established in 3.9 Dimensional Requirements, Table 3.2.
6. ~~No mixed-use building shall exceed 40 feet (i.e. one (1) floor commercial plus two (2) floors residential) in height.~~
6. Each dwelling shall have a direct means of access to the exterior of the building so that no access to the dwelling is provided through the use located on the lower floor(s) of the commercial building.
7. Parking for such dwelling(s) shall be in addition to that required for the permitted lower floor use(s).
8. Proposed curb cuts and driveways for required off-street parking lots that eliminate existing on-street parking spaces shall replace the number of on-street parking spaces eliminated by said curb cut(s) and driveway(s) within the parking lot being created, in addition to the number of parking spaces otherwise required by this ordinance.

## BACKGROUND AND EVALUATION

### Unified Development Ordinance Compliance

Zoning Text Amendments, like General Use Zoning Map Amendments (Rezoning), follow the process laid out in Section 2.10 of the City of Southport Unified Development Ordinance. Pursuant to this section, the Planning Board shall advise and comment on whether the proposed text or zoning map amendment is consistent with the comprehensive plan or any other official adopted plans that are applicable and make a recommendation to the Board of Aldermen. The Board of Aldermen shall, in their final decision-making capacity, base their decision upon the same.

### 2014 CAMA Core Land Use Plan Compliance

The plan references updating the UDO and other documents to meet the needs of the residents of the city. Staff review of the proposed text amendment found that proposal appears to be consistent with the following land use plan policies.

**Policy 2.4:** Southport will permit residential development to occur in response to market needs provided that the following criteria are met: (1) Due respect is offered to all aspects of the environment. (2) Concurrent planning for improvements to community facilities, infrastructure, and services is provided.

**Policy 2.1:** Southport supports development that blends a mix of uses at a reasonable scale offering convenient retail facilities to nearby residents in an effort to reduce traffic flow on main thoroughfares.

**Policy 7.22:** The City shall continuously maintain all official planning documents.

## PLANNING BOARD RECOMMENDATION

The Planning Board considered this text amendment at three (3) meetings. At their January 18, 2024, the Planning Board recommended DENIAL of this text amendment to the Board of Aldermen finding the proposal was not consistent with the land use plan or intent of the Unified Development Ordinance.

### **Attachments**

Consistency Statement

Proposed Text Amendment Language

Text Amendment Application

## Proposed Text Amendment Language

| Table 3.1:<br>Table of Uses | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a<br>Use Standard |          |          |        |    |     |     |     |    |    |    |    |        | Use<br>Stand<br>ard |
|-----------------------------|------------------------------------------------------------------------------------------------------------------|----------|----------|--------|----|-----|-----|-----|----|----|----|----|--------|---------------------|
|                             | ICS                                                                                                              | R-<br>10 | R-<br>20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | Section<br>#        |
| MIXED USES                  |                                                                                                                  |          |          |        |    | PS  | PS  | PS  | PS | PS |    |    |        | 3.7.F               |

### F. MIXED USES

Where permitted, the following shall apply:

1. First floor shall be permitted business uses only.
2. The floor area devoted to the dwelling(s) in the CBD or BD shall not exceed the floor area devoted to the permitted business use(s).
3. The floor area devoted to the dwelling(s) in the PUD, O-I, **or HC** shall not exceed twice the floor area devoted to the permitted business use(s).
4. The minimum floor area for each dwelling shall be 500 square feet and the maximum floor area shall be 1,000 square feet.
5. No mixed-use building shall exceed the maximum height limit established in 3.9 Dimensional Requirements, Table 3.2.
- ~~6. No mixed use building shall exceed 40 feet (i.e. one (1) floor commercial plus two (2) floors residential) in height.~~
6. Each dwelling shall have a direct means of access to the exterior of the building so that no access to the dwelling is provided through the use located on the lower floor(s) of the commercial building.
7. Parking for such dwelling(s) shall be in addition to that required for the permitted lower floor use(s).
8. Proposed curb cuts and driveways for required off-street parking lots that eliminate existing on-street parking spaces shall replace the number of on-street parking spaces eliminated by said curb cut(s) and driveway(s) within the parking lot being created, in addition to the number of parking spaces otherwise required by this ordinance.



**City of Southport Board of Aldermen  
Statement of Plan Consistency and Zoning Recommendation  
(As per NC General Statute 160D-605)**

*When conducting a review of proposed zoning text or map amendments pursuant to this section, the Board of Aldermen shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.*

**AMENDMENT:      ZTA-23-05**

**STATEMENT OF CONSISTENCY AND RECOMMENDATION:**

The City of Southport Board of Aldermen hereby **adopt** the proposed Zoning Text Amendment and find that it is consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended. More specifically, the proposed amendment is consistent with Policy 2.1: Southport supports development that blends a mix of uses at a reasonable scale offering convenient retail facilities to nearby residents in an effort to reduce traffic flow on main thoroughfares.

The statement and motion was seconded and passed \_\_\_\_\_.

---

Dorothy Dutton, City Clerk

---

Richard Alt, Mayor



**City of Southport Board of Aldermen  
Statement of Plan Consistency and Zoning Recommendation  
(As per NC General Statute 160D-605)**

*When conducting a review of proposed zoning text or map amendments pursuant to this section, the Board of Aldermen shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.*

**AMENDMENT:      ZTA-23-05**

**STATEMENT OF CONSISTENCY AND RECOMMENDATION:**

The City of Southport Board of Aldermen hereby **deny** the proposed Zoning Text Amendment and finds that it is inconsistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended.

The statement and motion was seconded and passed \_\_\_\_\_.

---

Dorothy Dutton, City Clerk

---

Richard Alt, Mayor



**City of Southport Planning Board  
Statement of Plan Consistency and Zoning Recommendation  
(As per NC General Statute 160D-604)**

*When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.*

**AMENDMENT:      ZTA-23-05**

**STATEMENT OF CONSISTENCY AND RECOMMENDATION:**

The City of Southport Planning Board hereby recommends **denial** of the proposed Zoning Text Amendment to the Board of Aldermen and finds that it is inconsistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen.

The statement and motion was seconded and passed Jan. 18, 2024

Tanya Shannon  
Tanya Shannon, Deputy City Clerk

Sue M. Hodgin  
Sue Hodgin, Chairman



# Text Amendment

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461  
[www.southportnc.org](http://www.southportnc.org)

Planning & Inspections  
 Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

► RECEIVED ◀

PERMIT No. ZETA-23-05 FEE: \$ 250<sup>00</sup> Date Received: SEP 19 2023

Applicant's Name: SAG HODINBS

Mailing Address: 613 LOCKWOOD FERRY City: BOLIVIA

State: NC Zip Code: 28422 Phone: 919-422-9732

Email: TRIATCOAST@YAHOO.COM

Current Section Impacted by Proposed Text Amendment: Zoning

Please describe the conditions that makes the proposed text amendment necessary for the promotion of public health, safety, and general welfare; or that identifies an obvious error in the UDO. Also explain why the proposal is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary).

PINCH ID 221LA01409  
OFFICE/CONDO UNITS HC ZONE TO MIXED USE  
ZONE  
Add Mixed Use to HC zoning district - PS

In filing this Text Amendment Petition, I hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Signature (Applicant)

Date

APPROVED BY:

Maween Meehan  
 UDO Administrator

Date



## BOARD OF ALDERMEN

### AGENDA ITEM SUMMARY

**DATE:** 03/14/2024

**DEPARTMENT:** Development Services

**PRESENTED BY:** Maureen Meehan, City Planner

**ITEM SPONSORED BY:** Blue Ocean Construction

**ITEM/TOPIC:** Public hearing for the consideration of a Zoning Map Amendment for a tract of land on Robert Ruark Drive from R-20 to R-10.

**COST:** N/A

**BUDGET LINE ITEM:** N/A

**JUSTIFICATION:** At their January 18, 2024, meeting the Planning Board voted to send the Board of Aldermen a recommendation of approval for the Zoning Map Amendment for a tract of land on Rober Ruark Drive from R-20 to R-10 Residential. A duly advertised public hearing must be held prior to the Board of Aldermen deciding on the proposed amendment.

**IMPACT IF NOT APPROVED:** This is a legislative decision defined by the NC General Statutes. The Board is not obligated to approve the amendment. A statement of consistency and reasonableness must be adopted in conjunction with a motion to approve or deny the proposal.

**DEPARTMENT HEAD COMMENTS:** The attached proposed Zoning Map Amendment has been reviewed by staff for consistency with the land use plan and surrounding neighborhood. Staff found the proposal consistent and reasonable and forwarded it to the Planning Board for a recommendation.

**CITY MANAGER COMMENTS:** I concur with the Planning Board recommendation.

**ATTACHMENTS:** Staff Report, Zoning Map Amendment Application, Consistency Statement

**REQUESTED ACTION:** Hold a public hearing for an applicant requested zoning map amendment as presented in this report.

**PROPOSED MOTION:** Discussion only. The decision will be made at your April meeting.

# STAFF REPORT

## 7.96 ACRE ROBERT RUARK DR TRACT

### REZONING APPLICATION

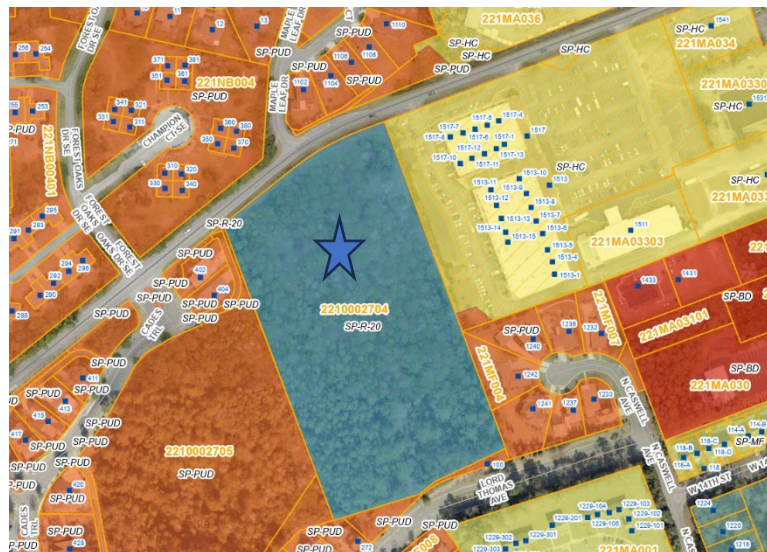
| APPLICATION SUMMARY      |                                         |
|--------------------------|-----------------------------------------|
| Presentation Date        | March 14, 2024<br>Board of Aldermen     |
| Applicant                | Blue Ocean Construction                 |
| Property Owner           | Rich Moore Real Estate Investments, LLC |
| Parcel ID:               | 2210002704                              |
| Property Size            | 7.96 acres                              |
| Zoning District          | R-20                                    |
| Proposed Zoning District | R-10                                    |

### REZONING OVERVIEW

Blue Ocean Construction for Rich Moore Real Estate Investments, LLC, is requesting a zoning map amendment from R-20 to R-10 on a parcel of land located on Robert Ruark Drive across from the intersection of Maple Leaf Drive.

### LOCATION AND SITE CONDITIONS

The subject property is located on Robert Ruark Drive, adjacent to Cades Cove and Smithville Crossing shopping center, and across the street from Southport Way. The property is located within the Extraterritorial Jurisdiction and can be further identified by parcel number 2210002704.



Most of the property falls within the high suitability land classification on the Land Suitability Analysis Map of the CAMA Land Use Plan. A portion is classified as High Suitability and a portion Least Suitable. The future land use map designation is low density residential which defines single family residences as appropriate uses with a density of 2-3 units per acre.

## REVIEW PROCESS

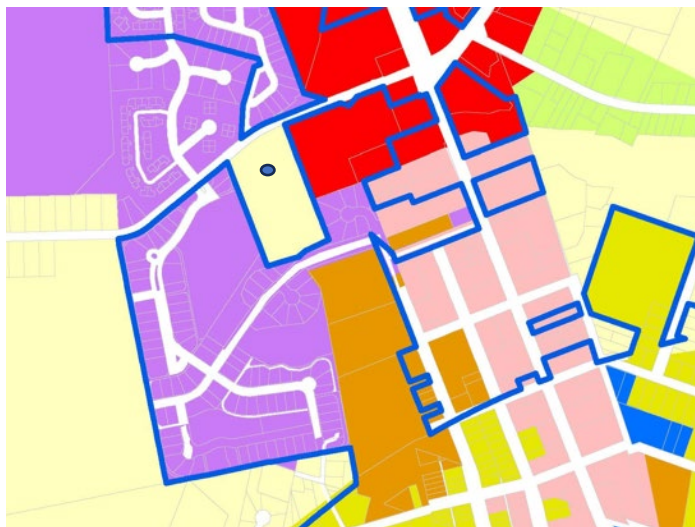
Proposed amendments to the zoning map may be initiated by the Board of Aldermen, Planning Board, city administration, or by the owner, or his or her agent. Every amendment, supplement, change, modification, or repeal of the zoning map/ordinance shall be referred to the Planning Board for its recommendation and report to the Board of Aldermen.

Prior to the Board of Aldermen consideration of a change, a public hearing must occur at a set day and time. The hearing is notified to adjacent property owners by mail, published in a local newspaper of general circulation and posted on the property, for two (2) consecutive weeks not less than 10 days and not more than 25 days before the hearing.

The approval of the rezoning may be adopted by the Board of Aldermen after the duly advertised public hearing and upon the approval of a plan consistency statement and a statement of reasonableness.

## PLANNING REVIEW

This request proposes a map change from Residential Agricultural R-20 to Residential R-10. The future land use map designates the property low density residential.



### Zoning Map

The surrounding and adjacent properties to the subject property are zoned highway commercial and PUD - residential.

Light Yellow – R-20

Purple – PUD

Red – Highway Commercial



## Future Land Use Map

The future land use map classifies the parcel as low density residential.

Orange – High Density Residential  
 Yellow – Low Density Residential  
 Red – Heavy Commercial  
 Brown – High Density Residential

## Permitted Uses

A rezoning request does not allow the applicant to provide a proposed project or site plan. Decisions made on the rezoning must consider all permitted uses in the proposed district in relation to land use impacts, the character of the district and suitability for certain uses, and reasonableness for a small parcel change. Table 3.1 of the UDO highlights the permitted uses for both zoning districts. (R-20 is yellow and R-10 is blue)

The accessory and residential uses for both R-20 and R-10 are the same. Further, both zoning districts have the same uses permitted by right, are special uses, or are permitted/special uses with standards.

Please note that the nonresidential permitted uses are not included in this table for brevity since this request is to change from one residential zoning district to another.

| Table 3.1:<br>Table of Uses              | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard |          |          |        |    |     |     |     |    |    |    |    |        | Use<br>Stand<br>ard |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------|----------|--------|----|-----|-----|-----|----|----|----|----|--------|---------------------|
|                                          | ICS                                                                                                           | R-<br>10 | R-<br>20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | Section<br>#        |
| Accessory Uses                           |                                                                                                               |          |          |        |    |     |     |     |    |    |    |    |        |                     |
| ACCESSORY STRUCTURES<br>OR USES, GENERAL |                                                                                                               | PS       | PS       | PS     | PS | PS  | PS  | PS  | PS | PS | PS | PS |        | 3.6.A               |
| ACCESSORY DWELLING,<br>COMMERCIAL        |                                                                                                               |          |          |        |    | SS  | SS  | SS  | SS | SS | SS | SS |        | 3.6.B               |
| ACCESSORY DWELLING,<br>RESIDENTIAL       |                                                                                                               | SS       | SS       | SS     | SS | SS  | SS  |     |    |    |    |    |        | 3.6.C               |

| Table 3.1:<br>Table of Uses                              | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard |          |          |        |    |     |     |     |    |    |    |    |        | Use<br>Stand<br>ard |
|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------|----------|--------|----|-----|-----|-----|----|----|----|----|--------|---------------------|
|                                                          | ICS                                                                                                           | R-<br>10 | R-<br>20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | Section #           |
| CEMETERIES AND MAUSOLEUMS                                |                                                                                                               | SS       | SS       | SS     | SS | SS  | SS  | PS  | PS | PS |    |    |        | 3.6.D               |
| DOCKS, , PIERS, GAZEBOS, BULKEADS, AND LIVING SHORELINES |                                                                                                               | PS       | PS       | PS     | PS | PS  | PS  | PS  | PS |    |    |    | SS     | 3.6.E               |
| HOME DAYCARE, ADULT AND CHILD                            |                                                                                                               | SS       | SS       | SS     | SS | SS  |     |     |    |    |    |    |        | 3.6.F               |
| HOME OCCUPATION                                          |                                                                                                               | SS       | SS       | SS     | SS | SS  |     |     |    |    |    |    |        | 3.6.G               |
| HOMESTAY                                                 |                                                                                                               | PS       | PS       | PS     |    | PS  |     |     |    |    |    |    |        | 3.6.H               |
| MODULAR UNIT                                             |                                                                                                               |          |          |        | PS | PS  | PS  | PS  | PS | PS | PS | PS |        | 3.6.I               |
| OUTDOOR DISPLAY                                          |                                                                                                               |          |          |        |    |     |     | PS  | PS | PS |    |    |        | 3.6.J               |
| OUTDOOR STORAGE                                          |                                                                                                               |          |          |        |    |     |     |     | PS | PS | PS | PS |        | 3.6.K               |
| OUTDOOR VENDING MACHINE                                  |                                                                                                               |          |          |        | PS | PS  | PS  | PS  | PS | PS | PS | PS |        | 3.6.L               |
| PORTABLE STORAGE CONTAINERS                              |                                                                                                               | PS       | PS       | PS     | PS | PS  | PS  | PS  | PS | PS | PS | PS |        | 3.6.M               |
| RECREATIONAL VEHICLE OR TRAVEL TRAILER                   |                                                                                                               | PS       | PS       |        | PS | PS  | PS  |     |    |    |    |    |        | 3.6.N               |
| SELF-SERVICE ICE VENDING MACHINES                        |                                                                                                               |          |          |        |    |     |     |     | SS | SS |    |    |        | 3.6.O               |
| SOLAR ENERGY SYSTEMS                                     |                                                                                                               | PS       | PS       | PS     | PS | PS  | PS  | PS  | PS | PS | PS | PS |        | 3.6.P               |
| SWIMMING POOLS                                           |                                                                                                               | PS       | PS       | PS     | PS | PS  | PS  | PS  |    |    |    |    |        | 3.6.Q               |
| TEMPORARY SALES OFFICES                                  |                                                                                                               | PS       | PS       | PS     | PS | PS  | PS  | PS  | PS | PS | PS | PS |        | 3.6.R               |
| TEMPORARY HEALTHCARE STRUCTURES                          |                                                                                                               | PS       | PS       | PS     | PS | PS  |     |     |    |    |    |    |        | 3.6.S               |
| Residential Uses                                         |                                                                                                               |          |          |        |    |     |     |     |    |    |    |    |        |                     |
| DWELLING, SINGLE-FAMILY                                  |                                                                                                               | P        | P        | P      | P  | P   | P   |     |    |    |    |    |        |                     |
| DWELLING, TWO-FAMILY (DUPLEX)                            |                                                                                                               | S        | S        | P      | P  | P   | P   |     |    |    |    |    |        |                     |

| Table 3.1:<br>Table of Uses     | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard |          |          |        |    |     |     |     |    |    |    |    |        | Use<br>Stand<br>ard |
|---------------------------------|---------------------------------------------------------------------------------------------------------------|----------|----------|--------|----|-----|-----|-----|----|----|----|----|--------|---------------------|
|                                 | ICS                                                                                                           | R-<br>10 | R-<br>20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | Section #           |
| DWELLING, MULTI-FAMILY          |                                                                                                               |          |          | PS     |    | SS  | SS  |     |    |    |    |    |        | 3.7.A               |
| DWELLING, TRIPLEX OR QUADRAPLEX |                                                                                                               |          |          | PS     | SS | SS  | SS  |     |    |    |    |    |        | 3.7.B               |
| FAMILY CARE HOME                |                                                                                                               | PS       | PS       | PS     | PS | PS  |     |     |    |    |    |    |        | 3.7.C               |
| MANUFACTURED HOME ON SINGLE LOT |                                                                                                               |          |          |        | PS |     |     |     |    |    |    |    |        | 3.7.D               |
| MANUFACTURED HOME PARK          |                                                                                                               |          |          |        | PS |     |     |     |    |    |    |    |        | 3.7.E               |
| MIXED USES                      |                                                                                                               |          |          |        |    | PS  | PS  | PS  | PS |    |    |    |        | 3.7.F               |
| MODULAR HOMES                   |                                                                                                               | PS       | PS       | PS     | PS | PS  | PS  |     |    |    |    |    |        | 3.7.G               |

### Dimensional Requirements

R-20 zoning district dimensional requirements have a minimum lot size of 20,000 SF and minimum lot width of 100'. R-10 zoning district dimensional requirements have a minimum 10,000 SF lot size with minimum lot width of 75'.

| Table 3.2:<br>Dimensional Requirements by Zoning District |                                |                          |                              |                             |                                 |                             |
|-----------------------------------------------------------|--------------------------------|--------------------------|------------------------------|-----------------------------|---------------------------------|-----------------------------|
| Zoning District                                           | Minimum Lot Size (square feet) | Minimum Lot Width (feet) | Minimum Front Setback (feet) | Minimum Rear Setback (feet) | Minimum Side Setback [1] (feet) | Maximum Height Limit (feet) |
| R-10                                                      | 10,000                         | 75                       | 25                           | 20                          | 8                               | 40                          |
| R-20                                                      | 20,000                         | 100                      | 40                           | 25                          | 12                              | 40                          |

## LAND USE PLAN CONSISTENCY

The 2014 CAMA Land Use Plan (LUP), along with subsequent updates is the plan that is used for policy decisions in the City. The Planning Board and Board of Aldermen shall consult the plan's policies when considering a zoning change. Further, each rezoning must be recommended and ultimately adopted with a statement describing if the action is consistent or inconsistent with the adopted land use plan.

One of the overarching themes found in the Future Demands section of the LUP is increased demand for housing. The goals, objectives, and policies found within the plan

focus on balancing the need for housing and infrastructure with protection of the historic character and environmental resources of the City.

Map amendment considerations must include the specific neighborhood or district and its suitability for uses. Land Use Plan objectives and policies direct future development to areas that are most appropriate for the type of use.

*The subject neighborhood has multiple different housing densities and types, including small lot single-family homes and multi-family units. Residential development with 10,000 SF lots would be suitable for the neighborhood's character.*

The following policies and implementing actions support the proposed rezoning request.

**Policy 2.1** “....rezonings and amendments in classifications to the future land use map should be carefully balanced with a demonstrated need for such proposed development”.

**Recommended Action 2.1.A:** Consider requiring all rezoning approvals be compared to the land suitability map and analysis, included in this plan, for consistency. This consistency review will be presented to the Planning Board and Board of Aldermen.....

*As mentioned previously, there is a need for housing and the subject property is in an area of high suitability on the Land Suitability Map. The future land use map designation supports residential development.*

**Policy 2.4:** Southport will permit residential development to occur in response to market needs provided the following criteria are met:

- 1) Due respect is offered to all aspects of the environment.
- 2) Concurrent planning for improvements to community facilities, infrastructure, and services provided.

*These policies are appropriate for the site due to the unique characteristics of the neighborhood and the size of the property.*

## PLANNING BOARD RECOMMENDATION

The Planning Board recommends APPROVAL to the Board of Aldermen. The proposal appears to be consistent with the 2014 CAMA Core Land Use Plan and is reasonable due to the size, physical conditions, and other attributes of the area.

Attachments:

Consistency Statement

Rezoning Application



**City of Southport Board of Aldermen  
Statement of Plan Consistency and Zoning Recommendation  
(As per NC General Statute 160D-605)**

*When conducting a review of proposed zoning text or map amendments pursuant to this section, the Board of Aldermen shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.*

**AMENDMENT:      ZMA 23-03**

**STATEMENT OF CONSISTENCY AND RECOMMENDATION:**

The City of Southport Board of Aldermen hereby **adopt** the proposed Zoning Map Amendment and find that it is consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended. More specifically, the proposed amendment is consistent with **Policy 2.4:** Southport will permit residential development to occur in response to market needs provided the following criteria are met: 1) Due respect is offered to all aspects of the environment. and 2) Concurrent planning for improvements to community facilities, infrastructure, and services provided. Further, the proposed text amendment is reasonable due to the size, physical conditions, and other attributes of the area.

The statement and motion was seconded and passed \_\_\_\_\_.

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Dorothy Dutton, City Clerk

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Richard Alt, Mayor



**City of Southport Board of Aldermen  
Statement of Plan Consistency and Zoning Recommendation  
(As per NC General Statute 160D-605)**

*When conducting a review of proposed zoning text or map amendments pursuant to this section, the Board of Aldermen shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.*

**AMENDMENT:      ZMA 23-03**

**STATEMENT OF CONSISTENCY AND RECOMMENDATION:**

The City of Southport Board of Aldermen hereby recommends **denial** of the proposed Zoning Map Amendment and finds that it is inconsistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended and not reasonable due to the size, physical conditions, and other attributes of the area.

The statement and motion was seconded and passed \_\_\_\_\_.

\_\_\_\_\_  
Dorothy Dutton, City Clerk

\_\_\_\_\_  
Richard Alt, Mayor

**CITY OF SOUTHPORT**  
**ORDINANCE APPROVING A ZONING MAP AMENDMENT REZONING ONE**  
**PARCEL FROM R-20 to R-10**

**THAT WHEREAS,** the City has enacted a Unified Development Ordinance, other land use ordinances, and a zoning map that control land development within both the City's incorporated areas and within its extraterritorial area; and

**WHEREAS,** in order to promote the public health, safety and general welfare and to promote the best interest of the city and community, it is necessary for the City Board of Aldermen from time to time to consider appropriate revisions, modifications, and additions to the city's zoning map; and

**WHEREAS,** at the direction of the Board of Aldermen, the City Planner has prepared and submitted to the Planning Board a favorable staff recommendation to rezone parcel 2210002704 from R-20 to R-10; and

**WHEREAS,** the Planning Board has considered this matter and has recommended that this proposed zoning be approved; and

**WHEREAS,** pursuant to the NC General Statutes and city ordinances, a public hearing, properly noticed, was held on March 14, 2024, before the Board of Aldermen regarding this issue; and

**WHEREAS,** the Board of Aldermen hereby finds that the proposed zoning map amendment is consistent with the Southport CAMA Land Use Plan because it supports quality development reflecting a spectrum of housing needs from affordable to luxury (Policy 2.4); and

**WHEREAS,** the Board of Aldermen further finds that this zoning map amendment is reasonable and in the public interest because the property's size, physical conditions, and other attributes of the area;

**NOW THEREFORE, BE IT ORDAINED** by the City of Southport Board of Aldermen that the Official Zoning Map of the City of Southport, an element of the Unified Development Ordinance of the City, is amended by changing the zoning classification of the below-described properties from R-20 to R-10:

Tax Parcel ID number of properties to be rezoned: **2210002704**

This ordinance shall be effective upon its adoption, and the Official Zoning Map of the City of Southport along with the City of Southport Future Land Use Map shall be revised accordingly.

This, the 14<sup>th</sup> day of March 2024.

City of Southport

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Richard Alt, Mayor

---

Dorothy Dutton, City Clerk



**City of Southport Planning Board  
Statement of Plan Consistency and Zoning Recommendation  
(As per NC General Statute 160D-604)**

*When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.*

**AMENDMENT:      ZMA 23-03**

**STATEMENT OF CONSISTENCY AND RECOMMENDATION:**

The City of Southport Planning Board hereby recommends **approval** of the proposed Zoning Map Amendment to the Board of Aldermen and finds that it is consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with **Policy 2.4:** Southport will permit residential development to occur in response to market needs provided the following criteria are met: 1) Due respect is offered to all aspects of the environment. and 2) Concurrent planning for improvements to community facilities, infrastructure, and services provided. Further, the Planning Board finds that the proposed text amendment is reasonable due to the size, physical conditions, and other attributes of the area.

The statement and motion was seconded and passed Jan 18, 2024

Tanya Shannon

Tanya Shannon, Deputy City Clerk

Sue M Hodgins

Sue Hodgins, Chairman

# Rezoning Application

City of Southport, North Carolina



1029 N. Howe St, Southport NC 28461

[www.southportnc.org](http://www.southportnc.org)

Planning & Inspections

Phone 910-457-7961 Fax 910-457-7957

Date: 11/29/2023

FEE: \$ 1800<sup>00</sup>

Permit #: ZMA-23-03

Project Name (If Applicable): 8 ac Robert Ruark Dr Tract

A complete application for any amendment shall contain a description of the proposed zoning regulation or zoning map amendment. The application shall state in detail whether the proposed amendment is consistent with CAMA Core Land Use Plan and any other officially adopted plan that is applicable. The application shall also give detailed evidence that the proposed amendment is in the interest and will benefit the general public and not solely be of benefit to the applicant; that the uses within the proposed zoning district are similar or comparable to the uses in the district as currently zoned, or that none of the uses permitted in the proposed zoning district may potentially adversely affect property values or the health, safety, morals, or general welfare of the residents of the surrounding area. Such application shall be filed with the Administrator to be processed in accordance with Section 12-5 of the UDO.

The Planning Board and Board of Aldermen may consider the following when deciding: Impact on neighbors and neighborhood, traffic, environment, utilities, suitability of land, harmony with area, schools, economic impact, tax base increase, spot zoning created, road capacity, adequate infrastructure, community opinion, property values, consistency with the Land Use Plan, future land use map, jobs, public services, buffering requirements, environmental impact, site limitations, and consistency with plans and prior decisions. The Boards cannot consider ethnicity, income, affordable housing, owner vs. renter housing, or who the owner is when deciding.

Petitioner Name: Blue Ocean Construction

Mailing Address: 3545 Iris St.

City: Wilmington

State: NC

Zip Code: 28409

Phone: 910-409-2732

Email: scottmoore836@hotmail.com

Street Address and/or Description of Location: 7.96 ac of undeveloped wooded land across from the intersection of Maple Leaf Dr parcel 2210002704

Parcel ID #: 2210002704

Site Acreage: 7.96 ac

Number of Lots: 20 +/- tbd

Current Zoning District: R-20

Proposed Zoning District: R-10

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If the proposed change would require a change in the zoning map, attach an accurate diagram of the property proposed for rezoning showing:

1. All property lines with dimensions and north arrow.
2. Adjoining streets with rights-of-way and paving widths.
3. The location of all existing structures on the property.
4. The existing land uses associated with the property.
5. The zoning classification of all abutting zoning districts.
6. A list of all abutting property owners.

Future Land Use Map Designation: Low density residential

Is the proposed zoning consistent with the Land Use Plan? (Describe how it is consistent below if so)  
(Please Circle One): ☒ Yes ☐ No

Please describe the changing conditions in the area or in the City of Southport that makes the proposed amendment necessary to the promotion of the public health, safety and general welfare, or that identifies an obvious error in the zoning map based upon the zoning classification or current land use of surrounding properties. Also include an explanation on why the proposed zoning is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary)

This rezoning is consistent with the future land use plan as low density residential is defined in the plan as "single family residences, manufactured homes, and planned unit developments". The purpose of this rezoning is to decrease the minimum lot size from 20,000 sf to 10,000 sf thus allowing more single family homes.

The parcel is surrounded mostly by planned unit developments with an average lot size ranging from 8,000 sf to 16,000 sf. Allowing this parcel to set the minimum lot size to 10,000 sf would blend nicely in the area.

### Rezoning Fees as of July 1, 2018

|                             |                         |
|-----------------------------|-------------------------|
| Rezoning: Less than 3 Acres | \$500.00                |
| Rezoning: 3.01-6.00 Acres   | \$1,000.00              |
| Rezoning: 6.01 + Acres      | \$1,000.00 + \$100/acre |

In filing this Rezoning Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.



Signature (Owner or Authorized Applicant)

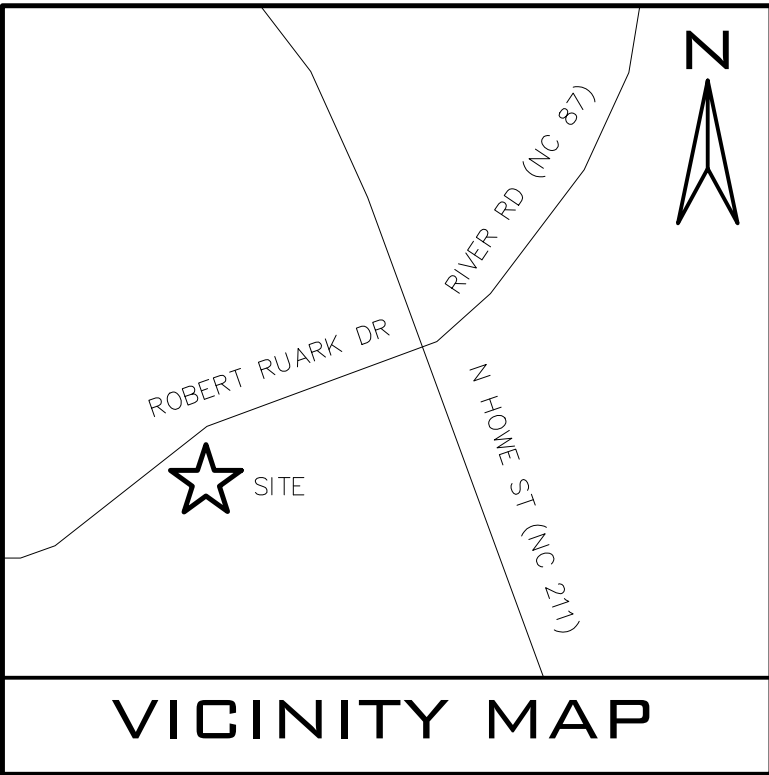
Scott Moore, President  
Blue Ocean Construction

Date

11/17/23

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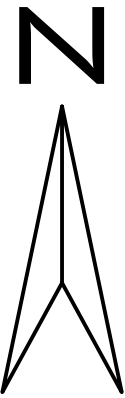
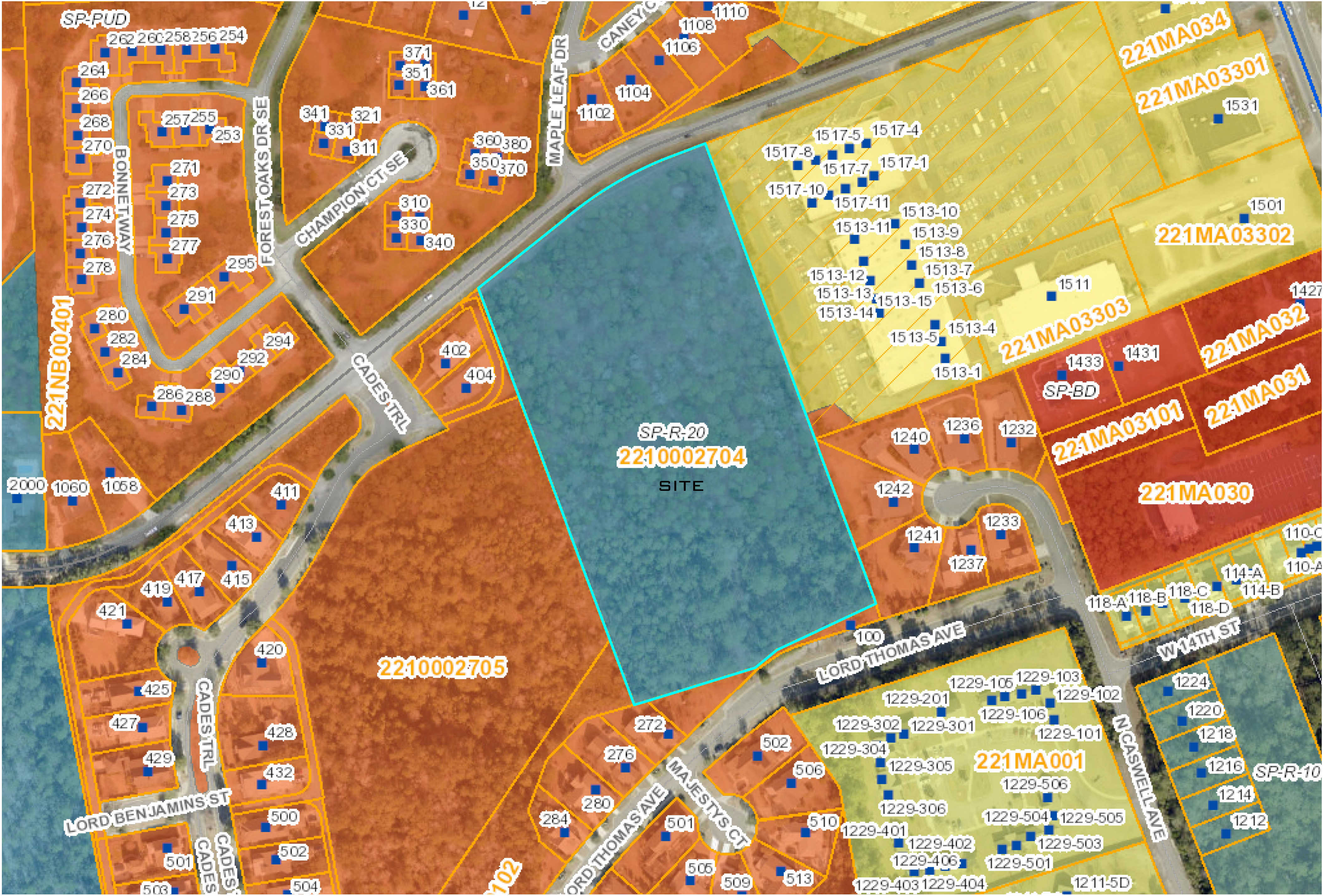
NOV 21 2023



VICINITY MAP

ADJACENT PROPERTY OWNERS

| PARCEL #   | OWNER               | ZONE | USE         |
|------------|---------------------|------|-------------|
| 221NE00106 | CADES COVE HOA      | PUD  | BUFFER      |
| 2210002705 | CADES COVE HOA      | PUD  | BUFFER      |
| 237CF00102 | CADES COVE HOA      | PUD  | BUFFER      |
| 237CF0009  | VENO                | PUD  | RESIDENTIAL |
| 237CF00103 | CADES COVE HOA      | PUD  | BUFFER      |
| 221MF00101 | CITY OF SPT         | PUD  | UNDEVELOPED |
| 221MF003   | STALLINGS           | PUD  | RESIDENTIAL |
| 221MF004   | MCCULLOCH           | PUD  | RESIDENTIAL |
| 2210002707 | SMITHVILLE CROSSING | HC   | COMMERCIAL  |
| 221NG00103 | CITY OF SPT         | PUD  | UNDEVELOPED |
| 221NB004   | SOUTHWYNDE          | PUD  | BUFFER      |
| 221NB004   | FOREST OAKS OF SPT  | PUD  | RESIDENTIAL |



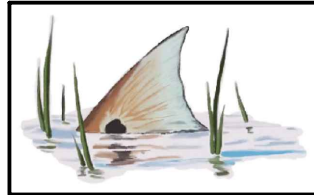
SITE DATA

PARCEL #: 2210002704  
SITE AREA: 7.96 AC  
ZONING: R-20



**SITE PLAN**  
8 AC ROBERT RUARK DR TRACT  
SOUTHPORT, NC  
BLUE OCEAN CONSTRUCTION  
3545 IRLS ST., WILMINGTON, NC 28409  
910-409-2732 scottmoore836@hotmail.com

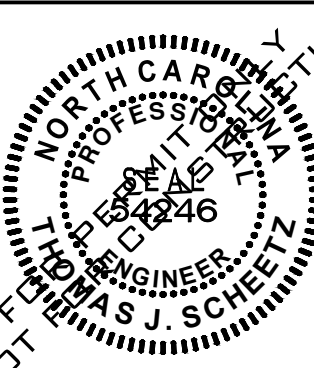
| REVISIONS |      |             |    |  |  |
|-----------|------|-------------|----|--|--|
| #         | DATE | DESCRIPTION | BY |  |  |
|           |      |             |    |  |  |
|           |      |             |    |  |  |
|           |      |             |    |  |  |
|           |      |             |    |  |  |



**HEADWATERS ENGINEERING**  
**OF THE CAPE FEAR, PLLC**  
P-2714  
LELAND, NORTH CAROLINA  
(910) 465-3304  
TSCHETZ@HEADWATERSCAPEFEAR.COM

#23-017

DATE: 11/17/23  
DESIGN: TJS  
DRAWN: TJS





## BOARD OF ALDERMEN AGENDA ITEM SUMMARY

**DATE:** 02/21/2024

**DEPARTMENT:** Police

**PRESENTED BY:** Chief Todd Coring

**ITEM SPONSORED BY:** Police Department

**ITEM/TOPIC:** Additional Cameras along Bay Street

**COST:** \$7,163.97

**BUDGET LINE ITEM:** Capital Funds

**JUSTIFICATION:** Due to increased traffic (pedestrian and vehicular), large scale festivals, security threats as well as inclement weather events, we felt it would be important to be able to track and document what is going on along the Bay Street corridor, to include the Community Building, Garrison and the surrounding areas.

**IMPACT IF NOT APPROVED:** There will be no camera system installed in this area.

**DEPARTMENT HEAD COMMENTS:** The goal of the Police Department is to provide the highest levels of security and protection for citizens and visitors alike. This system has already proven beneficial in several traffic crash incidents as well as other criminal investigations.

**CITY MANAGER COMMENTS:** I would recommend we move forward with this so that it is installed before the July 4<sup>th</sup> events.

**ATTACHMENTS:** 1) Quote from Focus Broadband  
2) Map of Camera System

**REQUESTED ACTION:** Discussion and vote on appropriating funds for the camera system along Bay Street.

**PROPOSED MOTION:** Motion to appropriate \$7300 from the Capital Fund to purchase cameras along Bay Street to be used for emergency purposes and investigations.

640 Whiteville Road NW  
PO Box 3198  
[Phone 755-1697]  
[mfluharty@focusbroadband.com](mailto:mfluharty@focusbroadband.com)

QUOTE NO. 524  
DATE February 21, 2024

**EXPIRATION DATE: April 21, 2024**

**SOLD TO:** City of Southport  
1029 N Howe St  
Southport NC 28461

**BILL TO:** City of Southport  
1029 N Howe St  
Southport NC 28461

| SALESPERSON                                                                                                                                                                                                                                              |                      | G/L ACCT. NUMBER | WORK ORDER NUMBER                                  | EQUIPMENT & SERVICES | SHIPPING TERMS | PAYMENT TERMS |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------|----------------------------------------------------|----------------------|----------------|---------------|
|                                                                                                                                                                                                                                                          |                      | 224896           |                                                    |                      | N/A            | Net 30 Days   |
| QTY                                                                                                                                                                                                                                                      | ITEM #               | TRUCK            | DESCRIPTION                                        |                      | UNIT PRICE     | LINE TOTAL    |
| 9                                                                                                                                                                                                                                                        | IPC2125SB-ADF28KM-10 |                  | IR Bullet Camera                                   |                      | \$ 229.00      | \$ 2,061.00   |
| 3                                                                                                                                                                                                                                                        | ENCLOSURE            |                  | NMEA Enclosure with outlet                         |                      | \$ 299.00      | \$ 897.00     |
| 6                                                                                                                                                                                                                                                        | NS-5AC               |                  | Nanostation Point to Point                         |                      | \$ 179.00      | \$ 1,074.00   |
| 3                                                                                                                                                                                                                                                        | US-Lite-16POE        |                  | Managed 16 port POE Switch                         |                      | \$ 325.00      | \$ 975.00     |
|                                                                                                                                                                                                                                                          |                      |                  |                                                    |                      |                | \$ -          |
|                                                                                                                                                                                                                                                          |                      |                  |                                                    |                      |                | \$ -          |
|                                                                                                                                                                                                                                                          |                      |                  |                                                    |                      |                | \$ -          |
|                                                                                                                                                                                                                                                          |                      |                  | Cameras for 203 E Bay St                           |                      |                | \$ -          |
|                                                                                                                                                                                                                                                          |                      |                  |                                                    |                      |                | \$ -          |
|                                                                                                                                                                                                                                                          |                      |                  |                                                    |                      |                | \$ -          |
|                                                                                                                                                                                                                                                          |                      |                  |                                                    |                      |                | \$ -          |
|                                                                                                                                                                                                                                                          |                      |                  |                                                    |                      |                | \$ -          |
|                                                                                                                                                                                                                                                          |                      |                  |                                                    |                      |                | \$ -          |
| 20.00                                                                                                                                                                                                                                                    | LABOR                |                  | Professional Installation, Programming, and Set-up |                      | \$ 85.00       | \$ 1,700.00   |
| The information contained herein is proprietary to FOCUS Broadband is intended for the sole use of the individual or entity named above. Any disclosure, copying or distribution is strictly prohibited without written permission from FOCUS Broadband. |                      |                  |                                                    |                      | SUBTOTAL       | \$ 6,707.00   |
|                                                                                                                                                                                                                                                          |                      |                  |                                                    |                      | TAX            | 456.97        |
|                                                                                                                                                                                                                                                          |                      |                  |                                                    |                      | TOTAL          | \$ 7,163.97   |

**Customer Notes:**

- 1) Quotation valid for 60 days from date of issue.
- 2) Orders typically completed within 3 weeks of order date. Rushed orders subject to express shipping & overtime charges.
- 3) FOCUS Broadband will make every effort to schedule an installation date/time that is convenient for the customer.
- 4) Missed installation appointments will be subject to the standard \$35.00 premise visit charge.
- 5) FOCUS Broadband recommends a system administrator be assigned for routine programming and maintenance.
- 6) Changes in equipment configuration will be rated on a time/material basis and reflected in the final invoice.

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_



## BOARD OF ALDERMEN AGENDA ITEM SUMMARY

**DATE:** 3/14/2024

**DEPARTMENT:** Electric

**PRESENTED BY:** Paul 'Ellie' Pittenger

**ITEM SPONSORED BY:** Electrical Division

**ITEM/TOPIC:** East Moore Street Underground Project – Materials Purchase

**COST:** \$860,000

**BUDGET LINE ITEM:** 30-93-7210-5900

**JUSTIFICATION:** To avoid rapidly increasing costs and availability delays of electrical construction materials, I am requesting that the Board allocate the funds for this underground project so that there are no delays starting the work and pricing can stay as it is now.

**IMPACT IF NOT APPROVED:** The City would experience delays on the upcoming East Moore Street Underground project at a higher cost of materials.

**DEPARTMENT HEAD COMMENTS:** Materials for the upcoming project need to be ordered now to be able to keep the underground project on schedule and prices stay as is.

**CITY MANAGER COMMENTS:** I concur with the recommendation of Mr. Pittenger. You have done this previously with much success so we should continue this approach to our underground projects to keep us on schedule and within budget.

**ATTACHMENTS:** Estimate for the East Moore Underground from BEMC

**REQUESTED ACTION:** Approve funding from the Electrical Fund Balance to be moved to the budget line item above so we can proceed with BEMC on the East Moore underground project

**PROPOSED MOTION:** Vote to approve the money transfer from the Fund Balance of the Electrical Account to Line Item # 30-93-7210-5900.

|                            |                                       |
|----------------------------|---------------------------------------|
| <b>INVOICE OR ESTIMATE</b> | WORK PLAN ESTIMATE                    |
| <b>WORK ORDER #</b>        | 40248881                              |
| <b>NAME</b>                | CITY OF SOUTHPORT                     |
| <b>ADDRESS:</b>            | E NASH STREET 107                     |
| <b>STAKED BY</b>           | MIKE WAITE                            |
| <b>PROJECT</b>             | WORK PLAN PROPOSED E MOORE ST PRIMARY |
| <b>CUSTOMER #</b>          | 7000154760                            |
| <b>ACCOUNT #</b>           | 3869210600                            |
| <b>DATE</b>                | 12/10/2023                            |

| ITEM DESCRIPTION             | MATERIAL   | LABOR      | TOTAL        |
|------------------------------|------------|------------|--------------|
| PIPE/BORE                    | \$ 105,000 | \$ 680,000 | \$ 785,000   |
| WIRE - 1000 MCM AND 1/0 PRIM | \$ 400,000 | \$ 50,000  | \$ 450,000   |
| TRANSFORMERS/PADS            | \$ 105,000 | \$ 25,000  | \$ 130,000   |
| CABINETS/ENCLOSURES          | \$ 85,000  | \$ 15,000  | \$ 100,000   |
| ELBOWS, FUSES                | \$ 25,000  | \$ 30,000  | \$ 55,000    |
| CONVERSIONS/TERMINATIONS     | \$ 5,500   | \$ 35,000  | \$ 40,500    |
|                              |            | \$         | -            |
| SUBTOTAL                     | \$ 725,500 | \$ 835,000 | \$ 1,560,500 |
| MARGIN 10%                   | \$ 73,000  | \$ 83,500  | \$ 156,500   |
|                              |            | \$         | -            |
| TOTAL                        | \$ 798,500 | \$ 918,500 | \$ 1,717,000 |
|                              |            | \$         | -            |
| TAX (6.75%)                  | \$ 53,899  | \$ 61,999  | \$ 115,898   |
| TOTAL                        | \$ 852,399 | \$ 980,499 | \$ 1,832,898 |



## BOARD OF ALDERMEN AGENDA ITEM SUMMARY

**DATE:** 02/18/2024

**DEPARTMENT:** Board of Aldermen

**PRESENTED BY:** Bonnie Therrien, City Manager

**ITEM SPONSORED BY:** Board of Aldermen

**ITEM/TOPIC:** City Manager Search Process

**COST:** Not applicable

**BUDGET LINE ITEM:** Not applicable

**JUSTIFICATION:** The deadline for the City Manager applications was March 11, 2024. I need input from you as to how you wish to conduct the search. Following are questions that need answering:

- 1) Who is going to review resumes and bring down the number of applications to a reasonable number? The entire Board, sub committee of the Board, or the City Manager/HR Director?
- 2) Do you want to have a Public Input Session as to characteristics of what a new City Manager should have to be successful in Southport? Or just have a Workshop for Board members?  
I will also do the same with Department Heads.
- 3) Should there be other interview panels other then the Board? I would recommend a Department Head Panel as well as an outside panel made up of retired City Managers.
- 4) Do you want to have a Public Meet and Greet for the finalists for the position?

If I can receive answers to these questions, then we will be ready to start the process by mid to late March.

**IMPACT IF NOT APPROVED:** There will not be a specific process developed for the City Manager search.

**DEPARTMENT HEAD COMMENTS:** Not applicable

**CITY MANAGER COMMENTS:** Not applicable

**ATTACHMENTS:** None

**REQUESTED ACTION:** Discussion and decisions on the four items listed above in the cover sheet.

**PROPOSED MOTION:** Motion to ???????



## BOARD OF ALDERMEN AGENDA ITEM SUMMARY

**DATE:** 03/1/24

**DEPARTMENT:** Administration

**PRESENTED BY:** Bonnie Therrien, City Manager

**ITEM SPONSORED BY:** Administration

**ITEM/TOPIC:** Sunny Point Land

**COST:** \$660,000 purchase price  
Balance

**BUDGET LINE ITEM:** Water/Sewer Fund

**JUSTIFICATION:** At your last meeting, a motion was passed by the Board 4-2 to table a decision on whether to sell the Sunny Point land to the North Carolina Wildlife Association in the amount of \$660,000 after receiving information and answers to the Board questions about the County's decision on the City selling this property.

Since your last meeting, the County has said that they would like 5 acres set aside (see attached map) for use for a future Water Tower if that would work for the Wildlife Association. In response, the Association staff said that this would work for them, but they need to check with their funding source to see if there is any issue with this. As of today, I have not heard anything back from them.

If you do decide to sell the property, the option agreement can be signed for the sale and then must go to the Planning Board for their review and recommendation on the sale and then return to the Board of Aldermen at a future meeting for a final vote.

**IMPACT IF NOT APPROVED:** The 441 acres will remain City property and become a part of the assets for the Sewer and Water merger.

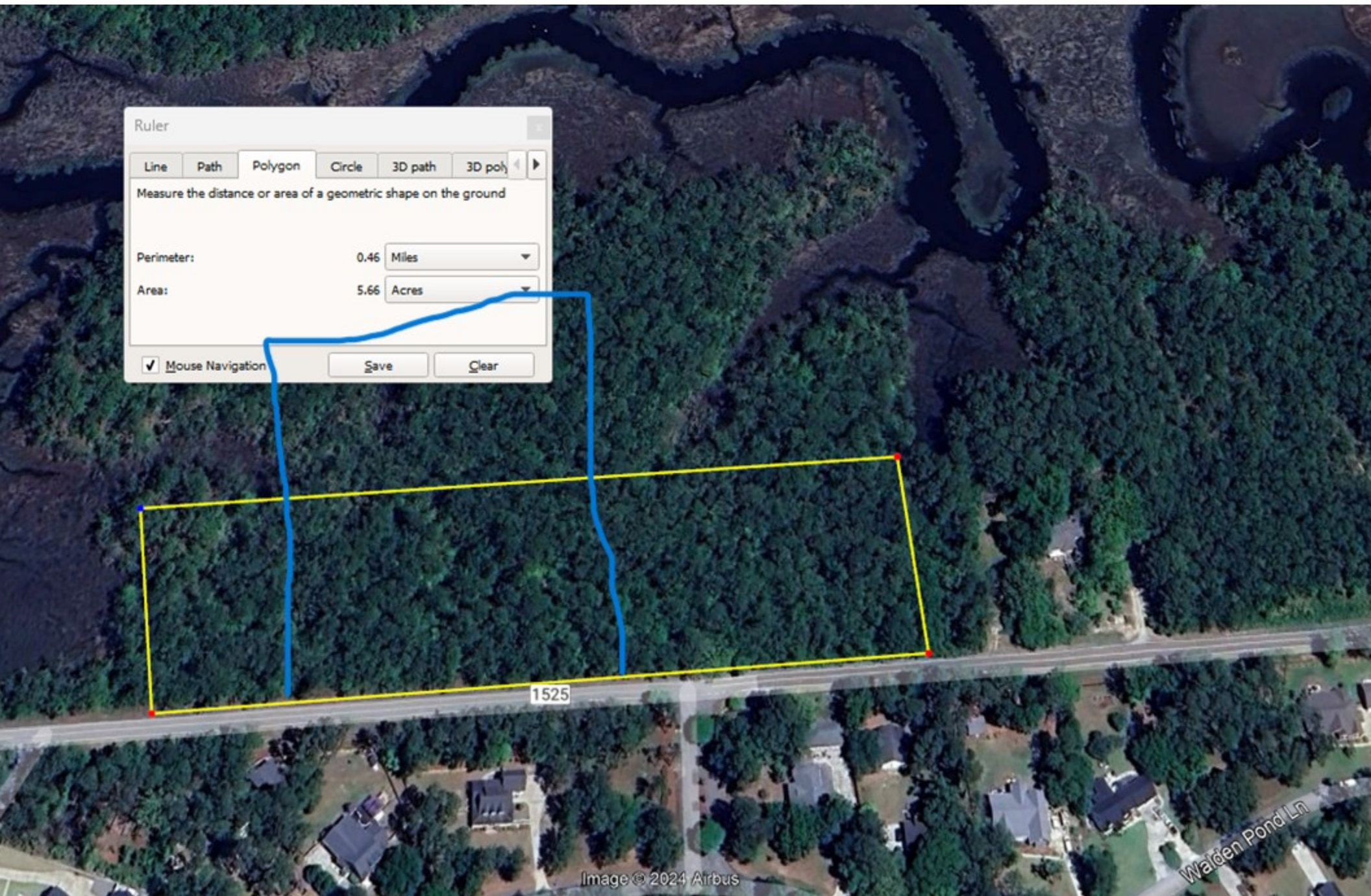
**DEPARTMENT HEAD COMMENTS:** Not applicable

**CITY MANAGER COMMENTS:** This is a Board decision.

**ATTACHMENTS:** 1) Map of the requested area the County would like to utilize for a future water tower.

**REQUESTED ACTION:** Discussion and decision on what to do with the 441 acres at Sunny Point.

**PROPOSED MOTION:** Motion to ????? and to refer any sale of the property to the Planning Board for their review and recommendation back to the Board of Aldermen.



Ruler

Line Path Polygon Circle 3D path 3D poly

Measure the distance or area of a geometric shape on the ground

Perimeter: 0.46 Miles

Area: 5.66 Acres

☒ Mouse Navigation

Save Clear

Image © 2024 Airbus

Walden Pond Ln

State Property Office  
Tim Walton | Director

Roy Cooper | Governor  
Pamela B. Cashwell | Secretary

November 20, 2023

City of Southport  
c/o Bonnie Therrien  
Southport City Hall  
1029 N. Howe Street  
Southport, NC 28461

Subject: Sunny Point Road Tract  
**PIN: 19000002**  
**Brunswick County**

**SPO File No. 10-LA-197**

Dear Bonnie,

This letter will confirm the State of North Carolina's offer to purchase the above referenced property for and in consideration of the sum of **\$660,000.00 (Six Hundred and Sixty Thousand Dollars)**. The offer to purchase referenced herein is made expressly subject to the proposed transaction receiving favorable consideration and approval from the Joint Legislative Commission on Governmental Operations and the Governor and Council of State.

If the offer to purchase is acceptable to you, please have the enclosed Option Agreement properly executed and returned to this office. Upon receipt of the Agreement, we will proceed with submitting the proposed transaction for consideration and approval by the above referenced authorities.

In the interim, if you have any questions or additional information concerning this matter, please contact Tripp Steinbock of this office at (984) 236-0280.

Sincerely,

  
Tim Walton  
Director

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

**OPTION AGREEMENT**  
**SPO# 10-LA-197**

THIS OPTION AGREEMENT, hereinafter referred to as Option, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by and between **City of Southport**, hereinafter referred to as the **Seller**, and the **State of North Carolina**, and its successors and assigns, hereinafter referred to as the **State**.

**WITNESSETH**

In consideration of \$10 and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, and of the agreements contained in this Option, **Seller** hereby grants to the **State**, and its successors and assigns, the exclusive right and option to purchase all of that certain tract or parcels of land, located in Bladen County, North Carolina, containing **±441.65 acres** which are more particularly described in **Deed Book 2282, Page 305 and Deed Book 2403, Page 1368, Brunswick County Registry, Brunswick County PID 19000002**.

The following terms, provisions, and conditions are further agreed to:

1. **OPTION PERIOD.** This option shall remain in effect from the date that this Option has been executed by the **Seller** until **November 15, 2024**. This Option shall be exercised upon posting, by certified mail, a written notice to the **Seller** at the following address: *City of Southport c/o \_\_\_\_\_, Mayor, **Southport City Hall, 1029 N. Howe Street, Southport, NC 28461***. Exercise shall be deemed timely if such written notice is mailed on or before the date first set forth in this paragraph.
2. **PURCHASE PRICE.** The total purchase price for the Property shall be **\$660,000.00 (Six Hundred and Sixty Thousand Dollars)**.
3. **CLOSING.** A closing of the sale of this property under this Option shall be within **60 days** of the **exercise of the Option**, provide, however, in the event of objections to title or condition of land at closing, and diligent efforts on **Seller's** part to cure said

objections, a closing shall be held within a reasonable time following the removal of said objections.

4. **EVIDENCE OF TITLE.** Upon exercise of this Option, the **State** will have title to the property examined, and if applicable, obtain a preliminary title insurance commitment on the Property. The title examination and/or commitment must evidence the **Seller's** ability to deliver title at closing as set forth below. All costs necessary to procure the title examination and, if applicable, the title commitment and final title insurance policy to be issued at closing, shall be the responsibility of the **State**.
5. **TITLE.** At closing, the **Seller** shall convey good, insurable and marketable title to the property together with all rights belonging to the Property, including insurable legal access (if any) and all water rights, to the **State** in fee simple, free and clear of all liens, encumbrances, restrictions, rights, or exceptions except those of record that are acceptable to the **State**.
6. **TITLE DEFECTS.** If for any reason the **Seller** cannot deliver title at closing as required by Paragraph 5 of this Option, the **State** may elect to a) accept the Property with title as is; b) refuse to accept the Property; or c) allow the **Seller** additional time to pursue reasonable efforts to correct the problem, including bringing any necessary quiet title actions or other lawsuits.
7. **FIXTURES.** Unless otherwise agreed to in writing, all trees, shrubbery and plants and all fixtures attached to the land or improvements, including, but not limited to, plumbing, heating, lighting fixtures, and all existing appurtenances, are included in this sale, and shall, upon closing be considered property of the **State**, and its successors and assigns. The **Seller** hereby warrants and represents that **Seller** is the lawful owner of said fixtures and appurtenances, and that said fixtures are free and clear of all liens and encumbrances.
8. **DOCUMENTS FOR CLOSING.** The **Seller** shall execute and deliver at closing a General Warranty Deed, any owner's affidavits or documents required by a title insurance company to remove the standard title policy exceptions, and any other documents necessary to close in accordance with the terms of this Option. These documents will be prepared at the expense of the **State**.
9. **PROPERTY TAXES.** Any delinquent real estate taxes and all levied assessments are the **Seller's** responsibility and should be satisfied of record by the **Seller** at or before closing. Any deferred taxes on the Property, which become due as a result of this conveyance, shall be the responsibility of the **Seller**. Any real estate taxes for the year in which the transaction is closed shall be prorated between **Seller** and **State** as of the date of closing.
10. **MISCELLANEOUS CLOSING EXPENSES.** The **Seller** will pay any documentary stamp tax, real estate transfer fee or any similar charge due upon conveyance of title to the **State**. The **State** will pay recording fees.

11. **POSSESSION.** The **Seller** will deliver possession of the Property to the **State** at closing subject to no leases, mortgages, liens or other reserved rights, and in the condition set forth below in Paragraph 12.
12. **CONDITION OF PROPERTY/ RISK OF LOSS.** The **Seller** shall not transfer or encumber any interests in the Property prior to closing. The **Seller** shall remove all rubbish or trash including any hazardous or harmful chemical substances, from the Property prior to closing but shall otherwise keep the Property in its current condition until closing and shall prevent and refrain from any use of the Property, for any purpose or in any manner, that would diminish its value or adversely affect the **State's** intended use of the Property.
- In the event of any adverse change in the condition of the Property, whether said change is caused by **Seller** or by forces beyond **Seller's** control, the **State** may elect to a) refuse to accept the property; b) accept the Property, or a portion thereof, in which case there may be an equitable adjustment of the purchase price based on a change in circumstances; or c) require restoration of the Property to its condition at the time this Option was granted.
13. **RIGHT OF ENTRY AND INSPECTION.** The **State** and its agents shall have the right to enter upon the Property at reasonable times for surveying, conducting environmental inspections and assessments to detect hazardous or toxic substances, and other reasonable purposes related to this transaction. Based upon the results of the environmental inspections and assessments, or upon other conditions revealed to be unsuitable to the **State**, the **State** may elect to refuse to accept the Property.
14. **REMEDIES.** In addition to any other remedy specifically set forth in this Option, the **State** has the right to enforce the provisions of this Option through an action for specific performance, injunctive relief, damages, contribution or any other available proceedings in law or equity. The election of any one remedy available under this Option shall not constitute a waiver of any other available remedies.
15. **BINDING EFFECT.** This Option becomes effective when signed by the **Seller** and shall then apply to and bind the **Seller** and **Seller's** heirs, executors, administrators, successors, and assigns.
16. **COMPLETE AGREEMENT.** This Option constitutes the sole and complete agreement between the parties and cannot be changed except by written agreement. No representation or promise not included in this Option shall be binding upon the parties.
17. **NO WAIVER.** No provision of the Option shall be deemed amended or waived unless such amendment or waiver is set forth in writing signed by the **State**. No act or failure to act by the **State** shall be deemed a waiver of its rights hereunder, and no waiver in any one circumstance or of any one provision shall be deemed a waiver in other circumstances or of other provisions.

18. **ASSIGNMENT.** The **State** has the right to assign this Option. In the event of such assignment, the assignee will have all the rights, powers, privileges and duties held by the **State** pursuant to this Option.

IN TESTIMONY THEREOF, the parties have hereunto set their hands and seals, or if corporate have caused this instrument to be executed in their corporate names by their duly authorized representatives as of the dates indicated below

Seller:

**City of Southport**

By: \_\_\_\_\_

\_\_\_\_\_, Mayor of Southport

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, do hereby certify that \_\_\_\_\_, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. WITNESS my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

# City of Southport ABC Board Minutes

Date: Jan 10, 2023 Minutes taken by: Harold Todd Dunn

Location: Indian Trail Meeting Hall

Quorum determined: Meeting called to order by Chairman Davis at: 6:30PM

No Conflict of interest

In Attendance: Board Chairman- William Davis, Board Members – Zach Zuehlke , Angela Wadsworth, Adam Steadman, Jim Poppe GM – Harold Todd Dunn ABC Liaison – None

Absent – None

Guests: None

Open Comment and Discussion – None

Approval of Dec 5, 2023 Minutes: Minutes amended, approved by Angela and seconded by Zach

## **1. Old Business**

- A. Discussed Assistant Manager search agreed to place add with Star News and Reach out to State Commission
- B. Discussed previous Bourbon release to Customers and Employees

## **2. New Business**

- A. Discussed Evaluation method for upcoming Employee Evaluations. Going to research some different forms.
- B. Discussed possibly needing to change some MXB processing rules for Weekends and Special Packages. Going to create letter reminding restaurants that MXB orders on Saturdays are for Emergency orders only

## **3. Business Reports**

- A. Presented and went over Monthly Sales Report

## **4. Employee Issues**

Discussed any issues with employees

Adjourned: Motion was made and seconded to adjourn the meeting

Next Regular meeting: February 14<sup>th</sup> at 1pm at the Southport ABC Store

**APPROVED BY AND DATE**

## FEBRUARY 2024 SALES DATA COMPARISON AND SAVINGS

| SALES TYPE           | 2023 Sales    | 2024 SALES    | DIFFERENCE    | % CHANGE |
|----------------------|---------------|---------------|---------------|----------|
| RETAIL               | \$ 315,598.90 | \$ 318,820.75 | \$ 3,221.85   | 1.02     |
| MXB SALES            | \$ 71,172.36  | \$ 88,820.45  | \$ 17,648.09  | 24.80    |
| TOTAL                | \$ 386,771.26 | \$ 407,641.20 | \$ 20,869.94  | 5.40     |
| Customers            | 7717          | 7722          | 5             | 0.06     |
|                      |               | \$ -          |               |          |
| Bottles Sold         | 18,442        | 20,936        | 2,494         | 13.52    |
|                      |               |               | 0             |          |
| SPA SAVINGS          |               | \$ -          |               |          |
|                      |               | \$ 5,997.77   |               |          |
| Credit Cards         | \$ -          | \$ 286,715.10 |               |          |
|                      |               |               |               |          |
| TOTAL SALES INC. TAX | \$ -          | \$ 341,147.47 |               |          |
|                      |               |               |               |          |
|                      | 2019 Sales    | 2024 Sales    | Difference    |          |
| Retail 2019          | \$ 193,868.05 | \$ 318,820.75 | 124,952.70    | 64.45    |
| MXB 2019             | \$ 37,163.82  | \$ 88,820.45  | 51,656.63     | 139.00   |
|                      | \$ 231,031.87 | \$ 407,641.20 | 176,609.33    | 76.44    |
|                      |               |               |               |          |
| SALES TYPE           | 2020 SALES    | 2024 SALES    | DIFFERENCE    | % CHANGE |
| RETAIL               | \$ 221,524.55 | \$ 318,820.75 | \$ 97,296.20  | 43.92    |
| MXB SALES            | \$ 42,732.00  | \$ 88,820.45  | \$ 46,088.45  | 107.85   |
| TOTAL                | \$ 264,256.55 | \$ 407,641.20 | \$ 143,384.65 | 54.26    |
|                      |               |               |               |          |
|                      |               |               |               |          |
| SALES TYPE           | 2021 Sales    | 2024 SALES    | DIFFERENCE    | % CHANGE |
| RETAIL               | \$ 267,350.50 | \$ 318,820.75 | \$ 51,470.25  | 19.25    |
| MXB SALES            | \$ 39,163.81  | \$ 88,820.45  | \$ 49,656.64  | 126.79   |
| TOTAL                | \$ 306,514.31 | \$ 407,641.20 | \$ 101,126.89 | 32.99    |
|                      |               |               |               |          |
| SALES TYPE           | 2022 Sales    | 2024 SALES    | DIFFERENCE    | % CHANGE |
| RETAIL               | \$ 297,268.10 | \$ 307,523.90 | \$ 10,255.80  | 3.45     |
| MXB SALES            | \$ 71,613.68  | \$ 76,523.15  | \$ 4,909.47   | 6.86     |
| TOTAL                | \$ 368,881.78 | \$ 384,047.05 | \$ 15,165.27  | 4.11     |

# Minutes

## Southport Forestry Committee

January 9, 2024; Indian Trail Meeting Hall

The meeting was convened at 5:00 p.m. by the Chair.

Members in Attendance: Scott Len (Chair); Bif Bream; Jerry Donaldson; Fred Fiss; Marianne Huntley; Heather Kos; Roxie Smith

Administration Representatives & Guests: Michael McGee; Karen Mostellar; "HP" (Harlan Pyles)

Before beginning the order of business, Scott introduced "HP" who will be the new code enforcement officer and staff liaison to the Committee.

### Old/Recurring Business

**Minutes:** It was moved, seconded and unanimously approved that the December 12, 2023 minutes be accepted as prepared.

**Ordinance/Permits/City Topics:** On behalf of Maureen ("Mo") Meehan, Scott shared that the part of the penalty that had been levied for clear cutting on the lot and the removal of City trees at 683 Carolina Bay had been adjusted to \$18,845 plus mitigation.

**Tree City Application:** The City has been notified that it has earned Tree City status for the 20<sup>th</sup> year in a row. It will be celebrated/highlighted at the April 26<sup>th</sup> Arbor Day celebration. Jerry has a possible speaker for the event.

### Member Comments/Questions; Open Forum Period:

Heather shared several items from social media, including the building up of the soil level at The Oaks. HP noted that there had been a meeting to address this and that it was part of creating a watershed with a more natural flow. Bip called attention to the laurel oak in the 100 block of Leonard.

Fred expressed concern that there were trucks parked close to the trees on the median near the City Gym during the recent basketball tournament. He emailed the City manager and acknowledged that this was more of a police issue. Marianne encouraged the group to consider pursuing some method of alerting prospective buyers and contractors to the need for building and tree permits, possibly via the Brunswick County Association of Realtors. Roxie agreed to reach out to them. Fred indicated that he will contact the Builders Association.

Marianne also flagged that it is time to think about identifying a Tree Champion(s) to be recognized at the Arbor Day celebration. She recommended that the Neisler Foundation be considered for one of these awards.

### New Business

**Update on Franklin Square Park:** The Park was closed on December 21st. Bartlett's Level 3 assessment was done the first week of January. It included tomography and resistance drilling. It is expected that the report will be ready in about three weeks and will be presented at a February meeting of the Aldermen.

**Steering Committee for City Comprehensive Plan:** Scott is representing the Forestry Committee.

**NCFS Tree Survey at Old Burying Ground:** It is now planned for late February/sometime in March. The trees must be tagged prior to the survey, and Scott, Bif, Roxie and Marianne have volunteered to help.

**Tree Planting 2024:** The list has been finalized and the City will be picking up the trees for planting in early/mid-February.

### Regular Business

**Tree Removals:** A dead willow oak on Willis has been taken down and one on Wadsworth is pending.

**Tree Care:** The bulk of the straps were removed from the Taylor Field trees on Dec 22<sup>nd</sup>.

**Tree Pruning:** The Grounds crew continues pruning street trees.

**Consultations:** NTR.

**Web Page:** The "Tree Champion" tab is now up and available on the Forestry Committee website.

**Tree Donation:** NTR

**Funds Donation:** A \$1,000 donation from the Neisler Foundation has been received.

**Education/Publicity:** Live Oak Society information continues to be publicized, and letters, articles and editorials on the topic of Franklin Square Park appear weekly.

**Next Regular Meeting:** Tuesday, February 13, 2024, at ITMH.

The meeting was adjourned at 6:08 p.m.

# **Southport Forestry Committee**

Regular Meeting – 13 February 2024, 5:00 PM

## **Old/Recurring Business:**

Review/Approval of January meeting minutes.  
Ordinance/Permits/City topics – (Maureen/HP)  
“Around the room”

## **New Business:**

- Arbor Day, April 26<sup>th</sup> (Naturefest)
- Franklin Square Park: Park closed Dec 21. Level 3 assessment report pending\*
- Steering Committee for City Comprehensive Plan (Scott)
- NCFS visit for Cemetery survey delayed – “staffing shortages”
- Tree Planting 2024. Planting underway 13-14 January
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## **Regular Business:**

**Tree Removals:** Dead WO on Willis (Wadsworth, pending)

**Tree Care:** Removal of straps on bulk of Taylor Field trees Dec 22. Two trees righted after storm and re-strapped. All trees fertilized with Phosphate to stimulate roots.

**Tree Pruning:** NTR

**Consultations:** NTR.

**Web Page:** “Tree Champion” tab now up and available.

**Tree Donation –** NTR

- Funds Donation – Neisler Foundation? (\$1000 donation received)
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- **Education/Publicity** – Newsletter article on Ordinance adherence for February.

**Next Regular meeting is Tuesday March 12, 2024      ITMH: 0115**



**City of Southport  
Historic Preservation Commission  
Minutes February 7, 2024  
Indian Trail Meeting Hall, 113 W. Moore St.**

**Members Present:** Charles Drew, Josh Cline McGee, Jim McKee, Bonnie Bray, and Joanne Wesson.

**Members Absent:** Tal West, Bonner Herring, Rick Pukenas, and Alexis Gore-Graves.

**Staff Present:** City Planner Mo Meehan and Deputy Clerk Tanya Shannon

**Aldermen Liaison:** Robert Carroll

- A. Chairman Drew called the meeting to order at 4:00 p.m.
- B. Chairman Drew gave the Invocation.
- C. Chairman Drew led the Pledge of Allegiance.
- D. Motion to approve the Agenda by Ms. Wesson and seconded by Mr. McKee. ***Unanimous Vote; Motion Carried.***
- E. Motion to approve the January 3, 2024, Meeting Minutes by Mr. McGee and seconded by Ms. Wesson. ***Unanimous Vote; Motion Carried.***
- F. **Public Comment:** None
- G. **Old Business:** None
- H. **New Business:** None
- I. **Other Business:**

1. Historic Design Standards Joint Meeting with the Planning Board.

Ms. Meehan said that at the last meeting, the Commission decided to hold a joint meeting with the Planning Board. This meeting will be held on February 15 at the Community Building, starting at 6:00 p.m. Ms. Meehan will give a brief presentation on the standards, followed by comments and questions from the Planning Board. Chairman Drew inquired if a public hearing would be called. Ms. Meehan responded that it is not required at this stage but could still be called. Ms. Wesson mentioned that the public will have plenty of opportunities to ask questions and provide feedback. Ms. Meehan said that the Board of Aldermen is required to hold a Public Hearing before any decisions are made.

2. Adoption Procedure for Historic District Boundary

Ms. Meehan mentioned that Ms. Kristi Brantley, the Local Government/CLG Coordinator, suggested that the city could use the current national historic district's boundary if they wished to. However, the Commission requested that the district's boundaries be extended and updated. To do so, the Commission needs to submit a report, including an inventory list with pictures, to the State Historic Office for review. Ms. Meehan provided a handout that outlines the basic local landmark designation process. Chairman Drew confirmed that the Board of Aldermen would have to adopt the district's updates. Ms. Meehan estimated that it could take a few months for the State to approve the new district. She also mentioned that property owners would be informed of the proposed changes to their district. Mr. McGee asked if the properties on the district line could be brought into a clean line, and Ms. Meehan confirmed that the closed perimeters could be tied

in for a cleaner boundary. Alderman Carroll reiterated that the citizens should be informed if they are in the district so they can review the standards.

Ms. Wesson said that the area at the Yacht Basin will have to be reviewed and designated. Ms. Meehan agreed and noted that the Commission would be working on that soon.

- J. Chairman Drew inquired about the next steps in the process. Ms. Meehan shared that she will be working on additional lots that may be considered and provided a map of the areas of interest. The Commission agreed to focus on cleaning up boundary lines rather than unnecessary inclusions. Ms. Meehan explained that some lots are split in the middle. Ms. Bray asked if the Aldermen need to adopt the standards before this is completed. Ms. Meehan clarified that updating and approving the district would make it easier for the public to see if they are in the district and become familiar with the standards. The standards may be adopted first, but reviewing the boundaries will take a few weeks.
- K. **Announcements:** Reminder that the Steering Committee will be meeting on March 15, and Mr. McGee is the Historic Preservation Commission's representative.
- L. Since there were no further questions or comments, Chairman Drew asked for a motion to adjourn. So moved by Mr. McGee and second by Ms. Wesson. ***Unanimous Vote; Motion Carried***

**Adjournment—4:25 p.m.**

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Chairman, Charles Drew

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Deputy Clerk, Tanya Shannon

**Cemetery Committee Meeting  
Indian Trail Meeting Hall, 113 E. Moore Street  
January 24, 2024, 2:00 P.M.**

Members Present: Larry Ashley, Jason Robbins, Andrew Parks,  
Lynne Geiman, Tish Hatem (via zoom)

Members Absent: Musette Steck

Staff Present: Allayna Dail, Interim Community Relations Director

Board of Aldermen Liaison: Mark Spencer

Guests: Tom Lombardi

A) **Call to Order** -meeting was called to order by Chaiman Ashley at 2:05 PM

B) **Welcome to Alderman Mark Spencer** – Chairman Ashley, on behalf of the board, welcomed our new Aldermen liaison, Mark Spencer. Mark said he is looking forward to working with us as we strive to establish a productive working committee.

C) **Open Meeting Laws** – It was encouraged that all members read the Public Record Laws Overview and the Open Meeting Rules that was part of our meeting packet.

D) **Discussion of NC Forestry Service & Southport Forestry Service - Training Proposal – Old Smithville Burying Ground** – In light of recent studies done on Franklin Square Park, discussion was held about future care of trees in the cemeteries and working with Scott Lenn of Forestry.

**Motion made by Jason** to send a recommendation to the city that the Cemetery Committee and Forestry work together to view and identify trees in all three cemeteries. This would be a preliminary study at no expense to the city. **Motion seconded by Andy. All ayes. Motion carried.**

E) **Request for Cemetery Committee Guidance from the Board of Aldermen** – The committee gave Mark a sampling of questions the committee has concerning the scope of what the city wants the committee to focus on. Some topics pointed out were record keeping, overseeing cemetery maintenance, procedures for hazardous situations within the cemetery, signage, pathways, tilting stones,

abandoned plots, encroachment upon other lots, seeking out land for future burials, role of historical society in anything we may be tasked to do and how city v private cemetery status will affect our tasks. Members will forward thoughts to Allayna who will generate a bullet list for Mark to use in the aldermen determining the scope of the committee's work

- F) **Budget Request** – No budget was discussed or asked for until we determine the scope of our work as determined by the Board of Aldermen/City.
- G) **Appointment of open position** – position is posted until 2/15/24
- H) **By Laws Discussion** – put on hold until scope of our work is determined.
- I) **Other business** – Question was asked about who is the Cemetery Superintendent as noted in the city ordinances. Allayna will look into that. Allayna reminded all about the need to notify the public three days in advance for any change of date/cancellation of meeting.
- J) **Adjourn – Motion to adjourn made by Jason. Seconded by Lynne. All ayes. Motion carried.** Meeting adjourned at 2:53.

Next meeting 2/28/24 at 2PM



**Board of Adjustment Minutes  
Indian Trail Meeting Hall,  
113 W. Moore St.  
January 23, 2024 4:30 P.M.**

**Present:** Pete Haislip, Harley Lemons, Jason Robbins, Amy Aycok, and Kate Seigler  
**Board Liaison:** Alderman Marc Spencer  
**Staff Present:** Maureen Meehan, City Planner  
Dorothy Dutton, City Clerk/Assistant City Manager

**Others Present:** Tori Deviney, Andrew Laing, Jeff Kruse, Ms. Barber

A. Call to order by Chairman Pete Haislip at 4:30 p.m.

B. Chairman Haislip led the Pledge of Allegiance.

C. Mr. Haislip introduced Alderman Spencer as the new Board liaison to the Board of Adjustment. He also explained that Kate Seigler would be participating on the Comp plan project to represent the Board of Adjustment. Mr. Haislip then reviewed the quasi-judicial process to the public. Jason Robbins stated that he has had a prior fiduciary relationship with Ms. Barber, one of the applicants, but has not had any contact with her since then.

**D. New Business**

**1. Variance Request: 114. N. Howe Street**

Chairman Haislip opened the first hearing and swore Mo Meehan in at 4:37 p.m. Ms. Meehan explained that the applicant and property owner Andrew Laing, is requesting a variance for relief from the parking standards. More specifically, he is requesting the ability to allow vehicles to back out of the driveway. Ms. Meehan explained the pictures of the property. She added that the proposed mixed use requires one parking space for each dwelling unit. The use is permitted by right, but all of the standards of the UDO must be met. The Board went through all the required motions. Ms. Meehan read the UDO standard listed in 3.14.B.7. and explained more pictures of the existing parking spaces on Howe Street, the parking lot area, and the proposed site plan. A maneuverability plan was provided by an engineer, which explained that the turn-around in the lot would be anywhere from a 10-30 point turn. Overall, it was unfeasible, which is why they are requesting the variance. Chairman Haislip asked about handicapped parking spaces and asked if the spaces meet the 5-foot setback to the street. Mr. Robbins asked if the variance cures the problems that the engineer identified. Andrew Laing was invited to speak, and was sworn in. Mr. Laing, a resident of Pebble Shore Lane in Southport, explained that an adjacent property owner plans to block off access in the back. The traffic on the streets would be backing out the same way, so he feels it justifies allowing the residents to back out the same way. Kate Seigler asked for protections for pedestrians. There was more discussion about emergency apparatus access. Several Board members suggested painting all curb cutouts yellow for better safety. No adjacent property owners attended to speak about the project, so the hearing was closed at 5:04 p.m. The Board read through the motions.

- 1. Harley Lemons made a motion that unnecessary hardship would result from a strict application of the ordinance. Kate Seigler seconded. All ayes. Motion carried.**
- 2. Amy Aycok motioned that the hardship does result from conditions that are peculiar to the property. Harley Lemons seconded the motion. All ayes. Motion carried.**
- 3. Kate Seigler made a motion that the hardship did not result from actions taken by the applicant or property owner. Harley Lemons seconded the motion. All ayes.**

***Motion carried.***

- 4. Amy Aycock made a motion that the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. The motion was seconded by Kate Seigler. All ayes. Motion carried.***
- 5. Jason Robbins motioned that based on the Findings of Fact and evidence presented, the Board of Adjustment recommend approval of the application with no conditions. Kate Seigler seconded. All ayes. Motion carried.***

The Board Chair congratulated the applicants.

## **2. Variance Request: 1005 E. Moore Street**

Ms. Meehan presented a request for a variance for front lot setback to accommodate an ADA compliant ramp. The subject property is adjacent to the Hammocks subdivision. The property owner started this project without knowing the ramp would end up being so close to the front. They stopped construction and moved forward with the variance. Ms. Meehan read through the justification for the variance. Harley Lemons asked about the existing house and whether it met the setbacks. Jason Robbins asked if there was any exemption in the UDO for ADA structures. Ms. Meehan said there was not. Chairman Haislip added that all decisions should be made independently, and they are not precedent setting. Mr. Haislip asked the contractor Jeff Kruse to come forward to be sworn in. Mr. Kruse explained the home was built in 1955 with no setback requirement. There was no knowledge of the 25-foot front setback. He would not be able to build a ramp at all without it being in the setback. It is still 36-37 feet from the edge of the pavement. The property owner would have to remove all the gardening and plants and put the ramp right up against the house. Even still, it would still be in the setback.

There was confusion about the actual distances included on the site plan, and how much the ramp would encroach into the setback. The Board felt like they could not make a decision at this time and needed more information and discussion. The public hearing was closed at 5:56 p.m. Jason Robbins made a motion to table the variance request until the next meeting. Amy Aycock seconded. All ayes. Motion carried.

## **E. Approval of Minutes**

***Harley Lemons made a motion to approve the November 28, 2023. Jason Robbins seconded the motion. All ayes. Motion carried.***

## **F. Other Business**

Mr. Robbins asked that a note be sent to the other Boards, that this type of thing should be approved administratively, but there is no mechanism in the UDO to allow for that. There was more discussion about how the variance could have been approved-like approving it with a specific number (distance) and leave it up to the builder to make it work. Mr. Robbins added that it was nice to have all the pictures of the two requests.

## **G. Adjourn**

***Jason Robbins made a motion to adjourn the meeting, which was seconded by Harley Lemons. Board Chair Pete Haislip adjourned the meeting at 6:04 p.m. All ayes. Motion carried.***

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Pete Haislip, Chair  
Board of Adjustment

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Dorothy Dutton  
Asst City Manager/City Clerk