



**CITY OF SOUTHPORT
BOARD OF ALDERMEN
REGULAR MEETING AGENDA**
223 E. BAY STREET
July 11, 2024
6:00 PM

Agenda

Please turn off all cell phones

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. Oath of Office: Stuart Turille, Jr., City Manager

E. Special Recognition

1. Brunswick High School Softball Team *pg 3*

F. Presentations

1. Duke Presentation (*Pam Hardy, Regional Manager*)

G. Public Comment

H. Approval of Agenda

I. Approval of the Consent Agenda

1. Minutes of the Special Budget Workshop Meeting May 14, 2024 *pgs 4-8*
2. Minutes of the Special Budget Workshop Meeting May 17, 2024 *pgs 9-11*
3. Minutes of the Regular Board of Aldermen Meeting June 5, 2024 *pgs 12-17*
4. Minutes of the Closed Session Meeting June 5, 2024 (sealed envelope)
5. Minutes of the Special Budget Meeting June 5, 2024 *pgs 18-20*
6. Minutes of the Special Budget Workshop Meeting June 6, 2024 *pgs 21-24*
7. Set a Public Hearing: Section 3.19 Signs *pgs 25-37*
8. Set a Public Hearing: Section 3.17 Landscaping and Buffers and Section 3.14 Parking (Right-of-Way) *pgs 38-49*

9. Set a Public Hearing: Section 4.14.C. Amount of Land Dedication-Open Space Calculation

J. Agenda

pgs 50-56

1. Cemetery Committee Updates (*Larry Ashley, Cemetery Committee Chair*) *pgs 57-156*
2. Adoption of the Capital Improvement Plan and Project Updates (*Bob Jarvis*) *pgs 157-203*
3. Shoreline Stabilization Project Proposal (*Bob Jarvis*) *pgs 204-211*
4. Preserve at Fisher Landing: Sidewalks (*Mo Meehan*) *pgs 212-278*
5. Real Estate Company (*Alderman Davis and Alderman Carroll*) *pgs 279-283*

K. Committee Reports

1. Planning Board Draft Minutes June 20, 2024 *pgs 284-288*
2. ABC Board *pgs 289-290*
3. Beautification Committee *pgs 291-294*
4. Cemetery Committee Agenda *pgs 295-296*
5. Board of Adjustment Minutes May 28, 2024 *pgs 297-298*

L. Manager's Report

M. Mayor's Comments

N. Board Comments

Closed Session 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.

P. Adjourn



CITY OF SOUTHPORT PROCLAMATION HONORING THE SOUTH BRUNSWICK HIGH SCHOOL SOFTBALL TEAM

WHEREAS, South Brunswick High School is located in the heart of Brunswick County and is the high school for the City of Southport; and

WHEREAS, South Brunswick High School has an extensive athletic program, including lacrosse, tennis, golf, volleyball; and

It has been thirty-six years since South Brunswick High School won a state championship, although they have excelled in both academics and athletics.

WHEREAS, the 5th-seeded Lady Cougars softball team recently participated in the NC High School Athletic Association 3A softball championship, where they faced the 2nd-ranked Kings Mountain Mountaineers.

WHEREAS, all of the young ladies played an incredible game, and demonstrate the true meaning of teamwork.

BECAUSE of their abilities and fighting spirit and with the leadership of Coach James Pierce, the Lady Cougars successfully defeated the Mountaineers, winning the State Championship.

NOW, THEREFORE, BE IT RESOLVED, that I, Rich Alt, Mayor of the City of Southport, along with the Board of Aldermen, do hereby congratulate the Lady Cougars on their championship win. We wish you much success in your future endeavors and look forward to seeing all your accomplishments in the future.

Proclaimed this 11th of July 2024.

Rich B. Alt
Mayor, City of Southport

Dorothy Dutton, City Clerk
Assistant City Manager



Board of Aldermen Budget Workshop Minutes
Community Building, 223 E. Bay St.
May 14, 2024
11:00 A.M.

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

Absent: None

Staff: Manager Bonnie Therrien, Assistant City Manager Dorothy Dutton, Sara Thomas Clerk, ChyAnn Ketchum POI/Communications, and Finance Director Lance Flint.

- A. Mayor Rich Alt called the meeting to order at 11:01 A.M.
- B. Alderman Reverend Davis gave the Invocation.
- C. Mayor Alt led the Pledge of Allegiance.
- D. Alderman Kelley made a Motion to approve the Agenda seconded by Alderman Carroll.
Unanimous Vote; Motion Carried.

E. Agenda

1. Consensus on Budget Outcome (B. Therrien)

The Board had a discussion on the direction in which they would like to see the budget outcome. The Board's consensus was to prioritize main objectives and essential needs. The City aims to achieve and sustain many things with the current revenue. However, some members oppose any tax increases, while others believe a small increase is necessary to support progress and future needs.

2. Budget List Considerations

- Funding for the Cemetery Committee for \$3,000. After discussion, Yay: Alderman Lai, Spencer, Carroll, and Mosteller. Nay: Alderman Kelley and Davis. 4-2. Approve funding.
- Basketball Court Resurfacing for \$7,000. After the discussion, Nay: Alderman Carroll, Davis, Kelley, and Lai. Nay: Alderman Mosteller and Spencer. 5-2 Deny funding.
- Parks and Recreation-Laptop vs. Desktop. Manager Therrien mentioned that the issue had already been addressed with the Parks and Recreation Director, and it was decided that desktop computers would still be used. The requests for laptops came from the grounds crew, who needed them for research materials, inventory, and equipment. The Board will revisit this topic for further discussion at a later time.
- Relook at CIP Land Acquisition and City Docks. Manager Therrien suggested holding this discussion and incorporating it into the Capital Projects discussion.
- Tennis Courts vs. Pickle Ball Courts. Manager Therrien said it would cost the same to resurface the tennis courts or convert them into pickleball courts. Since this would be a capital expense, it could be discussed at a later time. Mayor Alt asked the City Manager to get an estimate for just repainting the lines for pickleball use. The Board agreed not to include these costs in the FY 24-25 budget.
- Election Expense. This expense is required and must be included in the budget for \$5,500.

- Board of Aldermen Travel (increase) \$5,000. Manager Therrien explained that there was already \$3,000 budgeted for Board travel. The discussion is about whether to add an additional \$5,000. Aldermen Mosteller, Lai, Spencer, and Kelly were in agreement to increase the total to \$8,000. However, Alderman Davis prefers to keep it at \$3,000, while Alderman Carroll would like the total to be \$5,000. 4-2 for \$8000.
- Increase the Mayor's Salary to \$5,813 (\$1200 monthly). Mayor Alt was excused, and Mayor Pro Tem Kelley led the discussion. Members provided feedback, with some supporting a salary increase for the Mayor while others opposed it. After further discussion, it was decided with a 4-2 vote to increase the Mayor's salary by \$1,000 a month.
- Manager Therrien announced that the Job Study is \$29K too much in the budget.
- Three new firefighter positions will have a net cost of \$189,344. Manager Therrien mentioned that there would be cuts in the fire budget that may or may not cover the new positions for overtime. She also mentioned that Chief Drew has applied for grants, which could add another \$100,000 to the Fire Department's budget. These grants would be for one-time only. Alderman Kelley pointed out that fire fees have reached their limit, requiring approval from the Legislature for any increase. Mayor Alt suggested that Caswell Beach should share some costs since they benefit from the city's services. Chief Drew reported that all surrounding fire districts have also reached the limit on fire fees. He mentioned a fire deficit of \$160,000, attributed to challenges in volunteer recruitment and reliance on development for fee increases. The Board agreed to discuss this matter further at the next workshop.

One temporary finance position is needed to backfill for a retiring team member. The Finance Director emphasized the position's importance and requested flexibility to begin the hiring process. The \$50,000 mentioned is a placeholder, and it was suggested that the candidate search be initiated around 6 months in advance. However, the position's retirement has not been confirmed, so the decision was postponed by the unanimous agreement of the Board.

Break for lunch—12:45 p.m. Return—1:45 p.m.

Mayor Alt requested the Board's consensus to move the meeting on May 17, 2024, to 8:30 A.M. The Board unanimously agreed to reschedule the meeting to 8:30 A.M.

- The Debt Service budget is high (\$404.4 vs \$388.1): (\$16,275.) Mr. Flint explained that currently, the only debt service is for the Fire Department. After reviewing the debt service schedules and comparing them to the budget, he found that the budget was slightly high. He mentioned that it has now been adjusted down to around \$16,000. Mayor Alt confirmed that there is now \$16,000 more in the budget than previously thought.
- Retire Fire Debt using ARPA Funds (\$216,151): Mr. Flint said it may make more sense to keep the money in the bank and earn interest rather than pay off the debt early. The Board was in agreement to keep the money in the bank.
- Streets budget has one too many employees (\$73,946): After the water merger, two employees left to work for the county, leaving six employees to continue providing services. Another employee decided to join the county as well, and Mr. Flint thought that a new employee was needed to maintain a full staff. However, Mr. Stanley informed him that this position was no longer necessary. Mr. Flint mentioned that the Streets Budget

had allocated six employees, but only five were needed. Mayor Alt noted that with these three positions no longer in the budget, there would be approximately \$230,000 remaining in the FY24-25 budget.

- **Archive Social Increase 7,300 (Increasing by \$1200 a year):** The PIO/Communications Director, Ms. Ketchum, informed the Board that she received a notification from “Archive Social” informing that they would be raising their prices. The increase would amount to an additional \$1200 compared to the current rate. She explained that the company has raised prices across the board due to inflation and increased wages. Ms. Ketchum clarified that this program is essential for tracking the City’s online presence and is linked to all of the City’s social media and digital accounts. It archives the media footprint to ensure compliance with the Freedom of Information Act (FOIA). The Board unanimously approved the additional \$1200 per year.
- **Rivermist Electrical Payment:** Ms. Therrien noted that it was discussed whether it should be added to the Electrical Fund or the Public Services Department. She contacted UNC SOG, which said that you could move it back and forth if there is a sufficient fund balance. She asked the Board how they would like to proceed. The Board all agreed to keep the payments in the Electrical Fund.

Proposed Capital List for FY 24-25

Projects:

1. **Design of the City Pier:** Manager Therrien said that the bracing on the City Pier needs repair, and \$15,000 is set aside to complete the design and then come up with a final amount to do the work. The Board was in complete agreement to approve the funding for the design.
2. **Dredging-Grant Share: \$15,625.** Manager Therrien said this cost would be part of the grant share for 2025. She said more money would need to be set aside for the dredging. The Board was in full agreement to approve.
3. **Design-City Boat Slips \$18,000.** The Board discussed the issue of transient slips and decided on the next steps. Ms. Therrien mentioned that the Rate Committee would present this information at the workshop on May 17th. Ms. Dutton explained that FEMA had approved funding for the slips, covering most of the costs. The City would need to bear any additional expenses not covered (\$18,000). If the design work is not completed this year, the City will need to file for another extension. Yay: Alderman Mosteller, Carroll, Kelley, Spencer and Lai. Nay: Alderman Davis. 5-1 to approve the \$18,000.
4. **Land Acquisition for the Parks.** Ms. Therrien explained that this is part of the Master Plan that the Board approved, and this would be a starting fund that would be set aside and used to acquire land for new parks. Yay: Alderman Mosteller, Carroll, Davis, Kelley, and Lai. Nay, Alderman Spencer. 5-1 is not in favor of setting funds aside at this time.
5. **Tennis Court Resurfacing \$160,000.** The Board unanimously disapproved of the resurfacing.
6. **City Hall Renovation and Design \$300,000.** Ms. Therrien mentioned that this was the price she received from the architect who evaluated City Hall and the Police Station. She stated that this would entail a complete overhaul of City Hall, as previously presented to the Board. She also mentioned that some renovation would be necessary at City Hall but perhaps not as extensive. Mayor Alt clarified that this cost is only for the design phase and

not for construction. Ms. Therrien confirmed that his understanding was correct. The Board was unanimously against providing funding for this project.

7. City Building Repairs – Facilities \$200,000 (not including old City Hall). Ms. Therrien said this must be done immediately to maintain urgent repairs. The Board requested a complete list of what repairs are needed and to discuss at the next workshop. The Board unanimously favored having more discussion at the next workshop when more information is provided.
8. Old City Hall Environment Issues: \$700,000. Estimated by HICAPS. Bids for abatement are favorable. Ms. Therrien seeks confirmation before budget adoption. Alderman Kelley proposes new windows and HVAC systems to prevent further deterioration. Mr. Flint raises asbestos concerns. The Board will seek additional information from HICAPS before making a decision at the upcoming Board Workshop.
9. Parks Building Improvements: The Board unanimously agreed to discuss the necessary repairs for these buildings at the next board workshop once more information is provided.
10. Stormwater Design \$75,000. Ms. Therrien reported that the City Engineer, Tom Zilineck, has a significant amount of state and grant funding that is nearing expiration because of project deadlines. The \$75,000 funding is crucial for initiating a key project. The Board unanimously approved the funding.
11. Sidewalk Repairs. Ms. Therrien mentioned that the Board has been discussing the need for new sidewalks and repairs for quite some time. She emphasized that the money allocated for the Powell Bill should be used for road repairs, and therefore, she proposed allocating \$100,000 specifically for sidewalk repairs due to safety concerns. She highlighted that these repairs are essential to address potential liabilities related to tripping and falling. Ms. Therrien suggested that the \$100,000 be utilized for urgent repairs. The Board unanimously approved the allocation of \$100,000 for the sidewalk repairs.
12. Community Building Deck. The discussion revolved around whether to replace the deck of the building, considering its significant revenue generation. Some members believed that although the deck will eventually need replacement, the current fiscal year isn't the most suitable time for it. Those against funding this year were Aldermen Carroll, Davis, Kelly, and Lai. In favor were Aldermen Mosteller and Spencer. The decision not to allocate funds this year was 4-2.
13. Franklin Square Park, \$50,000. The Board unanimously agreed to continue funding and maintaining the park.

Mayor Alt requested to adjourn the meeting as there was no further business. Alderman Kelley made the motion, seconded by Alderman Lai. ***Unanimous Vote; Motion Carried.***

Adjourn—2:10 p.m.

Mayor, Richard Alt

Deputy Clerk, Tanya Shannon



Board of Aldermen Budget Workshop Minutes
Community Building, 223 E. Bay St.
May 17, 2024
8:30 A.M.

Present: Mayor Rich Alt, Alderman Karen Mosteller, Lowe Davis, Robert Carroll, Frank Lai, Mark Spencer, and Mayor Pro Tem Kelley (remote).

Absent: None

Staff: Manager Bonnie Therrien, Assistant City Manager Dorothy Dutton, Sara Thomas Clerk, ChyAnn Ketchum POI/Communications, Public Services Director Tom Stanley, Fire Chief Charles Drew, and Finance Director Lance Flint.

A. Mayor Rich Alt called the meeting to order at 8:30 A.M.

B. Alderman Reverend Davis gave the Invocation.

C. Mayor Alt led the Pledge of Allegiance.

D. Approval of the Agenda

Mayor Alt has requested an amendment to the agenda, which includes the announcement of the selection of the new City Manager. The agenda will also cover the discussion of the MOU with Up Your Arts and the selection of dates for the Final Budget Deliberations and the Public Hearing. This motion was made by Alderman Lai and seconded by Alderman Spencer.

In discussion, Alderman Davis pointed out that the Board has conceptually accepted the contract for the City Manager, but it has not been formally approved. She suggested adding an amendment to the agenda for a vote on the approval of the contract. Motion to approve the supplement to the amended agenda by Alderman Lai and seconded by Alderman Spencer. **Unanimous Vote; Motion Carried.**

Mayor Alt explained that the Board had reviewed the City Manager's contract, and all members had agreed. Alderman Mosteller formally motioned to approve Mr. Stuart Turille Jr.'s new City Manager contract as presented, and Alderman Lai seconded the motion. **Unanimous Vote; Motion Carried.**

Mayor Alt proposed offering the position of City Manager to Stuart Turille Jr., starting on July 2, 2024, as specified in the presented contract. His annual salary will be \$150,000. Alderman Mosteller motioned to approve, seconded by Alderman Carroll. **Unanimous Vote; Motion Carried.**

E. Agenda

1. Rate Committee (D. Dutton)

Ms. Dutton presented an overview of the FY 24-25 Master Fee Schedule, including the recommended changes from the Rate Committee and Staff. The recommended changes encompass the use of the Indian Trail Meeting Hall, Public Utilities, Recycling/Yard Debris Collection, Building Inspections and Permit Fees, Development Fees, Mobile Food Vendors, Tree Removal Penalty, Residential Stormwater Plan Review, Commercial Stormwater Plan Review, Use of Taylor Field Park, Filming Fees, and Golf Cart Permits.

Alderman Davis expressed concerns about the filming fees and inquired whether the rates in neighboring towns had been compared. She believed the proposed rates were too low, considering the inconvenience caused to citizens by road closures, etc. In response, Ms.

Dutton mentioned that there had been a discussion with the Rate Committee about whether the Board wanted to encourage filming or not, as this would affect the proposed rates. The discussion involved weighing the advantages and disadvantages of filming in the city.

Mayor Alt requested a motion to approve the Film Fee Schedule as presented but to review the Daily Production Fee and decide on that later after consulting with business owners and others affected by various filming locations and how it would affect emergency services. So moved by Alderman Davis and seconded by Alderman Lai. **Unanimous Vote; Motion Carried.**

Mayor Alt has requested a motion to collaborate with the City Manager to set a date for discussing the Film Production Fees. This meeting aims to gather input from business owners and other interested parties regarding the impact of filming on their businesses. So moved by Alderman Lai and seconded by Alderman Davis. **Unanimous Vote; Motion Carried.**

2. Methods to Close the Budget Gap.

Mr. Flint updated us on the budget gap, which has decreased by \$310,000. He mentioned a budget allocation to cover the remaining \$858,000 gap resulting from the merger. There will be an increase in tax evaluations by the county, expected to generate an additional \$273,000. Additionally, an anomaly in data transfer for credit card payments for permits led to the discovery of a \$100,000 revenue shortfall. Mr. Flint noted a \$45,000 reduction in budgeted costs for employee medical adjustments. In summary, operating expenses have been adjusted and approved, resulting in a \$310,000 net reduction in the gap.

He discussed the \$1.8 million Capital Budget proposal, suggesting a one-cent tax increase for capital funding and using some general fund surplus. After removing some projects, the total cost is now estimated at \$1.2 million. The Board still needs to deliberate on three large projects, possibly postponing some of them.

Alderman Carroll proposed a 2-3 cent tax increase each year for the next three years to maintain current levels. Alderman Lai agreed, emphasizing the need for sustainability. Alderman Spencer would prefer the funds remain in the bank to generate interest and tighten the belt. Mr. Flint advises not to deplete the capital funds for short-term use.

Chief Drew discussed the challenge the department faces with maintaining minimum staffing levels. They have been relying on volunteers for shifts and compensating them with a stipend, which has led to significant shortages in emergency services. The department has operated below the minimum staffing level of four firefighters for a total of 176 days out of 517 calendar days, which is a concerning amount of time given the declining number of volunteers. Chief Drew highlighted that despite an increase in call volume, staffing levels have decreased. He emphasized that it is a legal requirement to have four firefighters present for every structural call, and failure to comply could result in the suspension of insurance and an increase in the insurance rating. Maintaining a low insurance rating is crucial for saving taxpayers money.

There was a discussion about increasing the stipend for volunteers since they do not receive benefits. This would still be more cost-effective than hiring full-time staff. Currently, volunteers receive \$150 for a 12-hour shift as firefighters, and some are working long hours hoping to secure full-time positions. Chief Drew revealed that some volunteers are making \$60,000 a year on stipends, which is more than some full-time firefighters earning \$40,000 a year. Mayor Alt expressed the need to find a long-term solution to balance the costs of full-time staff compared to stipend volunteers.

There was also a discussion on the EMS budget. It was recommended that more input from the citizens be gathered on whether the City or the County responds to calls. Additionally, if they would prefer the City EMS to respond, there would be a tax increase.

3. MOU with Up Your Arts discussion.

Mayor Alt explained that the initial Memorandum of Understanding with Up Your Arts was established in 2017. According to the agreement, either party has the right to terminate it within 60 days. Mayor Alt mentioned that Up Your Arts has been merged with another organization, and therefore, the agreement is non-transferable. He explained that this was a procedural decision. He requested a motion to direct the City Manager to draft a document to terminate the MOU with Up Your Arts.

Alderman Carroll clarified that the current Memorandum of Understanding (MOU) requires a 60-day notice. As a result, Alderman Carroll made a Motion to instruct the City Manager to provide the required written notice at least 60 days prior to termination and to draft the necessary document to terminate the MOU with Up Your Arts. Second by Alderman Lai. Alderman Kelley had to be excused and left the meeting before the vote. Aye: Alderman Mosteller, Carroll, Davis, Spencer, and Lai. Vote count: **5-0. Motion Carried.**

4. Selection of Dates for Budget Deliberations.

After discussions, the Board scheduled a Special Budget Meeting on June 5th and 6th at the Community Building, followed by a Public Hearing on June 17th.

F. Manager's Comments:

Mayor Alt requested the City Manager to retrieve the lease agreement with the Historical Society for the City's Old City Jail.

Board Comments:

Alderman Mosteller noted that some time will need to be carved out during the budget deliberations to ensure the Pay Classification Study.

Alderman Davis reminded everyone that Memorial Day is on May 27th. The parade begins at 11:00 AM on Lord St., and the Lowering of the Flag ceremony starts at 7:00 p.m.

Since there was no further business, a motion was made by Alderman Carroll to adjourn and was seconded by Alderman Mosteller. **Unanimous Vote; Motion Carried.**

Adjourn—10:25 a.m.

Richard Alt, Mayor

Tanya Shannon, Deputy Clerk



**Board of Aldermen
Regular Meeting Minutes
Community Building, 223 E. Bay St.
June 5, 2024
9:00 A.M.**

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

Absent: None

Staff: Manager Bonnie Therrien, Assistant City Manager Dorothy Dutton, ChyAnn Ketchum POI/Communications, Public Services Director Tom Stanley, City Engineer Tom Zilinek, Fire Chief Charles Drew, and Finance Director Lance Flint.

A. Mayor Rich Alt called the meeting to order at 9:00 A.M.

B. Alderman Reverend Davis gave the Invocation.

C. Mayor Alt led the Pledge of Allegiance.

D. Special Recognition

1. Honor Electrical Superintendent Ellie Pittenger on Retirement (21 Years)
2. Water/Sewer Staff Recognition: Mark Caban, Justin Taylor and Connor Davis.

E. Public Comment

1. Joe Taylor, from Marcus and Taylor Attorneys in Wilmington, represents Howard and Denise Russell, who live at 416 E. Bay Street. He has previously served on Municipal Boards and has a good understanding of the situation. He described Kingsley Park as very charming, but he doesn't see it as a destination amenity but rather more like a neighborhood park. Mr. Taylor believes that there could be around 25 spaces available to serve the parking area without the need for additional parking. He would like the Board to take into consideration the charm and quaintness of the neighborhood.
2. Sid Fortney, who lives at 413 E. Bay Street, is a neighbor of the Russell's. He mentioned that ever since Kingsley Park reopened, there has been a significant increase in foot traffic compared to parked vehicles. He rarely sees parked vehicles, and if so, they do not stay parked for long. He believes the current parking situation is sufficient and the increased foot traffic is temporary. Sid disagrees with how the situation has been handled and feels that the Russell's have been treated unfairly.
3. John Atkins, of 106 Kingsley Drive, is opposed to allowing parked vehicles along the side of Bay Street at Kingsley Park. He owns the middle lot, has surveyed and maintained it, and respectfully asked the Board to consider preventing parking in this area in order to help preserve the charm of Southport.
4. Donna Fullwood, who lives at 807 Cape Harbor Dr., is a member of the Creek Watchers because she is worried about the environment. She is particularly concerned about the high levels of bacteria in the creeks and the safety of children who play in them. She has noticed a decrease in the population of fish and crabs in the creek and believes that more testing should be done to identify the cause. She also suggests putting up warning signs to alert people about potential hazards in the water.

5. Matt Watson, 402 E. Bay Street, asked if a study has been done on the effects of replacing the curb on Bay Street with gravel. He believes this change would greatly benefit the neighborhood.
6. Lora Sharkey, 432 Cades Trail, congratulated Mr. Pittenger on his retirement and wished him well. She also encouraged the Board to continue to work on priorities in the City Budget, needs versus wants. She knows it is a challenge but doesn't want them to be held hostage by previous boards.
7. Ms. Dutton read comments submitted by Nathaniel Lambeth, who resides at 409 E. Bay Street. He expressed concern regarding the proposed parking on the 400 block of E. Bay Street. He noted that the majority of those who visit Kingsley Park and Pier are waterfront walkers, and very few utilize the parking spaces on the west side of Kingsley. He pointed out that if overflow parking is required, there is additional parking available along E. Moore St., in front of the Smithville Cemetery, and a paved parking area at Taylor Field Park. He believes that street parking is unnecessary and could create a traffic hazard.
8. Gerald Donalson of 5990 Dutchman Creek Rd. Submitted comments that Ms. Dutton read. He supports the all-inclusive playground, Field of Dreams, at Taylor Park. However, he is concerned about the lack of shade and protection from the sun and heat for adults and children during the day. He mentioned that the park is partly in a flood zone and is close to Bonnet's Creek, where there have been high readings of bacteria. He suggested that the park be relocated to an area that would not impact nearby residential areas, parking, and traffic.

Alderman Mosteller made a motion to close public comment, which Alderman Spencer seconded. **Unanimous Vote; Motion Carried.**

F. Approval of the Agenda

*Mayor Alt requested a Motion to remove Agenda item H 5 Tree Ordinance Revisions and discuss it at a later meeting. So moved by Alderman Davis and seconded by Alderman Kelley. **Unanimous Vote; Motion Carried.***

*Mayor Alt requested that City Engineer Tom Zillenk's Stormwater Discussion be added to the agenda as new item H:5. A Motion was made to approve the amended agenda by Alderman Davis and second by Alderman Kelley. **Unanimous Vote; Motion Carried.***

G. Approval of the Consent Agenda

1. Minutes of the Regular Board of Aldermen Meeting April 11, 2024
2. Minutes of the Closed Session April 12, 2024 (Sealed Envelope)
3. Minutes of the Closed Session April 19, 2024 (Sealed Envelope)
4. Minutes of the Special Budget Workshop April 23, 2024
5. Minutes of the Special Budget Workshop April 29, 2024
6. Minutes of the Special Budget Workshop April 30, 2024
7. Minutes of the Regular Board of Aldermen Meeting May 6, 2024
8. Minutes of the Regular Board of Aldermen Meeting May 9, 2024
9. Minutes of the Closed Session May 10, 2024 (Sealed Envelope)
10. Cancel July 1, 2024, Regular Board of Aldermen Meeting
11. McPherson Bid for Kayak Launch Construction

Alderman Spencer motioned to approve the consent agenda, which Alderman Mosteller seconded. **Unanimous Vote; Motion Carried.**

H. Agenda

1. Creek Watchers--Lab Report Results

Mayor Alt reported ongoing issues with Price's, Bonnet's, and Dutchman Creeks for three years. Despite contacting the Department of Environment Quality for help, little assistance has been provided. Monitoring the water after the completion of the kayak launch is planned. A policy to post and remove pollution signs will be developed. Ms. Dutton reviewed signage recommendations, and Ms. Ketchum designed visuals. Collaborative testing and consistent lab results were emphasized for a unified approach to the issue.

Alderman Mosteller asked about a testing method that uses orange dye. Mr. Stanley explained that the method involves adding dye to the water and then using visual imaging to detect it. He believes that the contamination is largely coming from the intercoastal waterway. Readings taken during high tide consistently showed higher levels of contamination. When asked if the contaminants were coming from the river, Mr. Stanley mentioned that all sewer lines had been checked, but the possibility of contamination from inland sources had not been ruled out. He noted that while it's a long way for bacteria to travel, animals are in the woods, and their waste ends up in the same place.

Alderman Kelley expressed support for some form of signage. Alderman Carroll asked about the safety of consuming fish and shellfish from the area. Alderman Mosteller responded that shellfish from the area are not safe to eat. Alderman Carroll expressed concerns about the lack of marking on the creeks and the potential health risks for people consuming fish from the area.

In his closing statement, Mayor Alt acknowledged the frustration of staff and the creek watchers. He emphasized the need to address the water pollution issue, despite some being more focused on the wording of signs than the actual contamination and potential health risks. He said that staff, along with the City Manager, will draft a policy to help protect and warn citizens of the risks, which the Board could vote on at a later date.

2. Bay Street Parking

Manager Therrien clarified that Bay Street has two distinct issues: the right-of-way matter, which is not up for discussion, and the need for more parking. After Kingsley Park and parking were reopened, staff reported increased traffic, leading to the consideration of additional parking. Manager Therrien and Tom Zilineck collaborated to assess the impact of adding more parking. The decision to proceed with this is up to the Board.

Alderman Davis pointed out that Kingsley Pier is currently not open for fishing or crabbing, and if it is to be allowed, there needs to be a discussion about it due to the increased use it will bring. She mentioned that Parks and Rec. Master Plan and many discussions highlighted the need for connectivity between Lowe White, Taylor Field, and Kingsley Parks. Having sufficient parking at all three locations would allow users to move between them without worrying about parking. She expressed the need for an engineering plan to address these issues, along with a parking plan.

The topic of conversation was whether there is a need for additional parking in this area at this time. It seems that currently there is no parking problem at the location. It was suggested that more attention be put on improving the existing parking at Kingsley Park. Mr. Zilineck mentioned that this could be done, but more funding would be required to create safe and adequate parking there. There were some concerns about parking, particularly around the curve at Kingsley Dr. and Bay Street, which would be an unsafe area to park. Mr. Zilineck agreed and stated that the concern was a safety issue and that parking at Kingsley provided better visibility.

Mayor Alt stated that the property owner at the intersection of Bay and Kingsley has offered to reinstall the parking posts that define spaces with gravel and install a sidewalk closest to the river to improve ADA compliance and accessibility, all at their own expense.

Alderman Davis suggested deferring the decision until we have all the necessary information about the pier's usage and the actual number of required spaces.

Alderman Carroll motioned to instruct the City Manager to include the Kingsley Park area in the parking study. Second by Alderman Davis. **Unanimous Vote; Motion Carried.**

3. Crown Castle Project

Mr. Larry Ditton, Electrical Superintendent, introduced Mr. Darryl Forster, representing Crown Castle. They discussed the Municipal Pole Attachment Agreement, which allows telecommunication infrastructure in the right of ways (ROWs) with certain aesthetic requirements. The City must coordinate with the Electric Department to ensure compliance with placement and infrastructure standards.

Alderman Kelley noted that August is a very busy time in the City. How much disruption will this cause to the citizens and tourists? She suggested doing a winter installation to have less impact on the community. Mr. Forster said that they would consider that.

Alderman Mosteller questioned whether the City would be able to provide input on the pole's aesthetic if the contract was approved. Mr. Forster said the jurisdiction usually drives the process. When applying for the permit for the fiber component piece and then individual locations, there is an individual permit for each location. He said, as stated before, one area may need something different.

Mayor Alt questioned if this was the same process used for the underground project. Mr. Ditton said that some of the lines would be conduit and bored, which is very similar to the underground project that is ongoing now.

Alderman Kelley asked if Crown Castle could complete the underground cable installation while they were working on boring. Mr. Ditton explained that they don't have an agreement to do so. Still, the cable installation will be done in a way that is similar to the underground electrical project and will not be intrusive or minimally disruptive to the community. The discussion also touched on installation timing and locations.

Alderman Mosteller inquired about the language: *"Discuss whether an ordinance protecting our undergrounded rights of way and protecting the City's established communication network(s) is needed to move forward with Telecom companies and approve the Crown Castle PAA as revised (or needs further revision)." Ms. Therrien said that the City Attorney recommended this statement, and she would recommend getting more details from him.*

Mayor Alt proposed a Motion to allow the City Manager to proceed with the Contract with Crown Castle PAA. Alderman Carroll moved the motion, which Alderman Lai seconded. **Unanimous Vote; Motion Carried.**

5-minute break 11:00 A.M.

4. City Manager Contract Extension

The Board has asked Ms. Therrien to stay on for another month to help the new City Manager, Stuart Turille, successfully transition to working for the City. The additional month would be with the same terms presently in place. The new proposed agreement would be the rate of pay she would receive if I were to be called back to work on City projects or must follow up with any litigation, lawsuits, etc., as determined by the City Manager and City Attorney. City Attorney Herman has reviewed and approved this document.

Mayor Alt proposed a Motion to extend Bonnie Therrien's current contract one month until July 31, 2024, and approve the Assistance Agreement with Bonnie Therrien to be paid on an

as-needed basis for any future project work as requested by the City Manager or any legal matters where her testimony is needed and so moved by Alderman Davis and second by Alderman Lai.

There was a discussion on the amount of time needed and the possibility of finding an alternative to this overlap.

Alderman Davis made a Motion to approve a contract and the Assistance Agreement for City Manager Therrien's hourly extension at \$75 per hour, as needed. Alderman Spencer seconded the motion. ***Unanimous Vote; Motion Carried.***

5. Stormwater Discussion

City Engineer Zilineck reported that he, along with Tom Stanley, Dorrie Dutton, Mo Meehan, and Kylie Barefoot, have been working on revamping the stormwater ordinance. He highlighted that the current stormwater regulations for the City only apply if there is over 10,000 square feet of increased impervious coverage or one acre of disturbance. The proposed changes would lower the threshold to 800 square feet of impervious coverage and 2,000 square feet of disturbance, dividing the requirements into minor or major development categories. Zilineck also discussed the proposed process for implementing these changes.

Mayor Alt emphasized that this change will be significant as DEQ currently oversees all regulations. With the introduction of the City's Stormwater Ordinance, the City will have the capacity to monitor and manage stormwater more effectively and efficiently. Additionally, Mr. Zilineck mentioned that the City has the authority to impose stricter regulations than those set by the State.

Alderman Mosteller raised concerns about the Stormwater fees. Mr. Zilineck explained that they intend to have the ordinance approved first. After that, stormwater review fees will be assessed for all development plans. Additionally, fees will be charged for inspecting detention basins and infiltration systems.

I. Committee Reports: Provided in the Agenda Packets

J. Manager's Report:

Ms. Therrien mentioned that the police department has noticed an increase in golf cart injuries. She emphasized that all golf carts must be registered with a city sticker or DMV plates, and seatbelts are required. Additionally, operators must be at least 18 years old. It is important to adhere to the rules of the road, stay in the right lane, and refrain from driving in the opposite direction of traffic. Ms. Therrien also informed everyone that the Public Hearing on the budget is scheduled for June 17. Lastly, she expressed gratitude to Mr. Brandon Stevens for his service as Deputy Finance Director and extended her best wishes to him.

K. Mayor's Comments:

Mayor Alt stated that he would be drafting a letter to address the issue of staff being harassed and criticized by some members of the public because of the direction from the City Manager or by following policies and procedures. He asked the public to contact the City Manager or himself directly with concerns. He mentioned that the Board will work on scheduling meeting dates for budget workshops and discussions with Up Your Arts and the Cemetery Commission.

L. Board Comments:

Alderman Davis questioned Chief Coring about golf carts and electric bikes traveling in the opposite direction on one-way roads. Chief Coring responded that this is not permitted and that they must adhere to the rules of the road.

Alderman Spencer praised Mr. Baxter Sterling and honored him as a great friend of Southport who will be missed. He congratulated Mr. Pittenger on his retirement and wished him well.

M. Closed Session:

Alderman Carroll made a motion to enter into a Closed Session second by Alderman Kelley. Unanimous Vote; Motion Carried. — 11:45 A.M.

Mayor Alt stated the reason for the Closed Session 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.

The Board returned to the Open Session.

Adjournment—12:45 P.M.

Richard Alt, Mayor

Deputy Clerk, Tanya Shannon



Board of Aldermen Special Meeting Minutes
Community Building, 223 E Bay St.
June 5, 2024
1:00 P.M.

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

Staff: City Manager Bonnie Therrien, Assistant City Manager Dorothy Dutton, ChyAnn Ketchum POI/Communications Director, Parks and Rec. Director Heather Hemphill, Electrical Superintendents Ellie Pittenger and Larry Ditton, Fire Chief Charles Drew, Battalion Chief Ralph Treadway, Police Chief Todd Coring, Police Major Tony Burke, Community Relations Director Allayna Dail, and Public Services Director Tom Stanley.

A. Mayor Rich Alt called the meeting to order at 1:01 P.M.

B. Alderman Reverend Davis gave the Invocation.

C. Mayor Alt led the Pledge of Allegiance.

D. Approval of Agenda

Aldermen Carroll made a motion to approve the agenda for the Budget Deliberation Workshop on June 5, 2024; Alderman Spencer seconded the motion. ***Unanimous Vote; Motion Carries.***

Alderman Frank Lai explained to the Board that he had to leave for a personal matter.

E. Agenda-Budget Deliberations

Finance Director Lance Flint and City Manager Bonnie Therrien explained that after making the last adjustments, the deficit had increased instead of decreased. The \$1.2 million retained from the water/sewer fund could be applied to the deficit as a whole or divided between several years by applying \$400,000 each year for three years. There could also be a 2.7 cent tax increase each year to cover the gap.

Instead of resurfacing the tennis and basketball courts, the courts could just be repainted this year and a top coat added to the basketball court. ***Alderman Mosteller made a motion to add \$7,000 to recoat the courts. Alderman Carroll seconded. All ayes except for Alderman Kelley. Motion carried.***

Alderman Kelley made a motion to restripe the tennis courts for \$3600 and to remove \$160,000 from the proposed budget. Alderman Spencer seconded the motion. All ayes. Motion carried.

Public Services Director Tom Stanley and City Engineer Tom Zilinek explained that the plan for the City Hall building could be reduced from \$300,000 down to \$20,000. ***Alderman Carroll made a motion to remove the \$300,000 from the proposed budget but include the \$20,000 for City Hall renovations. Alderman Mosteller seconded. All ayes.***

Mr. Zilinek and Mr. Stanley also explained that the repairs on City buildings could be reduced by \$20,000, down to \$130,000 total. Alderman Mosteller made a motion to approve the reduction of \$20,000 towards the City building repairs. Alderman Carroll seconded. All ayes.

The repairs of the Parks and Recreation building would be left in the budget. The bids for the historic courthouse are coming in and appear to be less than expected.

Finance Director Lance Flint stated that after all the changes so far, the gap was reduced to \$214,000.

There was some discussion about the budget overall. If money is put aside for capital projects and it is not used, it goes back into the general fund. Alderman Mosteller mentioned wanting to stay in parity with inflation rates.

Fire Chief Charles Drew explained that they would like to take funding from the volunteer's line item and move it to regular salary to hire three (3) new firefighters, for a total of \$189,000. They are predicting a 5% growth each year in revenue. The old trucks debt service will be done, and the new ones will be added. Mayor Alt mentioned the fire tax versus the fire district fees. Chief Drew said that often the volunteers leave Southport to go to paid positions elsewhere. He added that it will not be a quick fix, the whole county has been affected. Alderman Mosteller said that she supports hiring the new staff because they can barely cover the staffing and level of service now. Alderman Mosteller made a motion to add \$189,000 to the budget to hire the three firefighter positions that would be supported by a 1.3 cent tax increase. Alderman Carroll seconded. Alderman Davis said that she didn't support the tax increase but supports the positions. Aldermen Spencer, Mosteller, Carroll voted in favor of the motion. Aldermen Kelley and Davis voted against. Motion carried.

Chief Drew then explained he is asking for three (3) new EMS positions for a total cost of \$199,000. He added that the number of transports has skyrocketed. Doshier Memorial Hospital is going to start paying for non-emergency transports which will be \$300 each. EMT transports are about \$500 each. Alderman Mosteller said that she was struggling a bit with the EMS positions. She said the City is paying to operate in the whole area. If we keep covering all the areas, the County won't try to come to our area and cover the gaps. City Manager Bonnie Therrien has asked the County about chipping in some funding for covering the rural areas. EMS had 1000 calls between January and May 2024. Of those, ninety-three were outside the district, and Southport was able to bill for about sixty calls. A third-party company does the billing and collections, and they planned to start being more aggressive.

Ms. Therrien said that there is an option to cut all employees' hours to thirty-seven and one-half hours (37.5) with the exception of public safety. And she added that she is not in support of that option.

Alderman Carroll said he supported one-cent increase for Capital and one and one-third cent increase for firefighters, but he didn't support hours being cut. He said without any new development and with Southport's great service levels, a tax increase is the only option. City Manager Therrien said she would work with the Public Information Officer ChyAnn Ketchum to present that information in a more positive light. Alderman Carroll said that the Board has to decide if the service is something they want to keep or not. Either way, taxes will have to increase again over the next few years.

There was some discussion about the electric fund. The conversion to underground electric will continue. The street lights in Rivermist can be charged to Streets or the Electric Fund.

F. Mayor's Comments

Mayor Alt said that it had been a long day. He thanked the Board and staff for their participation.

G. Board Comments

Alderman Carroll said there was great discussion today.

H. Adjourn

***Alderman Kelley made a motion to adjourn. Alderman Carroll seconded. All ayes
Motion carried. All ayes. The meeting was adjourned at 3:41 p.m.***

Rich Alt, Mayor
City of Southport

Dorothy Dutton, City Clerk
Assistant City Manager



**Board of Aldermen
Budget Workshop Minutes
Community Building, 223 E. Bay St.
June 6, 2024
2:00 P.M.**

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

Absent: None

Staff: Manager Bonnie Therrien, Assistant City Manager Dorothy Dutton, ChyAnn Ketchum POI/Communications, Public Services Director Tom Stanley, Fire Chief Charles Drew, Finance Director Lance Flint, Parks and Rec. Director Heather Hemphill and Electrical Superintendent Larry Ditton.

- A. Mayor Rich Alt called the meeting to order at 2:00 p.m.
- B. Alderman Davis gave the Invocation.
- C. Mayor Alt led the Pledge of Allegiance.
- D. Alderman Mosteller made a motion to approve the agenda seconded by Alderman Kelley.
Unanimous Vote; Motion Carried.
- E. Agenda
 - 1. Board Deliberations:

Manager Therrien provided an overview and update on some revisions following the last meeting. She mentioned a proposed tax increase but also highlighted that citizens will realize significant savings from the water/ sewer merger.

Ms. Therrien discussed hiring for a new full-time position in community relations. Mr. Flint found part-time numbers to be incorrect, adding an extra \$27,000 to the budget. Electricities provided an incorrect number, corrected by Mr. Ditton, reducing it by a million dollars. Mr. Ditton explained an algorithm error, revealing a discrepancy in the City's projected payout, potentially impacting future capital projects.

Fire Chief Drew announced that adding new EMS positions will cost \$199,739. After reviewing their transports, they found they had been undercharging and could potentially increase EMS revenue to \$196,000. Chief Drew emphasized that this increase in revenue is an ongoing benefit based on collection rates.

Mayor Alt asked if the number is based on everyone paying or a 50% payment rate. Chief Drew clarified that it's based on collection rate projections. Mayor Alt requested information on the actual return from insurance companies and why they should expect to pay more, even with increased rates. Chief Drew explained that after discussions last week, aggressive collection efforts are beginning. With the county increasing rates and collecting more money, the City can also raise rates and revenue.

Alderman Carroll asked about the differences between the old and new fees. Chief Drew explained that the charge for basic life transport has increased from \$300 to \$399.12, the cost of any medication administered has risen from \$400 to \$638.58, and specialty transports have increased from \$622 to \$1297.13. Additionally, the charge per mile has increased from \$10.12 to \$13.53. Alderman Lai noted that this makes it cheaper for patients to have local EMS vs County EMS. Alderman Mosteller asked whether the projected revenue was based on the existing infrastructure alone rather than the new positions. Chief Drew confirmed that it is. Mayor Alt said that mutual aid with the county isn't really mutual aid if the City has to pay for it. Chief Drew said that it is like having

the Police Department but also having the Sheriff's Department assist if needed. Southport EMS will respond to Southport only and request assistance if another incident occurs when they cannot respond. Southport would only be on standby for other units if all units were simultaneously tied up and all resources deployed.

Chief Drew mentioned that the average response time for the county to get a unit into Southport is between 9 and 12 minutes. He emphasized that the Department continues to provide EMS services because minutes can save lives. Mayor Alt pointed out that the ETJ pays for fire fees, but this does not cover EMS services. Mayor Alt suggested creating documents that outline the services provided, along with the associated costs and revenue.

Alderman Lai inquired about transport fee collection, which a third-party company manages on behalf of the City. Chief Drew explained that without funding for three EMS positions, there could be inadequate ambulance coverage, posing a risk of service interruption. Alderman Kelley suggested hiring additional medics for the Fire Department and removing the EMS. Still, Chief Drew expressed concerns about losing revenue from transport fees and emphasized the importance of the City's faster response time compared to the county.

Alderman Davis motioned to approve three additional EMTs in the budget and the corresponding extra revenues. Chief Drew will cover the \$3,000 difference. Alderman Lai seconded. **Aye: Alderman Davis, Lai, Spencer, Carroll, and Mosteller. Nay: Alderman Kelley. 5-1 Motion Carried.**

The discussion returned to hiring a new full-time events position in Community Relations. An error in the algorithm analysis resulted in an extra \$27,000 being added to the budget. Mr. Flint explained that the new position will now cost an additional \$27,000, as per the discussion at yesterday's meeting, because benefits will also have to be factored in.

Ms. Therrien explained that there is still \$680,000 in available capital funds for this year that are going to be closed out. She stated that if nothing is done with these funds, they will go into the general fund and the fund balance to help reduce the rate. She explained that these are possibilities unless services are cut.

Aldermen Kelly rescinded the motion to hire a full-time event planner for Community Relations made on June 5th at the Budget Workshop. Instead, she motioned to eliminate the hire of the full-time employee as the events planner and reinstate the two part-time staff members for Community Relations. Second by Alderman Mosteller.

There was a discussion, and Alderman Davis said she still supports the hire because then the City will be in control of the money that is made. Alderman Spencer stated that the City is starting to take control of the 4th of July and the festivals. He said that it cannot be successful without investing. It might not make money in the first year. But this is a transitional year. We gave away our assets that made money to pay the bills, and now we have to make up for the difference. Alderman Carroll said that he appreciated Marc saying that, but the assets were already there, and we lost \$1.2 million because the value of those assets was deteriorating, and it wasn't focused on. He said he feels confident in the decisions that the Board has improved in that direction. He explained that the community was ecstatic with the decrease in their utility bills, and a tax increase would balance out that difference so that the City could continue to plan and provide services that the community wants. Alderman Kelley said she is not saying that she doesn't want to give them a full-time employee; she is just looking at the budget as a whole, and it doesn't work. Alderman Mosteller said she would like this to be a transitional year, not hire a new full-time employee and keep doing what we have been doing. Alderman Davis stated that it is now just the community building that could be marketed; it will be other events that will generate more revenue. Alderman Carroll noted that the Board needs to decide on whether they want to push more events at the Community Building for profit or compete for spaces for Meetings.

The motion was restated: Aldermen Kelly rescinded the motion to hire a full-time event planner for Community Relations, which was made on June 5th at the Budget Workshop. Instead, she made a motion to eliminate hiring the full-time employee as the events planner and to reinstate the two part-time staff members for Community Relations. Second by Alderman Mosteller. **Aye: Alderman Kelley, Carroll, and Mosteller. Nay: Alderman Davis, Spencer, and Lai. 3-3. Mayor Alt broke the tie with Nay; 3-4 Motion Denied.**

Alderman Davis raised concerns about the funds being used for vegetation trimming. Mr. Stanley suggested reallocating some of the funds from the budget to purchase a \$30,000 lift, which would allow the grounds employees to access the higher vegetation safely. Currently, his department takes care of the low vegetation on the buildings, but they are unable to reach the higher areas. He presented the options of either purchasing the equipment or hiring a professional for the job. It was the consensus that professionals should maintain the overgrowth of the buildings.

Alderman Davis questioned the allocation of \$75,000 for interior finishes in the city gym, suggesting it might be better to postpone this expense. Alderman Carroll emphasized the impact of this capital cost on the budget. Mayor Alt confirmed that the expense could be reallocated, and Alderman Carroll suggested using existing funds or making gradual tax rate adjustments to cover the shortfall.

Alderman Davis moved to postpone spending \$75,000 on the interior improvements in the city gym until later. Second by Alderman Kelley.

There was a question regarding whether the \$75,000 includes the gym flooring. Ms. Therrien reviewed the descriptions and photographs provided by HICAPS for the interior improvements, but it was not clarified if the cost includes flooring.

Vote: Aye; Alderman Kelley and Davis. Nay: Alderman Lai, Spencer, Carroll, and Mosteller. 2-4 Motion Denied.

Alderman Kelley asked about the \$100,000 allocated for sidewalk repair expenses in relation to other issues. She is worried about the safety of the sidewalks and questions whether spending \$100,000 on repairs is justified. Ms. Therrien explained that it is a policy decision and highlighted that there have been numerous complaints about people tripping and falling on the sidewalks. There was a discussion about the need to allocate funds for sidewalk repairs, and no motion was made to remove the funds.

Alderman Carroll stressed the importance of spreading out the use of the \$1.2 million over time rather than spending it all in one year. He also highlighted the need to address the funding gap not only for the first year but also for the second and third years, with the goal of fully covering the gap by the fourth year. Additionally, he raised questions about whether the funds should come from the general fund or if taxes should be increased, considering inflation and other factors.

Mayor Alt clarified that the \$1.2 million does not need to be replaced this year, but \$400,000 will need to be. He suggested that this could be done gradually. Alderman Carroll explained that this would leave a \$505,000 deficit, and then the question arose as to where the additional funds would come from. There was talk about finding a middle ground by drawing from the general fund and implementing a tax increase. Mr. Flint estimated that this would equate to roughly a 3.5-cent increase. There was a discussion about whether this would be a transitional year and a restructuring for a long-term solution.

—10-minute break

Mr. Flint explained a few scenarios for filling the gap. The first scenario proposes taking \$400,000 from the water/sewer fund and \$250,000 from the general fund, along with a 4-cent tax increase. The aim is to use this funding to support the fire department and cover capital expenses. Additionally, there is a plan to address a shortfall by introducing a four-cent tax focused on bridging the remaining financial gap. It has been noted that the general fund is currently unstable, and this plan aims to reduce its reliance by \$500,000 gradually. Another proposal suggests taking half of the \$400,000 from the water/sewer fund each year, spreading it out over six years, and gradually reducing the reliance

by \$50,000 per year. This alternative approach would require a 6-cent tax increase but would help moderate future tax adjustments.

Alderman Davis moved to adopt scenario one, which would take \$400,000 from the water/sewer fund and \$250,000 from the general fund, along with a 4-cent tax increase. There was no second, so the motion failed.

Alderman Carroll made a motion to adopt the alternate solution, taking half of the \$400,000 from the water/sewer fund each year, spreading it out over six years, and gradually reducing the reliance by \$50,000 per year. This alternative approach would require an approximate 6.13-cent tax increase but would help moderate future tax adjustments, and second by Alderman Mosteller.

Alderman Kelley opposes increasing taxes through this process and believes there are alternative ways to cut the budget.

Yea: Alderman Mosteller, Carroll, Spencer, and Lai. Nay: Alderman Kelley and Davis. 4-2 Motion Carried.

Alderman Carroll made a motion to accept the Electrical Fund recommendations into the Budget to be presented at the Public Hearing, Second Aldermen Kelley. ***Unanimous Vote; Motion Carried.***

Mayor Alt requested a motion to accept the Powell Bill. Alderman Mosteller moved it, and Alderman Carroll seconded it. ***Unanimous Vote; Motion Carried.***

There was no further business or discussion.

Alderman Kelley made a Motion to adjourn Alderman Carroll and second. ***Unanimous Vote; Motion Carried.***

— Adjourn 4:33 p.m.

Mayor, Richard Alt

Deputy Clerk, Tanya Shannon



BOARD OF ALDERMEN AGENDA ITEM SUMMARY

DATE: 07/11/2024

DEPARTMENT: Development Services

PRESENTED BY: Maureen Meehan, City Planner

ITEM SPONSORED BY: Planning Board and Development Services

ITEM/TOPIC: Call a Public Hearing for a Unified Development Ordinance Amendment to Section 3.19 Signs.

COST: N/A

BUDGET LINE ITEM: N/A

JUSTIFICATION: After an applicant-initiated text amendment to the sign ordinance, the Planning Board requested a review committee to work with Staff to update Section 3.19 Signs of the UDO. The updates incorporate the desire of the Planning Board to initiate cohesive character throughout the city. After several months of research and deliberation, the Planning Board recommends approval of the amendments to the Board of Aldermen. 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: Staff support the proposed amendments to the sign ordinance. The attached proposed Unified Development Ordinance Amendment has been reviewed by staff for consistency with the land use plan.

CITY MANAGER COMMENTS: I recommend moving forward with the Public Hearing.

ATTACHMENTS: Staff Report, Proposed Language

REQUESTED ACTION: Call a public hearing for an Amendment to the Unified Development Ordinance.

PROPOSED MOTION: Motion to call a public hearing on August 8, 2024, for an Amendment to Section 3.19 of the Unified Development Ordinance.

Once the Consent Agenda is approved, the Public Hearing will be set for the August 8th Regular Board of Aldermen Meeting.



MEMORANDUM

To: Mayor Rich Alt and Members of the Board of Aldermen

From: Maureen Meehan, City Planner

Re: Section 3.19 Signs Text Amendment

Date: July 11, 2024

Background

After an applicant-initiated text amendment to the sign ordinance, the Planning Board requested a committee to work with Staff to update the UDO Section 3.19 Signs. The committee met December 2023 through May 2024 to discuss existing signage throughout the city and changes to consider. In addition to in-person meetings, there have been email exchanges with draft text and ordinance examples from other jurisdictions. With the committee's recommendation, Staff reviewed the Warrenton, VA, Mt. Pleasant, SC, Beaufort, NC, and Key West, FL sign ordinances.

The proposed amendment includes updates and changes as requested by the full Planning Board after each draft of the ordinance.

Planning Board Proposed Text for Section 3.19 Signs

A full copy of the draft ordinance changes is attached to this memo. The following outline includes where the changes can be found.

- Clarifications and inconsistencies throughout the section.
- 3.19.C.18 Political Signs – on private property allow 1 sign per candidate per lot.
- 3.19.E.2 Nonresidential Uses in Residential Zoning Districts – update to include allowances other than changeable copy signs limited to 12SF. This provides sign standards for allowable nonresidential uses with existing signs.
- 3.19.F.3 Projecting Signs – increased the allowable projection of a sign from the building to meet industry standards, set a maximum sign area, and set lighting standards.
- 3.19.F.4 Freestanding Signs – removal from CBD, uniform color pallet for multi-tenant building signs, reduced the height in the BD/OI/PUD zoning districts.
- 3.19.F.5 Window Signs – clarified that window signs that are less than 25% or 25 SF whichever is less do not require a sign permit.
- 3.19.F.6 EMC Signs – only permitted on municipal properties regardless of zoning district.

- 3.19.F.7 Inflatable Signs – prohibited in the CBD and BD zoning districts.
- 3.19.H Illumination – limit size of internally lit signs to 6SF, prohibit interference with drivers or traffic signs, Neon/LED sign prohibition in windows or exterior signs, 1 - 11” x 24” or smaller open sign allowed per nonresidential use. Square footage limits are not applicable for municipal or safety and health uses, such as a hospital.
- 3.19.I Murals – added new section with standards for murals.

Planning Board Recommendation

The Planning Board recommends APPROVAL of the zoning text amendment to Section 3.19. The proposal is found to be consistent with the 2014 CAMA Core Land Use Plan and meets the intent of the Unified Development Ordinance.

Attachments

Draft Language

3.19 SIGNS

A. GENERAL

1. It is the intent of this section to protect public interest, safety and welfare and, to that end, the purpose of this section is specifically declared to be as follows:

- a) To promote economic development and preserve the historic character while and minimizing the negative impacts that signs may have on the visual appearance of the City of Southport;
- b) To provide orientation and guidance to our tourists and visitors and identification of public areas, natural resources, historical and cultural landmarks and places of interest and in so doing reduce confusion and traffic congestion;
- c) To inform and educate visitors and residents of opportunities and events both commercial and noncommercial occurring in the City of Southport; and
- d) To permit and regulate signs in such a way as to support and compliment land use objectives.

2. Encroachment Into Right-of-Way. No part of any sign shall be located on or extended into a public right-of-way without all applicable permits except as allowed by this section.

3. Visibility. No sign or structure shall be erected or maintained to impede safe and adequate visibility from vehicles or for pedestrians.

4. Illumination. Where permitted, illuminated signs shall be subject to the following conditions:

- a) Any light used for illumination shall be shielded so that the beams or rays of light will not shine into surrounding areas or on the public roadway.
- b) Neither direct nor reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
- c) Sign illumination shall be only at the minimum level required for nighttime readability.

5. Signs for Nonconforming Uses. Signs for nonconforming uses, where such uses may be continued, shall be allowed, but shall comply with all regulations for signs in the zoning district where such signs are located.

B. APPLICABILITY

1. Except as otherwise provided in subsection C, it shall be unlawful to erect or maintain any sign without first obtaining a sign permit. No permit shall be required, however, for maintenance of a sign restored back to its original condition. Failure to secure a permit shall constitute a violation of this section.

2. A scaled drawing displaying the location of the sign on the associated property, the sign dimensions, construction, height, setbacks from all property lines, lighting, electrical and all other elements associated thereto shall accompany all sign permit applications.

3. If actual work for the permitted sign on the site is not commenced within 60 days from the date of such sign permit or if substantial work for the permitted sign is suspended for a period of 60 consecutive days after issuance of the sign permit, the permit shall automatically become null and void. Provided, however,

for new construction, the sign permit shall not become null and void until 60 days after the Certificate of Occupancy has been issued.

4. When any permit has been revoked under the terms of this section, the permit fees shall not be refunded. If a sign permit is denied, however, the permit fee will be refunded.

5. All permanent signs shall be designed and constructed to meet the requirements of the NC Building Code. Depending on the type of sign construction, the building inspector may require engineer certified plans.

7. Any sign proposed to be constructed beyond the mean high-water line requires the issuance of a Conditional Use Permit Special Use Permit in accordance with the requirements set forth in Article 2. Any such sign shall not be located off-premise and must comply with applicable sign type provisions provided in this section.

C. SIGNS EXEMPT FROM PERMIT REQUIREMENTS

Unless otherwise prohibited hereinafter the following signs are exempt from permit requirements but subject to the provisions provided herein:

1. Signs which are not designed to be visible beyond the boundaries of the lot upon which they are located and/or from any public thoroughfare or right-of-way, except as such signs may be regulated hereinafter.

2. Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs or signs installed under governmental authority.

3. Noncommercial Flags, pennants, or insignia of any nation, organization of nations, state, county or city, any religious, civic or fraternal organization, or any educational or cultural facility.

4. Temporary decorations or displays.

5. Temporary or permanent signs to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices or signs providing directions around such conditions.

6. Merchandise, pictures, or models or products or services which are incorporated as an integral part of a window display.

7. Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of a business which are affixed or painted onto moving vans, delivery trucks, contractors' vehicles, and equipment and the like provided that, when not being so operated, such vehicles are parked or stored in areas appropriate to their use as vehicles.

8. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.

9. Signs required for or specifically authorized for a public purpose by any law, statute, or ordinance. These signs may be of any type, number, area, height above grade, location or illumination authorized by law, statute, or ordinance under which such signs are required or authorized.

10. Signs that display information pertinent to the safety or legal responsibilities of the general public with regard to a particular piece of property shall be located on the premises to which the information pertains.

11. Signs attached to buildings (integral sign) which identify buildings and which are permanently integrated by etching, embossing, and/or engraving or which are otherwise permanently made a part of building facades.

12. Special event signs are limited to up to four (4) signs per event. These signs may remain in place for up to 30 days within a calendar year. Signs shall be removed immediately following the event.

13. Signs affixed to windows of vehicles displaying information regarding the sale of said vehicles.

14. Real Estate Signs. Temporary signs advertising the sale, rental, or lease of the property on which said signs are located are allowed, provided such signs are not illuminated.

a) Residential zoned property. One (1) double faced sign per street frontage is allowed. Each sign face square footage shall not exceed six (6) square feet (excluding sign support structure).

b) All other zoned property. One (1) double faced sign per street frontage is allowed. Signs may not exceed 32 square feet per face or eight (8) feet in height.

c) Removal. All such signs shall be removed within seven (7) days after the closing of the sale, rental, or lease of the property.

15. Directional Signs. Directional signs shall be located on the premises to which directions are indicated. Directional signs shall not exceed four (4) square feet per face, two (2) faces per sign, and shall not exceed three (3) feet in height if freestanding or six (6) feet in height if attached to the principal or an accessory structure. The maximum number of signs allowed per lot shall be four (4). These signs may be internally or externally illuminated.

16. Incidental Signs. Incidental signs shall be located on the premises to which the information pertains. These signs shall be single-faced only and wholly attached to a building (including the windows or doors).

17. Copy Changes and Maintenance. No permit shall be required for copy changes made to a changeable copy sign, menu board, marquee sign, or off-premise sign; provided any such changes do not change the classification of the sign under this section. No permit shall be required for maintenance where no structural changes are made.

18. Political Signs. On private property, one (1) sign per candidate shall be permitted per lot, not exceeding eight (8) square feet in area per display face, and two (2) faces per sign. Within NCDOT right-of way, sign placement and duration shall be in accordance with NCGS 136-32 during the period beginning on the 30th day before the beginning date of "one-stop" early voting under NCGS 163-227.2 and ending on the 10th day after the primary or election day, subject to the following provisions. A person must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

a) No sign shall be permitted in the right-of-way of a fully controlled access highway.

b) No sign shall be closer than three (3) feet from the edge of the pavement of the road.

c) No sign shall obscure motorist visibility at an intersection.

- d) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- e) No sign shall be larger than 864 square inches.
- f) No sign shall obscure or replace another sign.
- g) No sign shall be located in the city's right-of-way.

19. Construction Signs. Construction signs shall be allowed provided such signs do not exceed one (1) sign per street frontage with a maximum of two (2) signs per construction site. Such signs shall not exceed 32 square feet in area display face and no more than 10 feet in height. Construction signs shall not be erected prior to the issuance of a building permit and shall be removed within seven (7) days of the issuance of a certificate of occupancy.

20. Fence-wrap signs affixed to fences surrounding a construction site may be allowed in accordance with NCGS 160D-908.

21. Temporary Signs. Each lot in a residential zoning district or each establishment within a nonresidential zoning district shall be allowed one (1) temporary sign not exceeding six (6) square feet or four (4) feet in height. Such sign shall not be constructed utilizing wood, cement, steel, or other similar structures of a permanent nature. Such sign shall be easily removed and placement thereof shall not be of a permanent fashion.

22. A-frame Sign. Any premises, including those containing multiple businesses, may place only one (1) A-frame sign per street frontage, per business.

a) Placement: The sign must be placed directly in front of the business it promotes. Placement of the sign must be in accord with the Americans with Disabilities Act, which requires four (4) feet of sidewalk clearance in addition to the amount of space occupied by the sign. The sign shall be placed in a manner so as not to impede the line of sight for vehicular and/or pedestrian traffic. Along streets with diagonal or perpendicular parking, the sign may be placed within one (1) foot of the curb but must not obstruct a pedestrian's pathway from a parked car to the sidewalk.

Along streets with parallel parking, the sign must be at least two (2) feet from the curb. No sign may be placed where the unobstructed space for the passageway of pedestrians is reduced to less than four (4) feet. No signs are allowed in driveways or on improved city streets.

b) The sign must not exceed 48 inches in height, 24 inches in width and eight (8) square feet per side in area (which includes legs/stand/bracing).

The sign must be constructed of materials that present a finished appearance and have locking arms on the sides that enable the sign to withstand high winds.

c) The sign must be removed and stored inside the business after business hours or at dusk (whichever comes first) and may not be outside on days when the business is closed. A-frame signs shall not be artificially illuminated.

d) Any person erecting an A-frame sign or a portable off-premise sign shall indemnify and hold harmless the city and its officers, agents and employees from any claim arising out of the presence of the sign on city property or rights-of-way. Any person erecting an A-frame sign must sign an

indemnification agreement approved by the city attorney prior to the issuance of a permit. The indemnification agreement must be accompanied by proof of insurance covering the liability assumed in this subsection and the agreement.

D. SIGNS PROHIBITED IN ALL ZONING DISTRICTS

The following signs and/or sign features shall not be erected or maintained in any zoning district within the planning jurisdiction of the City of Southport.

1. Signs on roadside appurtenances or snipe signs. On- or off-premise signs on city owned roadside appurtenances, including, but not limited to roadside benches, planters, utility poles, trees, and refuse containers.
2. Vehicle/Trailer signs. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.
3. Signs of illusion. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion.
4. Signs resembling traffic signals. Signs displaying intermittent light resembling the flashing light customarily used in traffic signals, or used by police, fire, ambulance, or other emergency vehicles, nor shall any sign use the word "stop," "danger," or any other words, phrase, symbol, or character in a manner that might be construed as a public safety warning or traffic sign.
5. Animated signs and flashing signs.
6. Signs obstructing access. Signs which obstruct free ingress to or egress from a driveway or a required door, window, fire escape, or other required exit way.
7. Billboard Signs.
8. Any sign or outdoor advertising display which contains statements, words or pictures of an obscene character as defined in NCGS 14-190.1 such as will offend public morals or decency.
9. Feather flags.
10. Any temporary or permanent off-premise sign unless explicitly permitted by this ordinance.

E. ON-PREMISE SIGNS: RESIDENTIAL DISTRICTS R-10, R-20, MF, MH, AND PUD

The following signs may be allowed within residential zoning districts subject to the issuance of a sign permit. Within a PUD, the following signs may only be permitted in the residential portion of the development.

1. Subdivision and multi-family development signs must either be freestanding ground signs or attached wall signs. If the signs are freestanding ground signs, the height shall be limited to six (6) feet from grade and the minimum setback shall be 10 feet. Each entrance may have two (2) signs no more than 32 square feet per face.

~~2. Nonresidential uses located in residential zoning districts are allowed one (1) freestanding ground sign or attached wall sign, either of which may be only a changeable copy sign, with the total area of the~~

changeable copy sign no greater than 12 square feet per face, with two (2) sign faces per sign and a maximum of six (6) feet in height, with a minimum setback of 10 feet.

2. Nonresidential Uses in Residential Zoning Districts.

a) One permanent ground mounted sign may be permitted on a lot containing a nonresidential use in a residential zoning district provided the sign meets the following requirements:

1. The sign shall be set back a minimum of 10 feet from the street right-of way and any adjacent lot lines.

2. The maximum sign area shall be 32 square feet.

3. The sign may include a changeable copy sign, to be included as part of the maximum sign area.

4. No such sign or any portion of the structure shall exceed six (6) feet in height.

5. The sign may only be illuminated through an external light source.

b) Attached single faced wall signs shall be permitted for all nonresidential uses in a residential district in the same manner as permitted for nonresidential uses in the BD zoning district.

F. ON-PREMISE SIGNS: NON-RESIDENTIAL DISTRICTS CBD, BD, HC, O/I, LI, HI AND PUD

The following signs may be allowed within nonresidential zoning districts subject to the issuance of a sign permit. Within a PUD, the following signs may only be permitted in the nonresidential portion of the development.

1. Attached Single Face Wall Sign. Shall be allowed on all sides of a business. The total allowable tenant face signage shall not exceed 25% of the building face of 32 square feet, whichever is greater.

a) Single tenant building. Wall area shall be total area of the applicable exterior wall.

b) Multi-tenant building. Wall area shall be defined by that area of the exterior wall enclosed by the intersection of the interior floor, ceiling and wall(s) of the tenant's space.

2. Roof Signs. Signs on the surfaces of a mansard roof and on parapets shall be allowed provided the signs do not extend above the roof or parapet to which they are attached. The size of the sign shall be subject to the 25% allowable area for an attached single face wall sign.

3. Projecting Double Face Signs. One (1) projecting sign per street front shall be allowed.

1. Signs shall not project more than ~~three (3)~~ four (4) feet from the facade of the building.

2. Clearance over sidewalks shall be at a minimum of nine (9) feet and clearance over streets, alleys or driveways shall be a minimum of 14 feet.

3. Signs shall not project above third story of the building or above the building soffit, eave line, or building parapet.

4. The maximum sign area for a projecting sign shall be nine (9) square feet.

5. Projecting signs shall not be internally illuminated.

4. Freestanding Ground Sign. One (1) freestanding ground sign shall be allowed per street front per lot. Freestanding ground signs are not allowed in the CBD zoning district.

1. Such signs may contain signage for each establishment within a multi-tenant building subject to the height and size requirements provided in Table 3.10. See Table 3.10 for height and area requirements based on zoning district in which it is located.

- a. Each sign for multi-tenant signs shall be uniform in color and make. Individual logos using the same color pallet can be incorporated.

- 2.

Table 3.10 Freestanding Ground Sign Size

Zoning District Maximum Height Maximum Square Footage per Face

CBD 6 ft. 25 sq. ft.

HC 25 ft. 125 sq. ft.

BD/OI/PUD 10 ft. 8 ft. 60 sq. ft.

LI/HI 25 ft. 187.5 sq. ft.

5. Window Signs. Window signs in all nonresidential districts do not require a sign permit provided they comply with the standards in Section 3.19 and not occupy more than 25% or 25 SF of the window, whichever is less.

6. Electronic Message Center (EMC) Signs. EMC signs which do not exceed ten (10) square feet per sign face are allowed and shall be included in the allowable sign area, provided, however, if an existing freestanding sign is located on the lot, then the EMC sign must be incorporated into the existing freestanding sign.

- a) The EMC portion of the sign may not exceed 30% of the permitted sign face. No variations in light intensity are permitted.

- b) EMC signs shall only be permitted in the HI, LI, and HC zoning districts on municipal property.

7. Inflatable Sign. One (1) inflatable sign shall be allowed once per calendar year per business.

- a) Inflatable signs are prohibited in the Central Business District (CBD) or Business District (BD)

- b) Further, inflatable signs shall not be internally illuminated; shall not be higher than 25 feet above grade; and shall not be erected or maintained on a building parapet or roof. The time allowed for these signs shall not exceed 10 days. These signs shall be located on either an attached, tethered, or freestanding structure. The sign and its structure shall not block or inhibit the visibility of vehicular traffic or in any way pose a danger to pedestrians or vehicular traffic or property.

G. MAINTENANCE

1. All signs erected must be properly permitted and inspected for compliance with the applicable codes of the State of North Carolina and the City of Southport and with other parts of this ordinance.

2. Sign in disrepair. Signs that are unsafe, or which no longer can be easily recognized for their intended purpose due to disrepair or fading.

3. The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of this article.

- a) No sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.
- b) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts or be allowed to stand more than 15 degrees away from the perpendicular for a period of more than 30 successive days.
- c) No sign shall be allowed to have weeds, vines, landscaping, or other vegetation growing upon it and obscuring its view from the street or highway from which it is to be viewed for a period of more than 30 successive days.
- d) No neon or internally illuminated sign may be allowed to stand with only partial illumination for a period of more than 30 successive days.
- e) If a sign or sign structure is damaged such that more than 50% of the value is lost, with such determination made by the UDO Administrator, any repair or replacement must be done in conformance with this Section.

H. ILLUMINATION

1. Where illuminated signs are permitted, they shall conform to the following requirements:

- a) All signs illuminated under the provisions of this section shall be constructed to meet the requirements of the National Electrical Code.
- b) Signs which contain, include, or are lighted by any flashing, intermittent, or moving lights are prohibited, except Electronic Message Center signs.
- c) Illuminated signs ~~shall be limited to those~~ lighted internally with glass or plastic faces bearing the advertisements and diffusing the direct rays of the light source to prevent any direct line of sight with said light source shall be no more than six (6) square feet. Exceptions include signage for municipal uses and for public health and safety.
- d) Backlit and halo lighting that otherwise meet the provisions of Section 3.19 of this ordinance are allowed.
- e) No sign shall be brighter than is necessary for clear and adequate visibility.
- f) No sign may display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver or result in a nuisance to a driver.
- g) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
- ~~g-h)~~ The light source color temperature for window and outdoor lighting shall not exceed 3,000 degrees Kelvin.

Ø-j) Neon, argon, other gas tube, or light emitting diode (LED) with the appearance of neon lighting or signage shall be prohibited on external walls or placed in the interior window. on the external walls of all structures. Neon, argon, or other gas tube logo signs placed inside the building and not exceeding 25% of the window area or 32 square feet whichever is less shall be permitted. A business is allowed one (1) neon or LED open sign no larger than 11"x24".

e-j) Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction. In addition, no sign shall permit light to emit upwards towards the sky.

f k) Flame as a source of lighting is prohibited.

I. MURALS

Decorative works of art, defined as drawings or murals that do not direct attention to an organization, a business operated for profit, a product, commodity or service for sale or lease shall be required to obtain a sign permit and meet the following guidelines:

1. Murals shall not be located on the side of a structure that is adjacent to or directly across a right-of-way across from a residential structure unless written approval from the adjacent property owners is obtained by the applicant.
2. Murals located on a primary frontage of a structure shall be subject to the wall sign area allowances for the district which they are located.
3. Murals located on rear and secondary facade of a structure shall not be subject to square footage limitations, provided such murals do not contain commercial copy, to include any tradename, trademark, or the name or logo of the establishment associated with the mural.
4. Murals may not extend beyond the eaves, parapet, or sides of a building, nor project from the surface.
5. Murals shall be maintained at all times in a state of good repair. It is the responsibility of the owner to ensure that the mural is maintained and does not suffer from extensive discoloration.
 - a. Materials. The paint used for the mural shall not be reflective, neon, or fluorescent. The paint shall be of high quality and weatherproof.
 - b. Colors. The overall color scheme must be selected to be harmonious with the area and blend with the historical colors of the community. Murals are to be visual aesthetics of the historic district.
 - c. Theme. The theme of a mural should promote the greater community including historic and regional factors and be compatible in design with the historical character of Southport.

J. NONCONFORMING SIGNS

All nonconforming, previously unprohibited signs existing on the date of the adoption of this Ordinance shall be allowed to remain unless structurally altered or damaged greater than 50% of the value of the sign. This does not preclude changing the face of the sign with the applicable permit.

J. SIGN ENFORCEMENT

1. Notice of Violation. The UDO Administrator shall have the authority to issue a notice of violation for all violations of this section in accordance with Section 2.15 Enforcement of this ordinance. Where the owner of the sign is indicated on the sign or is otherwise apparent or known to the UDO Administrator, a copy of the notice of violation shall be delivered to the sign owner by hand delivery, or mail, or by attaching a highly visible sticker reading "VIOLATION" to the face of the sign. The letter, and/or sticker shall include the date that it was attached to the sign with instructions of the violation, and to contact the Administrator immediately.

2. Time to Remedy Violation. All sign violations shall be remedied within 15 days.

3. Extension of Time for Compliance. The UDO Administrator shall have the authority to grant a single 15-day extension of time within which to remedy the violation of any sign.

4. Remedies for Failure to Comply.

a) In addition to or in lieu of the other remedies set forth in this ordinance, the UDO Administrator shall have the authority to issue a remove order for any sign not repaired or in violation by the foregoing provisions. Remove orders shall be issued to and served upon the person(s) described in subsection (1) by the means set forth therein. The sign shall be removed 15 days after the service of the remove order at the expense of the offender. The remove order shall describe with particularity the location of the sign to be removed and all of the reasons for issuance of the remove order, including specific reference to the provisions of this section which have been violated. In the event it is not claimed within 15 days, the administrator shall have authority to dispose of the sign.

b) The UDO Administrator shall have the authority to remove, without notice, and impound any sign that is hazardous; or attached to trees, utility poles or natural features; or abandoned signs; and/or signs erected without a permit.

5. Removal and Recovery of Expense. In the event of failure to comply with the requirements of a remove order, the UDO Administrator may cause such sign to be removed. The sign owner and property owner may be jointly and severally liable for the expense of removal. Notice of the cost of removal shall be served upon the person(s) described in subsection (1) by the means set forth therein. If said sum is not paid within 30 days thereafter, said sum shall be collected by the city in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of NCGS 14-4.



BOARD OF ALDERMEN AGENDA ITEM SUMMARY

DATE: 07/11/2024

DEPARTMENT: Development Services

PRESENTED BY: Maureen Meehan, City Planner

ITEM SPONSORED BY: Development Services

ITEM/TOPIC: Call a Public Hearing for a Unified Development Ordinance Amendment to Section 3.17 Landscaping and Buffers and Section 3.14 Parking for updates to be consistent with City Code of Ordinances Section 16.8 Obstruction of Public Rights of Way.

COST: N/A

BUDGET LINE ITEM: N/A

JUSTIFICATION: Section 16.8 of the Code of Ordinances, Obstruction of Public Rights of Way, was amended at your regular May 9, 2024, meeting. The unified development ordinance (UDO) has the same prohibition of obstructions of rights of ways in Section 3.17 Landscaping and Buffers. This amendment will update the applicable sections of the UDO to be consistent with the Code of Ordinances. A duly advertised public hearing must be held prior to the Board of Aldermen deciding on the proposed amendment.

IMPACT IF NOT APPROVED: The Code of Ordinances and Unified Development Ordinance will not be consistent. Enforcement becomes a challenge when there is not consistency among city ordinances.

DEPARTMENT HEAD COMMENTS: This amendment is completing the Board's recommendation and adoption of allowable uses within the City's rights of way. The attached proposed Unified Development Ordinance Amendments are consistent with the City's land use plan and other relevant adopted plans.

CITY MANAGER COMMENTS: I recommend moving forward with the Public Hearing.

ATTACHMENTS: Staff Report, Proposed Language

REQUESTED ACTION: Call a public hearing for an Amendment to the Unified Development Ordinance.

PROPOSED MOTION: Motion to call a public hearing on August 8, 2024, for an Amendment to Section 3.17 and Section 3.14 of the Unified Development Ordinance to include rights of way use standards.

Once the Consent Agenda is approved, the Public Hearing will be set for the August 8th Regular Board of Aldermen Meeting.



MEMORANDUM

To: Mayor Rich Alt and Members of the Board of Aldermen

From: Maureen Meehan, City Planner

Re: Rights of Way Text Amendment Sections 3.17 Landscaping and Buffers and 3.14 Parking

Date: July 11, 2024

Background

At your May 9, 2024 regular meeting an amendment to Section 16.8 Obstruction of Public Rights of Way of the Code of Ordinances was adopted. The Unified Development Ordinance (UDO) has the same prohibition of obstructions in the rights of way in Section 3.17 Landscaping and Buffers. This amendment to the UDO will update applicable sections of the UD to be consistent with the Code of Ordinances.

The updates to the UDO mirror the update to the Code of Ordinances which includes updated language in Section 3.17 Allowable Landscaping on Public Property permitting turf grasses to be installed on grade and Section 3.14 Parking provides standards for parking improvements for residential properties without off-street parking requirements.

Planning Board Recommendation

The Planning Board recommends APPROVAL of the zoning text amendments to Sections 3.17 Landscaping and Buffers and 3.14 Parking. The proposal is found to be consistent with the 2014 CAMA Core Land Use Plan and meets the intent of the Unified Development Ordinance.

Attachments

Draft Language

Proposed Amendment Article 3.17 Landscaping and Buffers

4. Up to 15% of the area to be landscaped may be covered with surfaces specifically intended to afford intensive use and enjoyment by employees or the public (such as sidewalks, walking paths, bench and table pads, etc.).
5. It is encouraged that stormwater management systems be integrated into landscaping areas.
6. Prior to the issuance of a certificate of occupancy, the property owner shall submit a final planting plan to the UDO Administrator demonstrating compliance with this ordinance.

D. LANDSCAPING ON PUBLIC PROPERTY

It shall be unlawful for any person to place or cause to be placed on any public street, road, alley, sidewalk, or other public right-of-way within the city any wall, fence, gate, brick, stone, wood, rock, vegetation, or other structure, material, or substance above the horizontal plane of the existing ground. The installation of turf grasses on grade is allowed within the right-of-way. In addition, it shall be unlawful for any person to take any action whatsoever within any public right-of-way which creates a hazardous condition or safety hazard or which otherwise interferes with or obstructs in any manner the passage of persons or vehicles upon or within said public rights-of-way or which obstructs, interferes with or hinders lawful parking within any public right-of-way.

E. PLANTING MATERIAL SIZE AND SPECIES

1. Where the provisions of this section apply, the plant lists in Tables 3.5 through 3.7 shall be utilized for the selection of required landscape material.
2. The minimum height and diameter at breast height (DBH = 4.5 feet above ground) at planting for the following planting categories/list shall be as follows:
 - a) Canopy Trees. At the time of planting, the tree shall have a minimum three (3) inch DBH with a height of eight (8) to 10 feet. Canopy trees shall be of a species having an average minimum height of 30 feet and a minimum mature crown spread of 20 feet.
 - b) Understory Trees. At the time of planting, the tree shall have a minimum two (2) inch DBH. Understory trees shall be of a species having an average minimum height of 10 feet and a minimum mature crown spread of 12 feet.
 - c) Shrubs. Shrubs shall have a minimum mature height of 24 inches and a minimum planting height of 18 inches.

3.14 Parking

A. General

1. Each application for a zoning permit shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the UDO Administrator to determine whether the requirements of this section are met.

B. Parking Lot Design

1. Surfacing. All parking lots with 10 or more spaces shall provide a dustproof surface with adequate drainage facilities and must comply with the Parking Facility Landscaping requirements contained within this article. Parking facilities containing 25 or more spaces shall be paved with concrete, asphalt material, or with alternative paving material determined to exhibit equivalent water resistance and load bearing characteristics as asphalt or concrete. When parking is proposed in excess of the minimum requirements, alternative pervious surface materials are encouraged.
2. Lighting. Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.
3. Setbacks. All parking lots shall observe a minimum front setback of not less than five (5) feet and a side yard on a corner lot of not less than five (5) feet.
4. Curb or Bumpers. The required parking setbacks shall be set off from parking areas by either continuous curb or one (1) noncontinuous stationary bumper for each parking space abutting on a yard, which curb or bumper shall not be less than five (5) inches or more than two (2) feet high.
5. Separation of Bumper and Walkways. In the event any parking stall abuts upon a walkway or sidewalk, there shall be a space of three and a half feet between the wheel bumper or curb and the edge of the walkway.
6. Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles.
7. Off-street parking areas shall be designed so that parked vehicles do not encroach upon, extend onto, or cause vehicles to back into public rights-of-way, sidewalks, or strike against or damage any wall, vegetation, utility, or other structure.
8. The size of any single surface parking lot area shall be limited to three (3) acres, unless divided by a street, building, or continuous landscaped area. Larger parking lots shall be separated by buildings or landscaped areas.
9. Paved parking areas shall have lines demarcating each parking space.
10. Off-street parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, off-street parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

Proposed Amendment to Section 3.14 Parking

11. Each off-street automobile parking area shall comply with the following minimum dimensions, compact spaces (eight (8) feet width by 16 feet long) may be utilized to meet 10% of the required parking:

Table 3.3: Parking Lot Dimensional Requirements			
Angle (degrees)	Stall Width (feet)	Stall Depth (feet)	Aisle Width between parking spaces (feet)
0	9	9	12
20	9	14	12
30	9	16-1/2	12
45	9	19-1/6	12
60	9	20-1/2	14-1/2
70	9	20-5/6	23
90	9	18	24

C. Minimum Off-Street Parking Requirements

1. The number of exclusive off-street residential parking spaces required by this section shall be provided on the same lot with the principal use, unless otherwise permitted by this ordinance, and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum.
2. In residentially zoned areas without off-street parking requirements, property owners shall be permitted to improve up to two (2) parking spaces within the right-of-way in front of their property. Dimensional standards of these parking spaces shall follow the provisions for driveways as described in the Unified Development Ordinance (Section 3.12.B.1).
 - a. Surfacing materials for these parking spaces shall be limited to one of the following: turf grass, brick, pavers, number 57 stone with wood borders no more than 2 inches above grade, or concrete. Allowable impervious surfacing materials (brick, pavers, or concrete) may only be used in an area that is a minimum of 50 feet from a City Tree. Parking spaces constructed by a property owner within right-of-way shall remain open for public parking and shall not be reserved for the property whose owner constructed the spaces.
 - b. Such parking shall require the review and written approval of the Development Services Director, Public Services Director, and Fire Marshal. The City reserves the right to remove these parking areas for any reason in accordance with Section 16-10. Parking services existing prior to the adoption date of this ordinance shall be permitted to remain so long as the encroachments do not create a hazardous condition or safety hazard to the public.
 - c. Vegetation or other protective measures shall be permitted to be placed within ten (10) feet of the base of a City Tree by a neighboring property owner, or by the City, for the purpose of limiting damage to the tree by nearby parked vehicles. Such action shall require review and written approval by the Development Services Director, the Public Services Director, and the Fire Marshal.

Proposed Amendment to Section 3.14 Parking

3. In the case of mixed uses (an establishment comprised of more than one (1) use; e.g. restaurant and hotel), which may include a principal and accessory use, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and the off-street parking space for one (1) use shall not be considered as providing the required off-street parking for any other use, except as provided for in the shared parking criteria in this article.
4. Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act and shall be identified by appropriate signage. The minimum number of spaces shall be provided in accordance with the state building code.
5. Fractional space requirements shall be rounded up to the next whole space.

D. Minimum Off-Street Parking Ratios

1. The following table establishes the formulas to be used to calculate the number of parking spaces required for a particular use. For uses that do not correspond to the use types listed in Table 3.4, Minimum Off-Street Parking Spaces Required, the UDO Administrator shall determine the minimum parking space requirement. In such instances, the applicant shall provide adequate information for review, which includes, but is not limited to the type of use(s), number of employees, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed, and hours of operation.
2. Within the CBD zoning district, no off-street parking shall be required for any nonresidential use, whether new construction or change of use/redevelopment. Within the CBD zoning district, all residential uses require full compliance with the off-street parking requirements contained herein.
3. In the BD zoning district, for nonresidential uses, where on-street or public parking facilities are located within 500 linear feet of a proposed use, measured as a straight-line distance from the entrance of the building, the minimum off-street parking requirement may be reduced by 50%. This reduction shall not apply to residential uses.
4. Within any zoning district, if the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use.

Table 3.4: Minimum Off-Street Parking Spaces Required	
Change of Use or Redevelopment in the CBD and BD District	
A change of use or redevelopment whereby the floor area of the building or parcel is not expanded by greater than 15%.	No parking required.

Proposed Amendment to Section 3.14 Parking

Table 3.4: Minimum Off-Street Parking Spaces Required	
Change of use or redevelopment whereby the floor area of the building or parcel is expanded by greater than 15%.	Additional parking required shall be calculated based on the increase in square footage in floor area, above the 15% threshold, of the expanded building. All other applicable requirements of this section shall apply.
Change of use from a residential to nonresidential use.	50% of the required parking shall be provided. All other applicable requirements of this section shall apply.
Change of use from a nonresidential to residential use or the addition of residential uses.	Full compliance with residential off-street parking space minimum and all other requirements.
Uses	Required Parking
Residential Uses	
DWELLING, SINGLE-FAMILY, MANUFACTURED HOME ON SINGLE LOT, MODULAR HOMES	Two (2) spaces per dwelling unit. Nonconforming lots within the R-10 district are exempt from this requirement.
DWELLING, TWO-FAMILY (DUPLEX), MULTI-FAMILY, TRIPLEX OR QUADRAPLEX	Two (2) spaces on the same lot for each dwelling unit. In addition to this requirement, overflow parking shall be provided as follows: 1- 10 units = 2 spaces, 10- 20 units = 4 spaces, 21- 30 units = 5 spaces, 31- 40 units = 6 spaces, 41- 50 units = 7 spaces, 51-100 units = 10 spaces.
FAMILY CARE HOME	One (1) space for each attendant in addition to the required two (2) spaces per dwelling unit.
MANUFACTURED HOME PARK	Parking space sufficient to accommodate at least two (2) automobiles shall be located on each manufactured home space.
MIXED USES	One (1) space per dwelling unit in addition to that required by the other uses contained within the development.
Nonresidential Uses	
ADULT ESTABLISHMENT; ELECTRONIC GAMING OPERATIONS; TATTOO AND PIERCING ESTABLISHMENT	One (1) space per 100 square feet of floor area.
ALCOHOLIC BEVERAGES, PACKAGED, RETAIL SALES; LIQUOR STORES	One (1) space per 200 square feet of floor area.
ASSOCIATIONS OR ORGANIZATIONS: CIVIC, SOCIAL & FRATERNAL; CLUBS AND LODGES CATERING EXCLUSIVELY TO MEMBERS AND THEIR GUESTS; CULTURAL ARTS CENTER, INCL. THEATERS, OFFICES, CLASSROOMS, ETC.; AND MUSEUMS, ART GALLERIES	One (1) space per 300 square feet of floor area.
AUTOMOTIVE, MAJOR AND MINOR; SERVICE STATIONS	One (1) space per each 400 square feet of floor area; One (1) space for each service bay; four (4) stacking spaces for each washing stall, plus two (2) drying spaces for each washing stall; and/or 1.5 spaces for each fuel nozzle.
BED & BREAKFAST	One (1) space for every rental room plus one (1) space for every two (2) permanent occupants.

Proposed Amendment to Section 3.14 Parking

Table 3.4: Minimum Off-Street Parking Spaces Required	
BOTTLE SHOP AND WINE BAR; NIGHTCLUB	One (1) space per 200 square feet of floor area.
BUILDING MATERIAL DEALERS; HARDWARE, LAWN, OR GARDEN STORE; FEED, SEED, AND FERTILIZER SALES, RETAIL; FARM MACHINERY SALE AND SERVICE; FUEL & ICE DEALERS; MANUFACTURED HOME DEALERS	One (1) space per 500 square feet of floor area.
BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED	One (1) space per 200 square feet of floor area.
BUS TERMINALS AND RAILROAD STATIONS; TAXICAB STANDS	One (1) space per 500 square feet of floor area.
CHURCHES, SYNAGOGUES & RELIGIOUS INSTITUTIONS	One (1) space per every 6 seats, or (1) space per every 100 square feet of seating area in main assembly room, whichever is greater. Note: Churches located within the Southport National Register Historic District are exempt from providing off-street parking.
COMMERCIAL PARKING LOTS	One (1) space per employee; otherwise, none required.
COMMERCIAL RECREATION, INDOOR; SHOOTING RANGE, INDOOR; DANCE STUDIOS	One (1) space per every 200 square feet of floor area, excluding bowling alley lanes, range stalls, and similar areas not utilized by the public.
COMMERCIAL RECREATION, OUTDOOR; RECREATION FACILITY PRIVATE, INCL. CLUBS & RECREATION FACILITIES ASSOC. WITH MULTIPLE FAMILY COMPLEXES, GOLF COURSES, TENNIS FACILITIES, COUNTRY CLUBS, ETC; GOLF COURSE, PRIVATE OR PUBLIC, W/RELATED SERVICES INCL. PRO SHOP; SHOOTING RANGE, OUTDOOR	One (1) space per every 400 square feet of recreation-related area and/or 25 spaces per nine holes, plus one (1) space per employee on shift of greatest employment.
CONTRACTORS, EQUIPMENT & SUPPLY DEALERS & SERVICE; CONTRACTORS, HEAVY CONSTRUCTION; GRADING, PAVING, MARINE, ETC.	One (1) space per 1,000 square feet of floor area.
DAYCARE, ADULT AND CHILD	One (1) space for each employee and one (1) space for every 10 children/adults or fraction thereof.
DIVERS, COMMERCIAL; FISHING, COMMERCIAL; FURRIERS AND FUR STORAGE; EXTERMINATING SERVICES	One (1) space per 400 square feet of floor area.
DRY CLEANERS; LAUNDRY, COIN-OPERATED	One (1) space for each 200 square feet of floor area used by the general public.
DRY STORAGE	One (1) space per employee, if applicable.
EDUCATIONAL FACILITY	Two (2) spaces per classroom. For high schools or college/post-secondary, one (1) space per 10 students.
FARMERS'S MARKET; FRUIT & VEGETABLE MARKET, WHOLESALE WITH INCIDENTAL RETAIL	One (1) space per 500 square feet of permanent retail area; otherwise none required if a seasonal/temporary market.
FLEA MARKET	One (1) space per 1,000 square feet of floor area.
FUNERAL HOMES	One (1) parking space for each five (5) seats in the chapel or parlor, plus one (1) for each funeral vehicle.

Proposed Amendment to Section 3.14 Parking

Table 3.4: Minimum Off-Street Parking Spaces Required	
GOVERNMENT USE, CITY OF SOUTHPORT; GOVERNMENT USES WITH BUILDINGS, NON-CITY OF SOUTHPORT	One (1) space per 300 square feet of floor area.
HEALTH SERVICES	One (1) space per 300 square feet of floor area.
HOSPITALS	Two (2) spaces for each bed.
HOTEL, MOTEL, OR INN; HOTEL, RESIDENTIAL OR BOUTIQUE; GUEST LODGING	One (1) space for every rental room.
JAIL	One (1) space per employee on the largest shift.
KENNEL	One (1) space per 400 square feet of floor area.
LIBRARY	One (1) space per 500 square feet of floor area.
MANUFACTURING, ARTISAN	One (1) space per 500 square feet of floor area.
MANUFACTURING, GENERAL, LIMITED, AND INTENSIVE; GAS COMPANIES (LP-BOTTLED & BULK STORAGE); MOTOR FREIGHT COMPANIES, MOVERS, VAN LINES, AND STORAGE; MOTION PICTURE PRODUCTION & DISTRIBUTION; RESEARCH & DEVELOPMENT; SALVAGE OPERATIONS; WELDING, REPAIR; LAUNDRY, INDUSTRIAL; GARBAGE COLLECTION, PRIVATE (NO LANDFILLS)	One (1) space per employee on the largest shift.
MARINA, COMMERCIAL	One (1) parking space for each wet slip, one (1) parking space for every four (4) dry stack boat storage units, and where applicable 25 total 12' x 40' spaces per boat ramp, plus parking required for other uses.
MARITIME SALES, RENTAL, AND SERVICE	One (1) space per each 400 square feet of floor area and/or one (1) space for each service bay
MICROBREWERY OR MICRODISTILLERY	One (1) space per 100 square feet of floor area tasting room area; One (1) per 500 square feet for production and storage areas.
NURSING & PERSONAL CARE FACILITY	One (1) space per three (3) residents, plus one (1) additional space for each employee.
OFFICE, GENERAL; RADIO & TELEVISION STATIONS, STUDIOS, AND OFFICES; MANUFACTURED HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION	One (1) space per 300 square feet of floor area.
PARKS & RECREATION AREAS, MUNICIPAL	No parking required.
PERSONAL SERVICE ESTABLISHMENT	One (1) space per 300 square feet of floor area.
RECREATIONAL VEHICLE PARK	Two (2) parking spaces at each campsite + 1 per 500 sq. ft. of enclosed area for offices, maintenance facilities, etc. within the park.
RESTAURANT, CARRY-OUT	One (1) space per 200 square feet of floor area.
RESTAURANT, STANDARD & FAST-FOOD	One (1) space per 100 square feet of floor area.

Proposed Amendment to Section 3.14 Parking

Table 3.4: Minimum Off-Street Parking Spaces Required	
RETAIL SALES, MAJOR; GROCERY STORES; SHOPPING CENTER	One (1) space per 300 square feet of floor area.
RETAIL SALES, MINOR AND MODERATE	One (1) space per 200 square feet of floor area.
SOLAR FARM	One (1) space per facility.
STORAGE, SELF-SERVICE	Minimum five (5) spaces or one (1) space for each 100 storage units, whichever is greater, plus one (1) space for each employee and two (2) spaces for manager's quarters, if present.
TELEPHONE COMMUNICATION FACILITY, UNATTENDED; WIRELESS TELECOMMUNICATION FACILITY OR COMPLEX, FREESTANDING AND SUBSTANTIAL MODIFICATIONS	One (1) space per facility.
US POSTAL SERVICE; PACKAGE DELIVERY SERVICES, COMMERCIAL	One (1) space per 400 square feet of floor area.
UTILITY STATIONS & PLANTS (PUBLIC & PRIVATE) INCL. LIFT STATIONS, SUBSTATIONS, ETC.	One (1) space per employee employed on-site, if applicable; Otherwise, none required.
VETERINARY SERVICES	One (1) space per 500 square feet of floor area
WAREHOUSING, GENERAL; WHOLESALE TRADE, DURABLE AND NON-DURABLE GOODS;	One (1) space per 1,000 square feet of gross floor area
WATER TRANSPORTATION INCL. DOCKS, TUGBOATS, BARGES, AND EXCURSIONS	No parking required.

E. Shared Parking

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one half (½) of the parking spaces required for churches, theater, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

F. Utilization of Boat Slips as Required Parking

1. A boat slip is defined herein as a space designed for the mooring of a single watercraft and usually projecting from a dock. Eating and drinking establishments and water-oriented retail businesses may utilize boat slips to meet off- street parking requirements subject in accordance with the following standards:
 - a) All slips must be under the ownership or long-term control of the subject business.
 - b) Boat slips must be available on a first come, first served basis, with no fee assessed for use.
 - c) Boat slips must be reasonably designed to accommodate customer boats.

Proposed Amendment to Section 3.14 Parking

- d) The dock facility must be properly accessible in accordance with the regulations governing the maneuvering of water craft on the adjacent waterway.
- e) Boat slips must only be used for transient mooring of customers frequenting said establishment and no extended storage of vessels shall be allowed.
- f) Boat slips are allowed to meet off-street parking requirements strictly on a one parking space per 20' linear dockage.

3.17 LANDSCAPING AND BUFFERS

A. PURPOSE

1. The governing body and advisory boards of the City of Southport recognize the importance of the contribution made to the community by the abundance of native trees and vegetation. It is this vegetation that gives the city an aesthetic appeal that contributes to its growth and economic prosperity. As economic growth occurs, the removal of this valued vegetation sometimes results, contributing to a depletion of a most valuable resource. The city feels it is necessary to both conserve and restore those valuable assets and declares the objective of this section to be as follows:

- a) To provide visual and spatial buffering between adjoining and competing uses;
- b) To enhance the beautification of the city;
- c) To enhance property values and protect public and private investment;
- d) To provide a habitat for living things that might not otherwise occur in an urban environment; and
- e) To ensure that planting areas are distributed within developing sites in a manner which will provide shade, buffer noise, and filter glare.

B. APPLICABILITY

1. Landscape installation is required for all new construction non-residential and multi-family uses or a change in use or redevelopment where such change would result in the addition of 10 or more parking spaces. The following site areas are required to be addressed in accordance with the provisions of this section:

- a) Street yards
- b) Foundation planting
- c) Parking facility landscaping
- d) Bufferyards

C. GENERAL PROVISIONS

1. All planted and retained living material, required to meet the provisions of this section, shall be maintained by the owner of the property on which the material is located. Any planted material which becomes damaged or diseased or dies shall be replaced by the owner within 60 days of the occurrence of such condition. If, in the opinion of the UDO Administrator, there are seasonal conditions which will not permit the timely replacement of the vegetation (e.g., too hot or too cool for successful replanting), this requirement may be administratively waived until a time certain.

2. All planted material subject to the provisions of this ordinance shall be of a native species and in accordance with the planting material list as provided in Tables 3.5 through 3.7.

3. Nonliving screening buffers shall be maintained, cleaned, or repaired by the owner of the property on which the buffer is located. Such buffers shall be kept free of litter and advertising.



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 07/11/2024

DEPARTMENT: Development Services

PRESENTED BY: Maureen Meehan, City Planner

ITEM SPONSORED BY: Development Services

ITEM/TOPIC: Call a Public Hearing for a Unified Development Ordinance Amendment to Section 4.14 Recreation and Open Space.

COST: N/A

BUDGET LINE ITEM: N/A

JUSTIFICATION: This text amendment was sent to the Planning Board for consideration at your June 13, 2024, regular meeting. The request was to consider an increase to the open space multiplier for conventional subdivisions. The Planning Board reviewed the proposal at their June 20, 2024, meeting. The text amendment recommendation proposes a decrease in the number of lots to trigger the open space requirement and an increased multiplier for open space allocated. 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. If this recommendation is not approved, the existing language for open space found in the UDO will remain the same.

DEPARTMENT HEAD COMMENTS: This amendment is in response to the Board's request to consider increasing the open space for conventional subdivisions. Staff and the Planning Board agree that both the decreased number of lots triggering the open space requirement and the proposed increase in the multiplier will further protect the City's natural resources. The attached proposed Unified Development Ordinance Amendment is consistent with the City's land use plan and other relevant adopted plans.

CITY MANAGER COMMENTS: I recommend moving forward with the Public Hearing.

ATTACHMENTS: Staff Report, Proposed Language

REQUESTED ACTION: Call a public hearing for an Amendment to the Unified Development Ordinance.

PROPOSED MOTION: Motion to call a public hearing on August 8, 2024, for an Amendment to Section 4.14 of the Unified Development Ordinance.

Once the Consent Agenda is approved, the Public Hearing will be set for the August 8th Regular Board of Aldermen Meeting.



MEMORANDUM

To: Mayor Rich Alt and Members of the Board of Aldermen

From: Maureen Meehan, City Planner

Re: Open Space Text Amendment – Section 4.14 Recreation and Open Space

Date: July 11, 2024

Background

At your June 13, 2024 regular meeting a request was sent to the Planning Board to consider an amendment to increase the multiplier for conventional subdivision open space requirements. Currently, the multiplier is .02 per dwelling unit or lot, whichever is greater, regardless of the zoning district. A multiplier of .02 requires less than an acre of open space for any subdivision under 50 homes/lots. Further, the open space requirements are only applicable for subdivisions with 20 or more lots.

The Planning Board, at their June 20, 2024 meeting discussed the changes to the multiplier as proposed in your request and the Acreage Calculations provided by Staff. The Planning Board also discussed lowering the number of lots to trigger the requirement for open space. The final decision by the Planning Board is to reduce the number of lots that trigger open space requirements from 20 to 5 and a multiplier of .05 for R-10 zoning districts and a multiplier of .1 for R-20 zoning districts. The following charts outline the scenarios for existing and proposed changes.

NOW		
Multiplier	Number of Homes	Acres Set Aside
0.02	10	0.2
	15	0.3
	20	0.4
	25	0.5
	30	0.6
	35	0.7
	40	0.8
	45	0.9
	50	1.0
	60	1.2
	70	1.4
	80	1.6
	90	1.8
	100	2.0
Increase =		0%

R-10 Zoning

Multiplier	Number of Homes	Acres Set Aside
0.05	5	0.25
	10	0.5
	15	0.8
	20	1.0
	25	1.3
	30	1.5
	35	1.8
	40	2.0
	45	2.3
	50	2.5
	60	3.0
	70	3.5
	80	4.0
	90	4.5
	100	5.0

R-20 Zoning

Multiplier	Number of Homes	Acres Set Aside
0.1	5	0.5
	10	1.0
	15	1.5
	20	2.0
	25	2.5
	30	3.0
	35	3.5
	40	4.0
	45	4.5
	50	5.0
	60	6.0
	70	7.0
	80	8.0
	90	9.0
	100	10.0

Planning Board Recommendation

The Planning Board recommends APPROVAL of the zoning text amendments to Sections 3.17 Landscaping and Buffers and 3.14 Parking. The proposal is found to be consistent with the 2014 CAMA Core Land Use Plan and meets the intent of the Unified Development Ordinance.

Attachments

Draft Language

4.14 RECREATION AND OPEN SPACE

Every person, firm, or corporation who subdivides land for residential purposes consisting of 20 5 or more cumulative lots shall be required to dedicate a portion of such land for the purpose of public recreation/open space, including the preservation of natural and cultural resources, to serve the leisure needs of the residents of the subdivision and the city of Southport (if recreation area is publicly dedicated). In all cases, the Southport Parks and Recreation Director shall review and make recommendations to the Planning Board and Board of Aldermen on the provision or dedication of recreation and/or open space areas.

B. EXCLUSIVE PURPOSE OF LAND

The land dedicated in accordance with this section shall be used only for the purpose of providing parks or recreation areas and the location of the land shall bear a reasonable relationship to the use of the area by the future inhabitants of the subdivision or residential development.

C. AMOUNT OF LAND DEDICATED

1. The amount of land required to be dedicated shall be computed on the basis of the following formula:
 - a) ~~Area to be dedicated (in acres) = (.02) x (number of dwelling units or lots – whichever is greater)~~
 - a) Area to be dedicated (in acres) for R-10 zoned lots, exclusive of 404 wetlands = (.05) x (number of dwelling units or lots – whichever is greater)
 - b) Area to be dedicated (in acres) for R-20 zoned lots, exclusive of 404 wetlands = (.1) x (number of dwelling units or lots – whichever is greater)
 - c) All PUDs shall retain a minimum 20% of open space area, exclusive of 404 wetlands. Such open space shall comply with the provisions outlined within this section.

To: City of Southport Board of Aldermen
From: Lawrence N. Ashley, Chair, Southport Cemetery Committee
Via: Dorothy Dutton, Assistant City Manager, City of Southport
Re: Cemetery Committee Summary & Action Document
Date: June 30, 2024

To assist with the Cemetery Committee's 2024 – H1 Update to the Board of Aldermen and Mayor, scheduled for July 11, 2024, the following is a summary of the documents to be used in the meeting as well as possible actions to be taken by the Board of Aldermen and Mayor.

**1. Southport Cemetery Committee Presentation to Board of Aldermen and Mayor
20240711**

Summary

Slide presentation containing a summary of work completed and/or considered by the Southport Cemetery Committee for the first half of 2024. Also provides an overview of the cemeteries that fall under the purview of the Board of Aldermen. Detailed information is provided in attached documents in the same package.

Action Required

Review Deck. Slide 27 provides future action items as directed by the Board of Aldermen. Review slide and approve or modify as required.

2. Southport Cemetery Committee Legal Guidance Request 240523- BNH Answers

Summary

This document contains questions posed to City Attorney by the Cemetery Committee along with responses by the City Attorney.

Action Required

None, informational.

3. Southport Cemetery Ordinance 20230929

Summary

This document contains Southport's Cemetery Ordinance as of 09/29/23.

Action Required

None, informational

4. Southport Cemetery Committee Mission Statement 20240626

Summary

This document contains the Cemetery Committee's Mission Statement, Vision Statement and Guiding Principles.

Overview

- **Mission Statement:** Defines the purpose of the Cemetery Committee and its primary objectives. It describes what the Cemetery Committee does, who it serves, and how it serves them.
- **Vision Statement:** Outlines the long-term aspirations and the ideal future state the Cemetery Committee aims to achieve. It provides inspiration and a clear sense of direction.
- **Guiding Principles:** Translate the mission and vision into actionable guidelines. They ensure that the Cemetery Committee's values are consistently reflected in its actions, providing clear, actionable standards to guide their work.

Action Required

Approve or make recommendations for modification

5. Old Smithville Burying Ground Possible Hazards 20240626

Summary

This document contains areas of the Old Smithville Burying Ground that require attention to mitigate possible hazards to the public. This is a far-reaching document that should create a discussion around the City's responsibilities/limitations for gravesite maintenance particularly for gravesites that may be over a century old and the direct descendant families may not be able to be identified.

Action Required

- **Common Areas** - Direct Public Services to take necessary action to mitigate concerns.
- **Gravesites** – Requires further discussion including modification of current Cemetery Ordinance and drafting of Cemetery Regulations.

6. Smithville Cemetery Tree Survey Forestry Committee 20240510

Summary

This document contains a Level 1, Visual Tree Assessment of the 107 trees located in the Old Smithville Burying Ground conducted by the Southport Forestry Committee. Health scores of each tree are included.

Action Required

Further discussion is required with the Forestry Committee to determine the best course of action including possible funding requirements.

7. Northwood Cemetery Lane Signs Preliminary Report 20240326

Summary

This document contains a report on the various lane signs found in the Northwood Cemetery that have been damaged by squirrels, birds, and/or rodents.

Action Required

Direct the Cemetery Committee and/or Public Services to repair or replace the signs with material that will not be subject to continued damage.



Southport Cemetery Committee Report to Board of Aldermen & Mayor

July 11, 2024



Focus of the Cemetery Committee – 2024-H1

- Families
- Data Gathering
 - Gravesite/Cemetery Maintenance
 - Records
 - Understanding Operations
 - Potential Issues
 - Laws & Ordinances

Cemetery Committee

- Lawrence N. Ashley, Chair
- Tish Hatem, Vice Chair
- Lynne Geiman, Recording Secretary, Beautification Committee
- Jason Robbins
- David Miller
- Musette Stark, Historical Society
- Andrew Parks, Smith Cemetery Foundation

Employees

- **Community Relations**

- Allayna Dail, Director, Department of Community Relations

- **Public Services**

- Tom Stanley, Director, Public Services
 - Public Services Crews

- **City Hall**

- Dorothy Dutton, Assistant City Manager
 - Tanya Shannon, Deputy City Clerk

History

- 1792 – Smithville Chartered
- 1794 – Smithville Burying Ground Established
- 1804 – Earliest Evidence of Burial in Smithville Burying Ground
- 1935 – Northwood Cemetery Established
- 1935 – First Burial in Northwood
- 1937 – Moratorium on Burials in Smithville Burying Ground
- 1991 – Southport Cemetery Ordinance Established
- 1998 – All Burials in Smithville Burying Ground Verified as Valid
- 2006 – Database Created Consolidating Cemetery Information
- 2023 – Mowing of Cemetery Grounds Outsourced
- 2023 – Cemetery Committee Established

Current State

- What We've Looked At
 - Records
 - Cemetery Conditions
 - Cemetery Operations
 - Maintenance
 - Laws & Ordinances
 - Future Growth

Current State

- Records
 - City Hall, City Clerk's Office
 - Maintained by Tanya Shannon, Deputy City Clerk
 - Home Grown MS Access Database (abt 2006?)
 - Burial Locations are determined by Tanya

Current State

- Maintenance
 - Public Services
 - Coordinated by Tom Stanley, Public Services Director
 - All Maintenance
 - General Maintenance
 - Built new Trash Holding Area at Northwood
 - Building New Fence at Northwood
 - Mowing – Outsourced to Best Funeral Services
 - Water Services

Current State

- Cemetery Operations
 - Funeral Homes
 - Gravesite Excavation
 - Installation of Burial Vaults
 - Burial of Remains
 - Site Cleanup After Burial
 - Gravestone Footing Installation
 - Gravestone Installation

Current State

- What The Cemetery Committee Has Worked On/Considered
 - Obtained Preliminary Legal Guidance
 - Mission & Vision Statement & Guiding Principles
 - Possible Hazards in the Old Smithville Burying Ground
 - Old Smithville Burying Ground Tree Survey (Forestry Committee)
 - Northwoods Signage Report
 - Creation of a Landscape Plan
 - Old Smithville Burying Ground Gravestone Assessment
 - Southport Cemetery Ordinance
 - Cemetery Management Software
 - Veteran's Graves Identification

Current State

- Legal Advice
 - **Question:**
 - Does the City, or its Agents, have the Legal Authority to remove hazards from a gravesite?
 - **Answer:**
 - The City has the authority to remove such hazards from the common areas since that is City property per Sec. 5-8, but the cemetery ordinance would need to be updated to give the City the authority to remove these hazards from the gravesites themselves.

Old Smithville Burying Ground

- Established – 1794 (230 years ago)
- Size – 2.65 acres (approximately)
- # of Gravesites – 1,116 (approximately)
- Earliest Burial – 1804 (known)
- Latest Burial – May 2024
 - Required Prior Archeological Survey
- Potential Hazards & Concerns
- Tree Survey
- Mowing

Smithville Burying Ground – Potential Hazards



Smithville Burying Ground – Potential Hazards



Smithville Burying Ground – Potential Hazards



Smithville Burying Ground – Potential Hazards

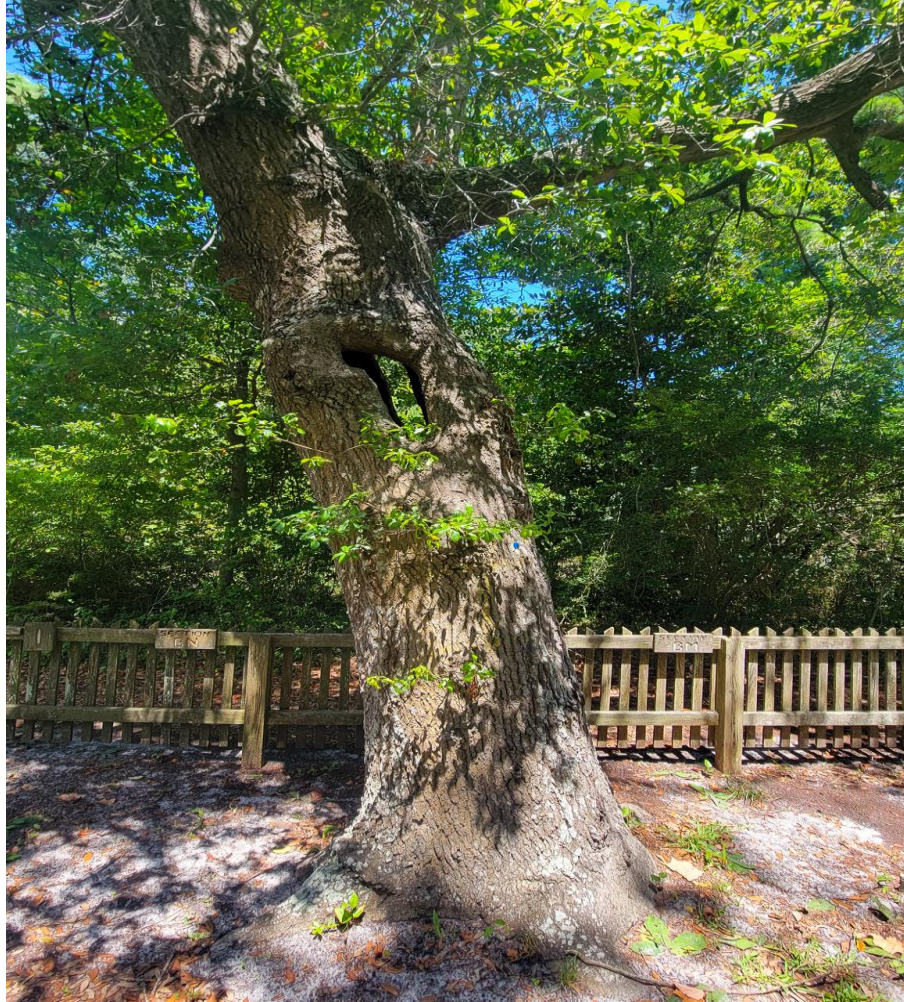


Smithville Burying Ground – Potential Hazards



Smithville Burying Ground – Tree Survey

- Forestry Committee
- Level 1 Visual Tree Survey
- 107 Trees Tagged
- No Immediate Known Danger
- Requires More In-depth Analysis



Smithville Burying Ground - Mowing

- Coordinated by Public Services
- Outsourced to Best Funeral Services
- Mowing
 - \$420.00 per cut
 - Every Other Week
 - April - September
- Clean-up
 - \$400
- Trash Removal
 - Every Other Week

Northwood Cemetery

- Established – 1934 (90 years ago)
- Size – 7.65 acres (approximately)
- # of Plots – 1,365 (approximately)
- # of Gravesites – 5,064 (approximately)
- % of Capacity – 40% (2,026 burials)
- First Sale – 1935
- Last Sale – 2020 (Fully Sold Out)
- Earliest Burial – 1935 (approximately)
- Latest Burial – Ongoing
- Concerns
- Mowing
- Potential for Growth

Northwood Cemetery – Work



Northwood Cemetery – Concerns



Northwood Cemetery – Concerns



Northwood Cemetery – Potential for Expansion

- Possible Cremation Lots
- Columbarium's
- Would Need To Survey Existing Property



Northwood Cemetery – Future Expansion



- Columbarium's

John N. Smith Cemetery - Mowing

- Established – 1880(144 years ago)
- Burials – 1,725
- Size - 3.54 acres
- Mowing
 - Coordinated by Public Services
 - Outsourced to Best Funeral Services
- Mowing
 - \$620.00 per cut
 - Every Other Week
 - April - September

Cemetery Committee – Future Work

- Update Cemetery Ordinance
- Create Cemetery Regulations
- Continued Review of Records
- Purchase and Implement Cemetery Records Software
- Updated Survey of Northwoods Cemetery
 - Include Expansion Potential
 - Columbariums
 - Expanded Plot Locations
- Fee Review
- Update Cemetery Committee Ordinance
- Develop Gravestone Assessment Survey
- Develop Landscape Plan

“...but in this world nothing can be said to be certain, except death and taxes.”

Benjamin Franklin, in a letter to Jean-Baptiste Le Roy, 1789

QUESTIONS?

Southport Cemetery Committee

Questions for City Attorney Relative to Cemetery Operations

May 23, 2024

1. Does the City, or its Agents, have the Legal Authority to remove hazards from a gravesite, i.e.,
 - Sharp spikes from decayed fences,
 - Gravesite coping that is decaying creating hazards and/or maintenance issues,
 - Decayed fencing
 - Trip hazards,
 - Trees and bushes,
 - Other items deemed to be hazardous to the Public.
 - **Answer:** The City has the authority to remove such hazards from the common areas since that is City property per Sec. 5-8, but the cemetery ordinance would need to be updated to give the City the authority to remove these hazards from the gravesites themselves.
2. Based on Section 5-8 Maintenance of Lots of the Southport's Cemetery Ordinance:
 - Does the City, or its Agents, have the Legal Authority to remove items from a gravesite that violate this section, or other sections of the code?
 - **Answer:** If the gravesite is in violation of Sec. 5-8, the City could issue the owner a Notice of Violation and proceed through the code enforcement process by the City's Code Enforcement Officer.
3. Does the City, or its Agents, have the legal authority to trim overgrown trees and/or bushes on gravesites?
 - **Answer:** If all or the majority of the tree or bush is on City property (i.e. common area), the City has the authority to maintain.
4. Does the City, or its Agents, have the legal authority to clean and/or repair damaged, broken, or hazardous gravestones (i.e., leaning heavily).
 - **Answer:** The cemetery ordinance would need to be updated to give the City this authority.
5. Does the City, its Agents, or Community Volunteers, have the authority to place flags on the graves of Veteran's?
 - **Answer:** No, the City does not own the gravesite or burial lot that has been conveyed to a gravesite owner.

6. When is a gravesite considered abandoned for purposes of maintenance of the gravesite?
- **Answer:** The general statutes for municipal cemeteries do not address abandonment for purposes of maintenance so there is no bright-line time frame. As previously mentioned, however, the City could update the cemetery ordinance to help address situations where gravesites have not been adequately maintained over a period of time.
7. Does the City have the authority to establish dates for gravesite cleanup?
- For instance, removal of flowers and/or other items that impede cemetery maintenance after X date following holidays.
 - **Answer:** Yes, and I have seen other municipalities have ordinances that address this.
8. When is notification to the Plot Owners required on any of the above or other matters?
- **Answer:** As the cemetery ordinance is currently written, notice should be given for any violations of the ordinance. If the ordinance is amended to address situations where the City maintains and/or enters the gravesite to remove items or repair the gravesite, notice should also be given if possible.
9. What are the legal rights of gravesite owners?
- **Answer:** Plot Owners have the same common law property rights as any other fee simple owner of real property.
10. If the plot deed is not recorded, does that impact any rights of the plot owner?
- **Answer:** It potentially could if the City has no other documentation of the plot owner.
11. What are the legal rights of the City with respect to operations of its cemeteries?
- **Answer:** See **Chapter 160A, Article 17**, of the North Carolina General Statutes.
12. What North Carolina Laws and/or Regulations govern Municipal Cemeteries?
- **Answer:** See Question #11 above.
13. The current Southport Cemetery Ordinance does not have a reference to creating Cemetery Regulations.
- Should the City decide they would like to establish regulations, would these have greater legal standing or less?
 - Is one more desirable than the other?
 - To avoid conflict, if regulations were developed, would it be advisable to remove similar items from the ordinance, i.e., Hours of Operations, Maintenance, etc.
 - **Answer:** It would depend on the goals the City wants to accomplish through these Cemetery Regulations, but I think any regulations not otherwise addressed in the current Cemetery Ordinance should be

included in this Chapter 5 of the City Code, as opposed to its own stand-alone regulations.

14. Any other legal guidance with respect to the operational aspect of the Southport Municipal Cemeteries would be appreciated.

- **Answer:** Be happy to help assist staff in drafting updates to the City's Cemetery ordinance in order to address some of these items.

Chapter 5 - CEMETERIES

Sec. 5-1. - Definitions.

Lot shall refer to the entire tract or piece of property purchased for the purpose of burial consisting of one (1) or more individual plots or gravesites.

Plot shall refer to one (1) individual gravesite within a lot.

(Ord. of 12-3-91)

Sec. 5-2. - Lot sales.

- a) All sales of lots in city-owned cemeteries shall be made only by the city at prices approved and set by the board of aldermen from time to time. All persons desiring to purchase a lot in a city-owned cemetery shall apply to the city cemetery superintendent who shall be authorized to issue a deed for said lot upon payment of the purchase price therefor in full. Lots may be purchased on installment plans approved by the board of aldermen. In the event that any installment due under an installment plan remains unpaid for ninety (90) days after the due date, the purchaser, without notice, shall forfeit all rights to said lot and said lot shall be made available for sale by the city to another party.
- b) Resale of a lot in a city-owned cemetery is hereby prohibited except as specifically provided herein. In the event that a person owning a cemetery lot desires to relinquish ownership of the same, the person shall notify the city cemetery superintendent and the city shall repurchase the cemetery lot at the current price as set by the board of aldermen.
- c) No interment or burial of a body or other disposition thereof, in a city-owned cemetery, shall be made until the purchase price for the cemetery plot has been paid in full.

(Ord. of 12-3-91)

Sec. 5-3. - Permits.

No interment or burial of a body, or other disposition thereof, shall be made in a city-owned cemetery until a permit is issued by the city. In applying for a permit hereunder, the applicant shall furnish the city with the following information concerning the deceased: name, date of death, home address, birthplace, date of birth, next of kin, and address of next of kin.

(Ord. of 12-3-91)

Sec. 5-4. - Time of interment.

All local and nonlocal funeral directors or other persons in charge of any funeral shall be required to pay a fee determined by the city board of aldermen to the city before a permit is issued for an interment for Mondays through Fridays. Before a permit will be issued for an interment on Saturdays, Sundays or legal holidays, the funeral director must notify the city at least twenty-four (24) hours, or one (1) working day,

prior to the time of burial, or pay a fee equal to three (3) times the regular fee to reimburse the city for overtime salaries and other costs incurred by the city in connection with weekend interments. The city shall have an appropriate employee on call and available every weekend for this service, if interment is allowed on Saturdays, Sundays and legal holidays.

(Ord. of 12-3-91; Amend. of 9-13-07)

Sec. 5-5. - Record of interments and removals.

A complete record shall be maintained by the city of all interments, disinterments and removals from any city-owned cemetery. The record shall give the name of the cemetery, section, lot number, size and location of graves on the lot, and the names of all persons buried on said lots. Records shall be permanently preserved by the city.

(Ord. of 12-3-91)

Sec. 5-6. - Opening of graves.

No grave within a city-owned cemetery shall be opened or otherwise disturbed nor shall any body be removed from any grave without a permit from the county health director and the consent of the lot owner and immediate family of the deceased.

(Ord. of 12-3-91)

Sec. 5-7. - Depth of graves.

All graves shall be dug at least four and one-half (4 ½) feet in depth to the pit. The width of graves above pit level shall be not less than four (4) inches greater than the box width, on the side. All graves shall be made approximately level with the lot and all extraneous material shall be removed from the lot premises.

(Ord. of 12-3-91)

Sec. 5-8. - Maintenance of lots.

No person shall place, or cause to be placed, on any lot in a city-owned or city-operated cemetery, any stone or other object, other than an approved marker or monument. Boundaries of all lots shall be marked by corners which shall be set by the city at no additional cost to the lot owner. Mowing and maintenance of the common areas of city-owned or city-operated cemeteries shall be the responsibility of the city. The common area is hereby defined for purposes of this section as all areas of said cemeteries other than those lots or gravesites which have been sold or conveyed by the city, or registered to an owner thereof in the city records, or in which interment or burial of a body has taken place. As to these lots and gravesites, it shall be the responsibility of the owners thereof to mow and maintain the same.

(Ord. of 12-3-91; Ord. of 11-13-03)

Sec. 5-9. - Vaults or liners.

Due to the sandy soil conditions within the area, and the fact that markers cannot be prevented from sinking or being covered by sand, vaults or liners shall be required for all burials and interments in city-owned cemeteries.

(Ord. of 12-3-91)

Sec. 5-10. - Removal of debris.

All materials and other debris shall be removed from a gravesite and the surrounding area raked and leveled immediately upon completion of interment by the funeral director. Dead flowers, tents, and other such items shall be removed within three(3) weeks of the burial. A bond of five hundred dollars (\$500.00) shall be required of all funeral directors and shall be refunded on request after a final inspection by the city.

(Ord. of 12-3-91; Amend. of 9-13-07)

Sec. 5-11. - Erection of foundations.

All foundations for monuments and footstones shall be erected and installed under the supervision of the city cemetery superintendent and shall not be erected without prior written approval from said city cemetery superintendent.

(Ord. of 12-3-91)

Sec. 5-11.1. - Cremation.

- a) Each lot in a city-owned or city-regulated cemetery which is used for the burial of cremains shall be no less than three (3) feet by eight (8) feet in size. Each lot may contain up to three (3) plots per gravesite for the burial of cremains.
- b) There shall be only one (1) above-ground monument for each lot used for the burial of cremains which above-ground shall not be larger than twenty-four (24) inches in width and sixty (60) inches in length.
- c) Monuments marking individuals plots or gravesites within the lot shall not exceed three (3) feet by two (2) feet and shall not extend above ground level.
- d) Cremation remains must be buried no less than three (3) feet in depth.

(Ord. of 9-14-00(1))

Sec. 5-12. - Northwood Cemetery.

The following regulations shall apply to Northwood Cemetery, section G and H only:

- 1) Only one (1) family monument shall be permitted on any one (1) lot.
- 2) All monuments shall be set even with the property lines and shall not extend over the property lines in any direction.
- 3) All foundations of monuments shall be no less than eight (8) inches in depth and shall not rest on the liner cover.
- 4) All monuments shall not exceed twenty-four (24) inches in depth nor sixty (60) inches in height.
- 5) For a single plot or single gravesite, monuments shall not exceed twenty-four (24) inches in width.
- 6) For lots consisting of two (2) or three (3) plots, monuments shall not exceed forty-eight (48) inches in width.
- 7) For lots consisting of four (4) plots, monuments shall not exceed sixty (60) inches in width.
- 8) For lots consisting of five (5) or more plots, monuments shall not exceed ninety (90) inches in width.
- 9) Footstones shall conform as to material with the material comprising the monuments on the lot. Foundations for monuments and footstones shall be composed of a hard course aggregate, sand and cement in proportions not less than 1:3:5, and well-compacted in place. Foundations shall be at least as wide, and as long as, the base stone of the monument with footstone resting upon it and must not project above the lot surface
- 10) The placing of glass vases on cemetery plots or lots is hereby prohibited. In addition, the planting of flowers or shrubs, except at the plot or lot corners, is hereby prohibited. Metal receptacles for cut flowers placed within twelve (12) inches of the centerline of the marker and buried to allow mowing are allowed and encouraged.
- 11) The placing of a coping or other enclosure around lots or plots is hereby prohibited, except when the coping or enclosure is ground level and will not interfere with maintenance of the cemetery.

(Ord. of 12-3-91; Amend. of 9-13-07)

Sec. 5-13. - Hours of operation.

All cemeteries owned or under the control of the City of Southport shall be closed to the general public between the hours of sundown to sunrise.

(Ord. of 8-13-09, § 1)

Sec. 5-14. - Violation; penalties.

In addition to being a misdemeanor pursuant to G.S. 14-4, the violation of this chapter shall subject the offender to a civil penalty pursuant to section 1-6(b) of this Code of Ordinances.

(Ord. of 12-3-91; Ord. of 8-13-09, § 2)

Editor's note—

Formerly section 5-13.

Sec. 5-15. - Regulation of Old Smithville Burying Ground.

- a) All lots or squares properly registered or established within the City of Southport Old Smithville Burying Ground prior to April 13, 1989 are hereby recognized as valid by the city provided that (1) said lots, squares or gravesites do not encroach upon any lot, square or gravesite registered or established prior to the registration of said lot, square or gravesite and (2) there are no remains or other evidence of burial whatsoever contained within said lot, square or gravesite.
- b) That each person or family claiming a lot, square or place of burial in Old Smithville Burying Ground is responsible for having a qualified professional archaeologist determine and certify to the city that no remains or other evidence of burial are located within the desired lot or square. Said qualified archaeologist shall obtain a permit from the city prior to investigation. Such certification shall be made before issuance of a burial permit or before December 31, 2000, whichever occurs sooner. This certification shall be at the expense of the lot owner.
- c) In the event that any lot, square or gravesite is determined to encroach on a prior lot, square or gravesite, all encroachments shall be removed within forty-five (45) days of such determination and notification by the city at the sole expense of that party encroaching upon the other lot, square or gravesite.
- d) No person shall be buried in Old Smithville Burying Ground unless a burial permit is first obtained from the city and no burial permit shall be issued prior to certification that said site is available as set forth herein.
- e) All burials within Old Smithville Burying Ground shall comply with all other applicable local or state statutes or ordinances.

(Ord. of 5-11-00(2), §§ 1—10; Ord. of 7-13-00, §§ 1—5; Ord. of 4-13-02, §§ 1—5; Ord. of 8-13-09, § 3)

Editor's note—

Formerly section 5-14, titled regulation of penalties.

Southport Cemetery Committee

"How we honor the dead tells much about the living."

6/26/2024

Mission Statement

The Cemetery Committee of Southport, North Carolina, is dedicated to preserving and honoring the rich heritage of our community through the thoughtful stewardship and respectful management of our historic cemeteries ensuring they remain dignified, well-maintained, and accessible to all while honoring the memory of those who have chosen our hallowed grounds as their final resting place. Committed to upholding the dignity of those laid to rest within our grounds, we strive to maintain these sacred spaces as places of tranquility, remembrance, and reflection for present and future generations. Through collaboration with local stakeholders, educational outreach, and preservation efforts, we seek to safeguard the integrity of our historic burial sites, ensuring they remain enduring symbols of our city's past, present, and future. We will strive to accomplish this mission while being fiscally responsible to the community that has charged us with this task while acknowledging our role as custodians of historical landmarks and their records.

Vision Statement

The Cemetery Committee of Southport, North Carolina, envisions our historic cemeteries as vibrant, living memorials that celebrate the diverse stories and legacies of our community's past. We aspire to create inviting and well-maintained spaces that serve as focal points for cultural appreciation, historical exploration, and community engagement while creating a dignified and respectful environment for those who visit our Cemetery to honor the memory of a friend or loved one. Our facilities will be maintained with the highest standards of care so that the memories of those interred may be visited in comfort and dignified respect. Through innovative preservation strategies, inclusive programming, and ongoing collaboration with residents and stakeholders, we aim to cultivate a deep sense of connection to our heritage and foster a shared commitment to honoring and cherishing our ancestors. Our vision is for these sacred grounds to serve as enduring symbols of remembrance, unity, and pride for generations to come.

Guiding Principles of the Cemetery Committee

1. Respect and Dignity

We honor the memory of those laid to rest by maintaining a dignified and respectful environment within our cemeteries. Every decision and action reflects our commitment to upholding the sanctity of these sacred grounds.

2. Historical Preservation

We are dedicated to preserving the historical integrity of our cemeteries. This involves safeguarding headstones, monuments, and records, ensuring that future generations can appreciate the rich heritage of our community.

3. Community Engagement

We actively involve local stakeholders, residents, and organizations in our efforts. Through educational outreach and inclusive programming, we foster a community-wide appreciation for our cemeteries' cultural and historical significance.

4. Accessibility and Inclusivity

We ensure that our cemeteries are accessible to all, providing a welcoming space for reflection and remembrance. Our efforts strive to accommodate the diverse needs of our community, promoting inclusivity in all our initiatives.

5. Tranquility and Reflection

We maintain our cemeteries as serene spaces for contemplation and remembrance, where visitors can connect with the past in a peaceful and reflective environment.

6. Collaboration and Partnership

We will collaborate with the City of Southport Government, the Southport Historical Society, and community groups to enhance our preservation efforts and educational outreach, recognizing that partnerships strengthen our mission.

7. Fiscal Responsibility

We manage our resources wisely, ensuring that all efforts to maintain and enhance our cemeteries are carried out in a fiscally responsible manner. This ensures the longevity and sustainability of our preservation activities.

8. Innovation in Preservation

We embrace innovative strategies and best practices in the preservation and maintenance of our cemeteries, ensuring that we stay at the forefront of conservation techniques and heritage management.

9. Educational Outreach

We are committed to educating the public about the historical and cultural significance of our cemeteries, providing programs and resources that encourage historical exploration and appreciation.

10. Stewardship and Custodianship

We acknowledge our role as custodians of historical landmarks and their records, taking our responsibilities seriously to protect and maintain these vital pieces of our community's heritage.

By adhering to these guiding principles, we strive to fulfill our mission and vision, ensuring that our historic cemeteries remain cherished landmarks of remembrance, unity, and pride for generations to come.

**Report to the
Southport Board of Alderman
on
Possible Hazards in the
Old Smithville Burying Ground**



**By The
Southport Cemetery Committee
06/26/2024**

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Overview

Southport's Old Smithville Burying Ground, which measures approximately 340' x 340' and contains approximately 2.65 acres of space, is located at the corner of E. Moore Street and Rhett Street. While designated as a burial site in 1792, the earliest known graves date back to 1804. While rare, the most recent burial occurred in June 2024. To date, approximately 1,116 burials are known to have taken place. While steps have been taken to maintain the cemetery, a number of the burial locations are showing their age and may require some form of maintenance.

Members of the newly formed Southport Cemetery Committee recently conducted a walkthrough of the Old Smithville Burying Ground to review gravesites that may contain potential hazards to the Public. Those gravesites that have been identified to date, and which may present a hazard to the public, are included in this document. There may be other hazards that have yet to be identified.

Because the Cemetery Committee is an Advisory Committee to the Board of Alderman, we felt that we should bring these concerns to your attention so the Board of Aldermen may take whatever corrective action is necessary to remedy these concerns. Some can easily be taken care of with help from Public Services. Other concerns may require outside assistance and City funding.

This document includes those gravesites that have conditions that may be hazardous to the public. This document does not include tree or shrub issues.

The Cemetery Committee would be appreciative of being informed of any decisions that are made by the Board with respect to correcting these potential hazards.

Area Requiring Legal Advice

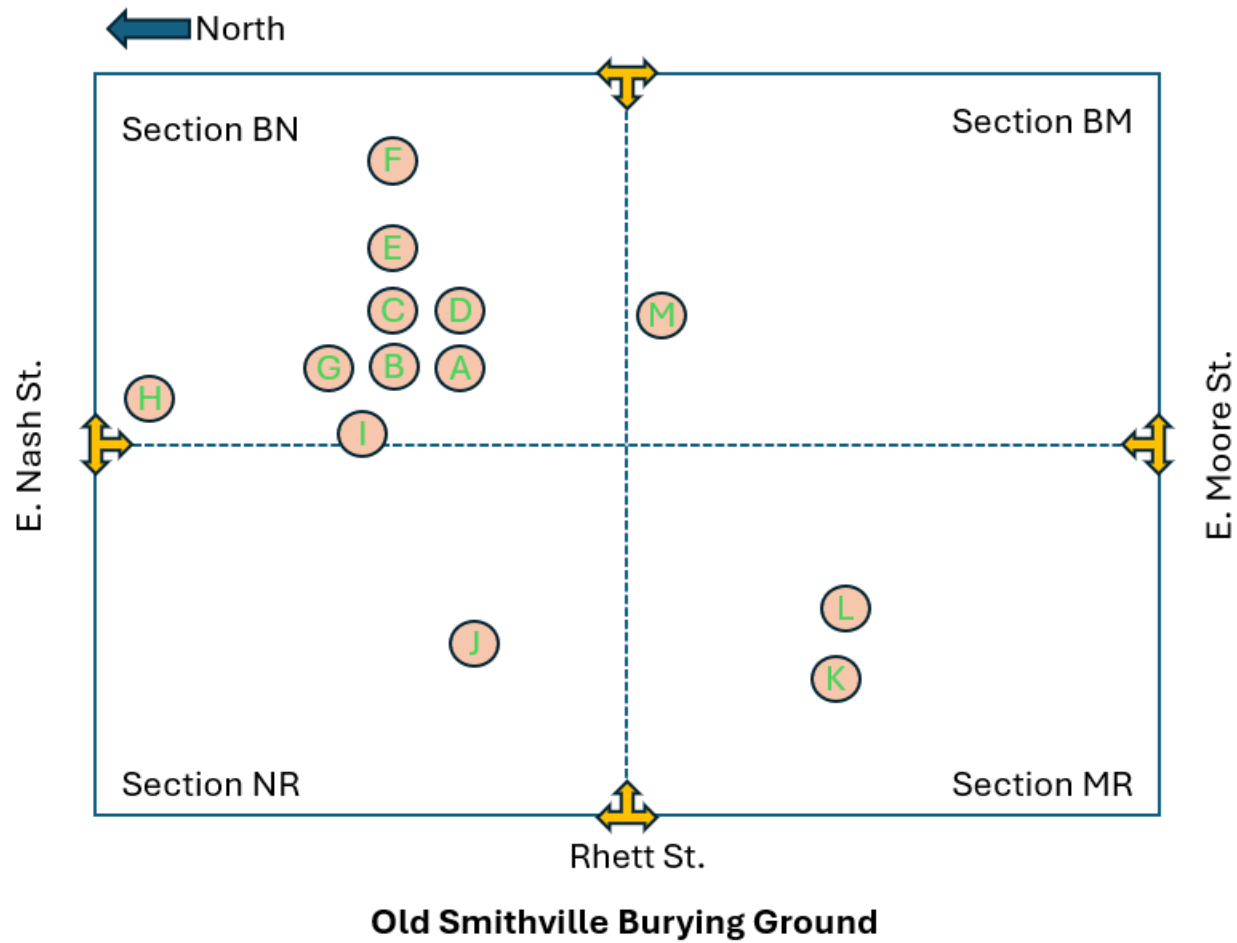
Both the Smithville Burying Ground and Northwood Cemetery have areas where it may be necessary to take corrective action. However, because these are privately owned gravesites, some of which were closed over a century ago, the Cemetery Committee recommends that advice of counsel be sought before any work is planned and/or undertaken.

Having an informed legal decision on this matter would be greatly helpful.

Area Requiring Historical Advice

Because the Old Smithville Burying Ground is the home to many old and/or historic gravesites, it is recommended that the Southport Historical Society be consulted before any work is planned or undertaken.

Areas of Concern Locations



Key

Areas of Concern

A. Sellers Family Gravesite	5
B. Pinner Family Gravesite	7
C. Everitt Family Gravesite	9
D. Fountain Family Gravesite	14
E. Samuel Potter Family Gravesite	18
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I. General Concern 3, Pathway – Hose Bib	28
J. Westcott/Leonard Family Gravesite	29
K. Morse Family Gravesite	33
L. Nathaniel Potter Family Gravesite	38
M. Davis Family Gravesite	41

Sections

- NR – Nash & Rhett Streets
- BN – Brook & Nash Street
- MR – E. Moore & Rhett Streets
- BM – Brook & E. Moore Street

Areas of Concern

Section BN

Sellers Family Gravesite



Sellers Family Gravesite

- Quad: BN
- Location: H6
- Burials
 - Eliza King Fountain (04/02/1863-11/21/1863)
 - Mary Sellers (12/26/1887-09/12/1888)
 - Little Buddie Sellers (12/26/1887/06/07/1888)
 - William J. Fountain (02/05/1830-07/05/1892)
 - Mary A. Fountain (01/19/1839-09/23/1893)
 - John S. Sellers (06/22/1860-04/03/1923)
 - Sally M. Sellers (02/26/1859-11/30/1948)
- Bio
 - John Sellers was born in Southport and in later years was a Cape Fear River Pilot as well as a Captain of various steamers plying the Cape fear River between Southport and Wilmington.

- Description
 - The Sellers' burial plot measures approximately 16' wide x 30' deep and is marked by ground level, concrete coping and 5 capped, galvanized pipe fence posts which stand about 1' high. The gravesite contains five marble headstones mounted on granite pedestals along with five marble footstones.
- Issue
 - At one time, the galvanized pipe posts may have contained a chain that was stretched from post to post. The chain is long gone leaving galvanized pipes standing alone.
 - Concern – Potential trip hazard.
 - Coping surrounding plot is decaying.
 - Concern - Potential trip hazard
- Recommendation
 - Review. Possible low priority.

Pinner Family Gravesite



Pinner Gravesite

- Quad: BN
- Location: G5
- Burials
 - O[die]. C. Pinner (09/14/1886-03/16/1911)
 - Virginia C. Pinner (12/18/1859-04/22/1908)
 - Eliza Sellers (11/16/1832-09/05/1887)
 - William Thomas Sellers (7/26/1870-08/14/1871)
 - Celia Sellers (10/19/1839-12/01/1870)
 - Mary C. Sellers (12/26/1887-09/12/1888)
- Bio
 - Odie Pinner was employed by the Atlantic Coast Line Railroad at the time of his death. Eliza Sellers was the first wife of W.T. Sellers who was a River Pilot and famed blockade runner during the Civil War.
- Description
 - The burial lot, which measures approximately 30' wide by 30' deep, contains two large marble obelisk stones with footstones and 4 medium, marble stones with footstones. The lot is bordered by 10 – 10" high, concrete fence posts with eyebolts that are used to connect steel chains. The chains, which are about 88" in length, serve as a fence railing. Currently, there are only three sections of small chain remaining. There does not appear to be any coping surrounding the gravesite. Although, it's possibly buried under the sand.

- Issue
 - The fence posts holding the remaining sections of chain have begun to settle and lean causing slack in the chain which lies under leaf debris and/or sand creating a potential trip hazard. All other chains around the gravesite have been removed.
 - Concern – Trip hazard if stepped over.
- Recommendation
 - Leave fence posts in place while removing chains.



Hanging Chains

Everitt Family Gravesite



Everitt Family Gravesite

- Quad: BN
- Location: H4
- Burials/Memorials
 - Amelia Caroline (Potter) Everitt (1803–1873)
 - George Washinton Everitt (unk.–1831)
 - George L. Everitt (unk.–unk.)
 - W. Randolph Everett (1827–1839)
 - Dr. Charles E. Everitt (1819–1852)
 - Dr. Sterling B. Everitt (1791–1855)
 - George Taylor (1816–1853)
 - Emeline L. (Everitt) Taylor (1823–1853)
 - Caroline A. Everitt (1831–1863)
 - Carrie Baker (unk.–unk.)
 - Julia Baker (1825–1868)
 - Marietta Everitt (1821–1856)
- Bio
 - Dr. Sterling was a Doctor in Southport. The gravesite contains a memorial stone to his daughter Emiline and her husband, George Taylor, who were swept from the upper deck of the steamer “San Francisco” during a storm on Christmas Eve 1853.

- Description

- The gravesite is approximately 42' long by 8' deep. Currently 10 – 36" high, cast-iron fence posts remain with a chain located where a gate may have been at one time. It's possible that a fence may have also surrounded the lot in the past given that a metal base stretching between each fence post, continues to be slightly visible.

The site contains seven marble tombstones with footstones and one marble obelisk stone. At least one tombstone has been repaired previously and one stone is being absorbed by a large pecan tree which is located on the lot.

The obelisk is made up of five marble pedestals topped by a marble obelisk. The bottom base is 28" wide by 28" long. The entire monument stands approximately 10' high.

Of note, is the obelisk which contains information regarding George and Emeline (Everitt) Taylor who were washed overboard in the S. S. San Francisco disaster on December 24th, 1853.

- Issue

- The base of the obelisk along with the monument information is cracked. Additionally, the obelisk appears to be decaying.
 - Concern – Either the base, monument information section or obelisk could fail. If any one of these sections fail the monument could topple over, injuring anyone who is near it.
- The obelisk is leaning heavily northward.
 - If the monument topples over, it could injure anyone standing near it.

- Recommendation

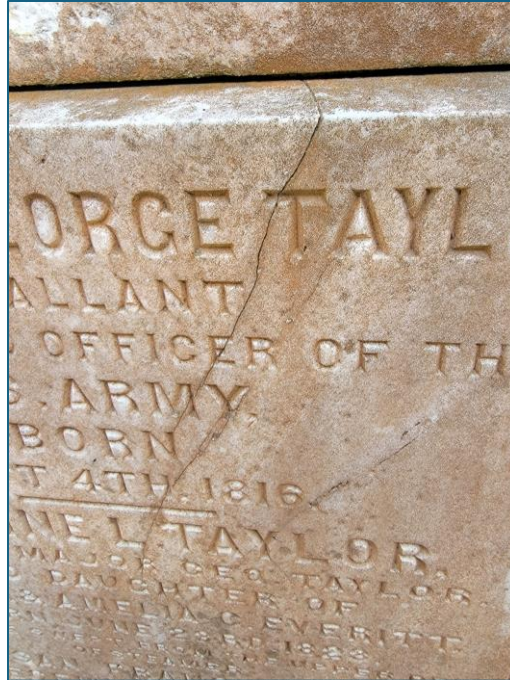
- With respect to cracks, hire a qualified gravestone repair company to inspect the stone closer and make recommendations for preservation.
- With respect to the lean, hire a qualified gravestone repair company to reset and level obelisk to remove fall hazard.



Heavily Leaning Obelisk



Failing Base



Cracked Base



Cracked Base



Buried Coping

Fountain Family Gravesite



- Quad: BN
- Location: H6
- Burials
 - Henry Greenwood Fountain (?-1905)
 - William Courtland Fullwood (1917-1917)
 - Eunice Earl Fountain (1894-1917)
 - Lena Elizabeth Fountain (1870-1920)
 - John Baker Fountain (1868-1943)
 - William Baker Fountain (1896-1951)
- Bio
 - J. B. Fountain ran a livery stable in Southport and at one point was the County Jailer.
- Description
 - The burial lot, which is approximately 15' wide by 20' deep contains one granite family stone, four granite plot markers and three granite footstones. The gravesite is surrounded by granite coping, which is for the most part, buried. It appears that at one time there were 9, 19" high, wrought iron fence posts that were connected by a steel chain. Only small portions of the fence remain. It's probable that sometime in the past, a tree or a large tree branch fell causing a section of the granite coping to break and sink.

- Issue
 - Multiple fence posts have decayed leaving 3 rusted spikes protruding approximately 3" vertically from granite coping and partially covered by sand.
 - Concern – Foot puncture hazard if stepped on.
 - One remaining fence post is broken and stuck in the ground.
 - Concern – Trip hazard if stepped over.
 - Loose steel chain laying on the ground creating a trip hazard.
 - Concern – Trip hazard if stepped over.
- Recommendation
 - Grind down fence post spikes flush with coping to eliminate sharp points.
 - Remove broken fence post.
 - Remove all loose chains.
 - Clear sand covering granite coping.



Broken Fence Posts & Broken Granite Coping



Buried Coping

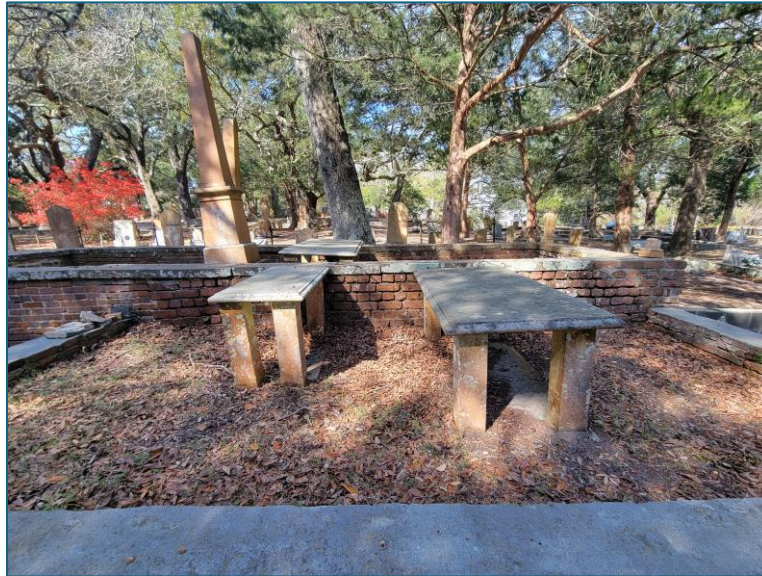


Remains of Fence Rails



Broken Fence Posts & Loose Chain

Samuel Potter Family Gravesite



Samuel Potter Family Gravesite

- Quad: BN
- Location: H3
- Burials
 - Samuel Potter (1780–1847)
 - Nancy Ann (Wade) Potter (1785–1815)
 - Rachel Jane (Potter) Potter (1779–1836)
- Bio
 - Samuel Potter, a “self-made man”, was a River Pilot and ran an inn in Southport. He reportedly started life poor and passed away as a wealthy man. His biography is lengthy, and it would not do it justice to try to fit it into a few short lines.
- Description
 - The gravesite is approximately 30’ long by 10’ wide enclosed by a running bond brick wall that stands 28’ high and 15” wide, topped with a brownstone cap that is 3 1/2” thick by 15” wide. The plot is shaded by a large pecan tree located on an adjoining lot.

The plot contains two marble tabletop stones and an obelisk monument. The tabletop stones measure approximately 6’ long by 3’ wide. One stone has collapsed and broken in half with the supporting pedestals placed in

the corner of the plot. The other tabletop stone is supported by six marble pedestals and stands approximately 28" high.

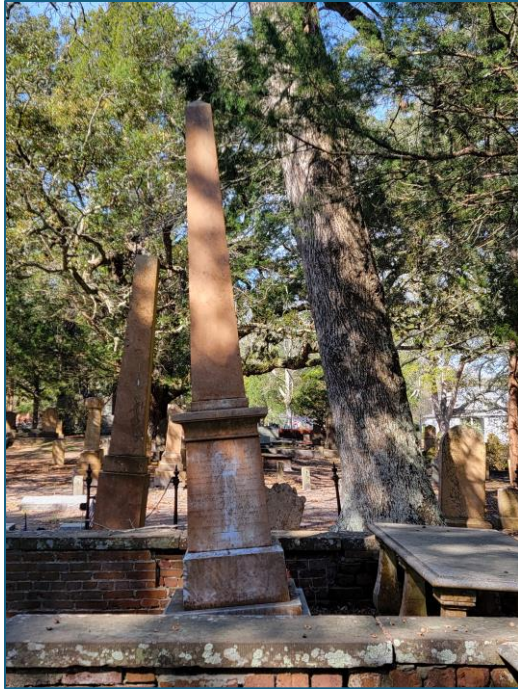
The center stone is an 11' high, marble Obelisk resting on four marble bases of various sizes and two granite bases. The bottom granite base is 39" long by 39" wide.

- Issue

- The 11' high marble obelisk is approximately two feet off center (out of plumb) and leaning southward. It's possible that a root from the pecan tree is causing this lean.
 - Concern – The monument could fall and break while also breaking the tabletop monument stone below it. Additionally, anybody standing nearby could be injured.
- The mortar in the brick wall surrounding the plot has fallen out in many locations. It appears that a portion of the wall has been repaired previously.
 - Concern – Water will continue to seep into the wall causing further deterioration and eventually collapse.

- Recommendations

- Clean area inside of wall.
- Monument – Hire a qualified gravestone repair company to reset and plumb obelisk to remove fall hazard.
- Wall – Hire a qualified gravestone repair company to repoint the wall with period mortar.



Heavily Leaning Monument



Brick Pointing Failing



Base of Samuel Potter Monument

McRackan Family Gravesite



McRackan Gravesite

- Quad: BN
- Location: H1
- Burials
 - John R. McRackan, Sr. (03/16/1886-04/10/1927)
 - Annie Thompson (07/30/1869-10/14/1934)
 - John R. McRackan, Jr. (07/07/1901-01/14/1964)
 - Annie Lucille McRackan (12/15/1894-01/27/1977)
 - Sophia A. McRackan (07/10/1899-1982)
 - Thelma McRackan Davis (11/11/1905-01/25/1991)
- Bio
 - Southport Merchant
- Description
 - The burial lot, which is approximately 20' wide by 10' deep, contains one granite family stone, and six, small granite plot stones. The lot is bordered by 9 – 12" high, 10"x10", granite fence posts with 2 ½" galvanized pipe railings. There does not appear to be any type of coping around the gravesite.
- Issue
 - Sections of the galvanized pipe railing are severely corroded with sharp edges.

- Concern – Cut hazard if handled or trip hazard if stepped on and rail breaks at corrosion.
- Recommendation
 - Removed corroded pipe.



Decaying Galvanized Pipe Surrounding Gravesite



Corroded Galvanized Pipe



Corroding Pipe Ends

General Concern 1 - Erosion



Section BN Erosion



Exposed Base

Over time, erosion has washed away the topsoil and grass on the southwest side of Section BN. Resultingly, because this is downward sloping, flowing rainwater has carried sand downhill burying the coping surrounding various cemetery plots while at the same time exposing the cobble that was buried to support the bases of at least two large monuments in the Pinner Gravesite.

Issue:

1. Without proper measures, erosion will continue.
2. Without proper preventative measures taking place, the monuments may eventually topple over.

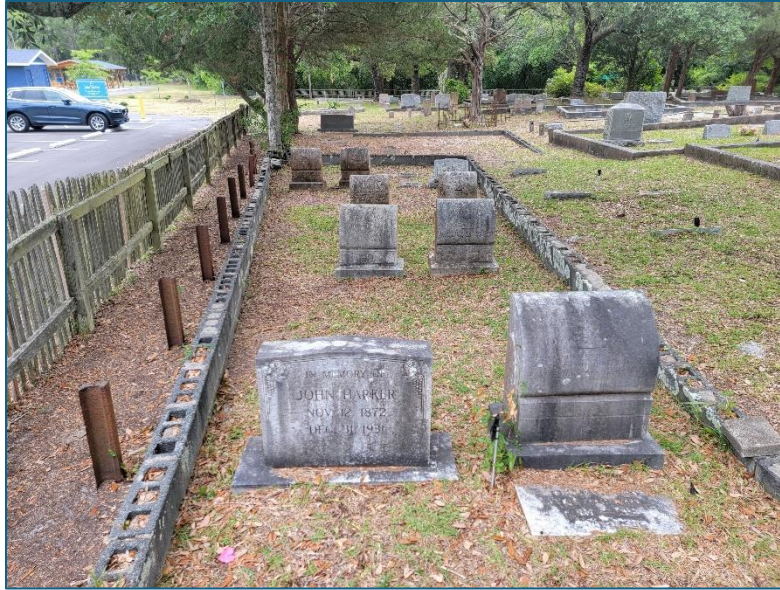
Recommendations:

1. Provide support to the base of the monuments by bringing in good topsoil and spreading at least 10' around the base of the monuments to a height of approximately 3" above the bottom of the marble base of the monument. Ensure that the footstones remain exposed. Consider spreading a contractor mix of grass seed to help establish a root system to hold back further erosion.
2. Spread a layer of mulch in all areas where erosion needs to be prevented.
3. Determine if buried coping should have the sand covering it removed.
4. Eliminate the use of heavy mowing equipment in this area.

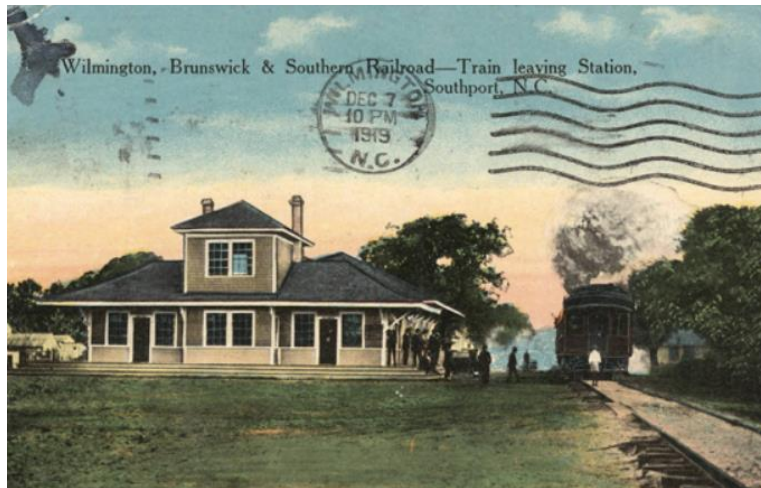
General Concern 2 – Corroded Railroad Tracks



Corroded Railroad Track



Harker Family Gravesite with Abutting Railroad Tracks



WB&S Railroad Station Abutting Old Smithville Burying Ground

Between the fence on Nash Street and the Harker Family gravesite, abutting the Taylor Field parking lot, there are ten - 2' high steel railroad railings sunk into the ground vertically and used as bollards. These may have been placed here prior to the installation of the fence as a way of protecting the coping on this gravesite.

Issue:

1. Many of the tracks are heavily corroded leaving jagged, razor-sharp edges that have the potential to injure somebody that falls against them.

Recommendations:

1. Remove all tracks.

Historical Note:

1. These may be the only remaining tracks in existence from the Wilmington, Brunswick & Southern Railroad Company's (WB&S) rail line that ran a short distance away on Rhett Street. The railroad line was abandoned in 1943 and the rail line was torn up and the steel used in the war effort in WW II at that time.

General Concern 3 – Hose Bib

Broken Hose Bib in Pathway

- Quad: BN
- Location: F4
- Issue
 - Broken Hose Bib protruding approximately 10" out of ground in the middle of a pathway.
 - Concern – Trip hazard in pathway.
- Recommendation
 - Remove hose bib and seal pipe.

Section NR

Westcott/Leonard Family Gravesite



Westcott/Leonard Family Gravesite

- Quad: NR
- Location: B5
- Burials
 - Morita W. Westcott (08/01/1887-09/27/1888)
 - John L. Westcott (1820-08/05/1896)
 - Lydia Wescott (1807-05/10/1900)
 - Daughter [Olivia Jane] Westcott (03/01/1902-05/26/1905)
 - Alice J. Leonard 04/22/1853-05/06/1910)
 - W. F. Leonard (07/06/1877-08/21/1924)
 - T.[homas] L. Leonard (12/31/1875-07/25/1937)
- Bio
 - John L. Westcott was a former mayor of Southport, largely responsible for the erection of the Baptist church in Southport.
 - Lydia Westcott was John's wife.
 - Alice was the daughter of John & Lydia Westcott.
- Description
 - The burial lot, which is approximately 21' wide by 21' deep, contains one large granite stone with one footstone, 3 granite plot stones with footstones, one large marble stone, 2 marble plot stones with one marble footstone. At one time, the lot was surrounded by an ironwork fence with

metal hoops embedded in concrete coping. Currently, small sections of the fence have survived.

- Issue

- Sections of the fence supports have decayed leaving rusted metal spikes protruding from the concrete coping.
 - Concern – Foot puncture hazard if stepped on.
- Sections of the fence have been removed leaving the fence supports protruding from the ground.
 - Concern – trip hazard on edge of pathway.
- A section of fence is partially supported/lifted by stacked bricks.
 - Concern – Stability of fence panel.

- Recommendation

- Grind fence supports down to be flush with concrete coping.
- Grind fence supports down to be flush with the concrete coping or remove the supports.
- Remove sand covering coping to increase visibility of remaining fence supports.
- Remove the unsupported section of fence.
 - Alternative – Leave fence section in place.



Fence Supported by Bricks



Decayed Fence Rails (Lower Coping Appears as a Step)



Remains of Fence Support



One of the Few Remaining Fences in the Burying Ground

Section MR

Morse Family Gravesite



Morse Gravesite

- Quad: MR
- Location: G2
- Burials
 - John S. Westcott (01/02/1856-01/05/1886)
 - Christopher Morse (06/09/1829-11/21/1903)
 - M. Virginia Morse (04/23/1832-12/01/1903)
 - Anne K. Ferguson (07/10/1857-02/27/1938)
 - William R. Ferguson (?-?)
 - Robert B. Morse (12/01/1868-06/21/1937)
 - Ada F. Morse (12/30/1875-02/05/1955)
 - Virginia Morse Winslow (11/11/1911-8/6/1978)
 - Russel [Morse] (?-?)
 - Albert [Morse] (?-?)
 - Ada [Morse] (?-?)
- Bio
 - C. C. Morse was a river pilot and captain.
 - William Ferguson was a postmaster, Methodist minister, and Civil War veteran (CSA) who lost a leg in the Civil War.
- Description
 - The burial lot, which is approximately 31' deep and 22' wide, contains two large granite markers with footstones, one granite ground marker,

one medium granite marker, three medium marble markers with one footstone and three small marble markers.

The burial lot at one time was surrounded by a wrought iron fence with iron fence hoops set into a concrete coping and possibly included two gates at the front and the back of the lot. Very little of the fence remains and most of the concrete coping has decayed with little remaining.

- Issues

- The 15" Dogwood tree at the edge of the lot appears to be dying.
 - Concern – Could fall injuring visitors and/or damaging gravestones.
- Multiple metal fence hoops have decayed leaving rusted spikes protruding approximately 3" vertically from the old concrete coping.
 - Concern - Foot puncture hazard if stepped on.
- Concrete coping is heavily decayed.
 - Concern – Trip hazard if stepped over.

- Recommendations

- Dogwood - Defer to the Forestry Committee for closer inspection.
- Remove coping and remaining fence.
 - Alternative – grind fence spikes down to be flush with coping.



Remaining Fence & Base



Decaying Coping



Remaining Fence Rails



Decaying Coping and Fencing



Decayed Fence Rails and Coping



Dogwood Appears to be Dead

Nathaniel Potter Family Gravesite



Nathaniel Potter Family Gravesite

- Quad: MR
- Location:
- Burials
 - Sarah J. Potter (5/2/1791–9/12/1834)
 - Nathaniel Potter (1/5/1787–11/3/1851)
 - William Julius Potter (2/9/1832–9/17/1895)
 - Sallie A. Potter (11/14/1839–11/30/1881)
 - Annie Hatradge (Potter) Longest (11/9/1831–7/5/1872)
 - Susan (Potter) Williams (10/2/1819–2/15/1862)
 - Edgar A. Williams (5/12/1820–2/23/1863)
- Bio
 - At the time of his passing, William Julius Potter (63) was one of the oldest Pilots on the Cape Fear River.
- Description
 - The burial lot, which is approximately 22' deep and 22' wide, contains two marble headstones that are 18 ½" wide x 52" high (William & Sally) along with two marble footstones, one marble headstone measuring 12" wide x 18" high x 2" thick (Annie H. Potter) along with a marble footstone, three marble headstones measuring a) 31" H x 21 ¾" W x 2" D (Sarah Potter, b) 24 ½" H x 18 ¼" W x 2" D (Nathaniel Potter) and c) 30 " H x 12" W x 2" (Edgar & Susan (Potter) Williams. The burial site is surrounded by 1¾" galvanized pipe resting on five remaining, 6 ½" high concrete posts.

- Issues
 - The galvanized pipe is corroded and broken with sections missing and four of the five remaining concrete posts are decayed.
 - Concern – Presents a trip hazard.
- Recommendations
 - Remove corroded pipe.
 - Does not appear to be a serious issue.



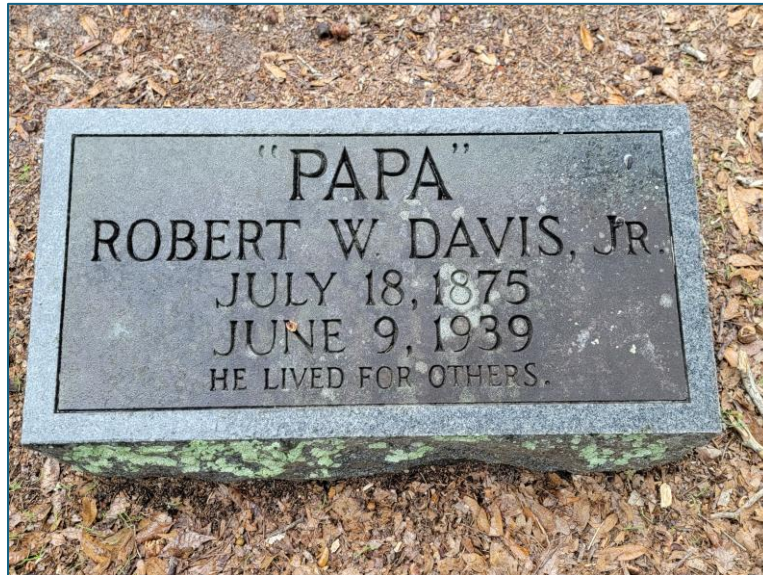
Decayed Posts



Galvanized Pipes

Section MB

Davis Family Gravesite



Davis Family Gravesite

- Quad: BM
- Location: E5
- Burials
 - Annie Ray Mayer [Davis] (09/02/1872-10/09/1905)
 - Katherine [Davis] (06/27/1896-02/08/1918)
 - "Aunt Lizzie" Mayer (11/22/1854-03/03/1932)
 - Minnie Ray Davis (?-05/27/1939)
 - Robert W. Davis, Jr. (07/18/1875-06/09/1939)
 - Minne B. Davis (?-12/6/1946)
 - Bobbie Blackwell Davis (?-05/12/2006)
- Bio
 - Robert W. Davis was a Southport attorney and Postmaster.
- Description
 - The burial lot, which is approximately 31' wide by 21' deep, contains seven medium, low, granite stones that may mark each plot. The lot is bordered by 10-18" high concrete fence posts that are joined by 1 ½" galvanized pipe that serve as a fence railing. In some cases, the fence posts and railings are missing or decayed. It appears that a tree or tree branch fell on a section of the fence causing a bend in the galvanized pipe railing.

- Issue
 - A corner concrete fence post has decayed leaving sharp rebar and a fence finial exposed.
 - Concern – Foot puncture hazard if stepped on. Trip hazard if stepped over.
 - A concrete fence post has decayed, and a concrete block added alongside to act as a railing post.
 - Concern – Trip hazard if stepped over.
 - Galvanized railings have fallen from fence posts due to decay and are laying on the ground.
 - Concern – Trip/roll hazard if stepped over or on.
- Recommendation
 - Remove broken corner concrete post with rebar.
 - Remove concrete fence post and concrete block.
 - Remove all galvanized pipe laying on the ground.



Broken Galvanized Pipes



Broken Fence Posts with Rebar

SOUTHPORT FORESTRY COMMITTEE



“Old Burying Ground”

Tree Survey

May 2024

Scott A. Len

Chairman, Forestry Committee



The Old Smithville Cemetery ("Old Burying Ground") located in the City of Southport is approximately 2.65 acres in size. The cemetery is bounded by E. Moore St, Rhett St, and E. Nash Street. The fenced perimeter of the cemetery is approximately 340' x 340', or about 5 chains by 5 chains per the measurement of the times it was laid out.

The cemetery is densely packed with a variety of tree species, the majority of which are at full maturity and in "fair" condition. As expected, the trees on the periphery of the cemetery are generally in a healthier state due to the availability of sunlight, as the interior trees compete for limited sunlight in the dense canopy.

This "Level 1" visual tree assessment was conducted in May 2024 at the initiative of the Forestry Committee in order to document the status of the trees in the cemetery following the Level 1 and Level 3 assessments conducted at Franklin Square Park. The NC Forest Service has indicated an interest in also doing an assessment as part of an arborist training exercise, though the timing of that has not been determined.

In conducting the survey, a total of 107 trees were tagged (numbered 101-207) and visually assessed. The results were consistent with what was expected given the general age of the trees and lack of routine maintenance of the property over the years. There was evidence of old wounds/prunes on the majority of the trees, likely the result of storm damage and pruning of the smaller trees to retain access to the cemetery plots. Given the density of the trees there is much competition for sunlight and other resources, which is evident in the growth habits of the canopy and limbs seeking available light. It was also found on a number of trees that their root systems are competing with hardscape structures around the family plots, sometimes to the detriment of the trees, sometimes to the detriment of the plots.

Given that the cemetery, though also a public space, is much less traveled and utilized than Franklin Square, the potential targets to a tree or branch failure is much reduced. Should a branch or whole tree fail damage is far more likely to happen to a headstone or other structure rather than to a person. Given that, I did not find any tree that posed an immediate or imminent threat that required action at this time but now that this data has been compiled regular review, especially of the less than ideal specimens, should be conducted.



Old Smithville Burying Ground

Tree species:

107 Tagged Trees

41 live oaks (*Quercus virginiana*)

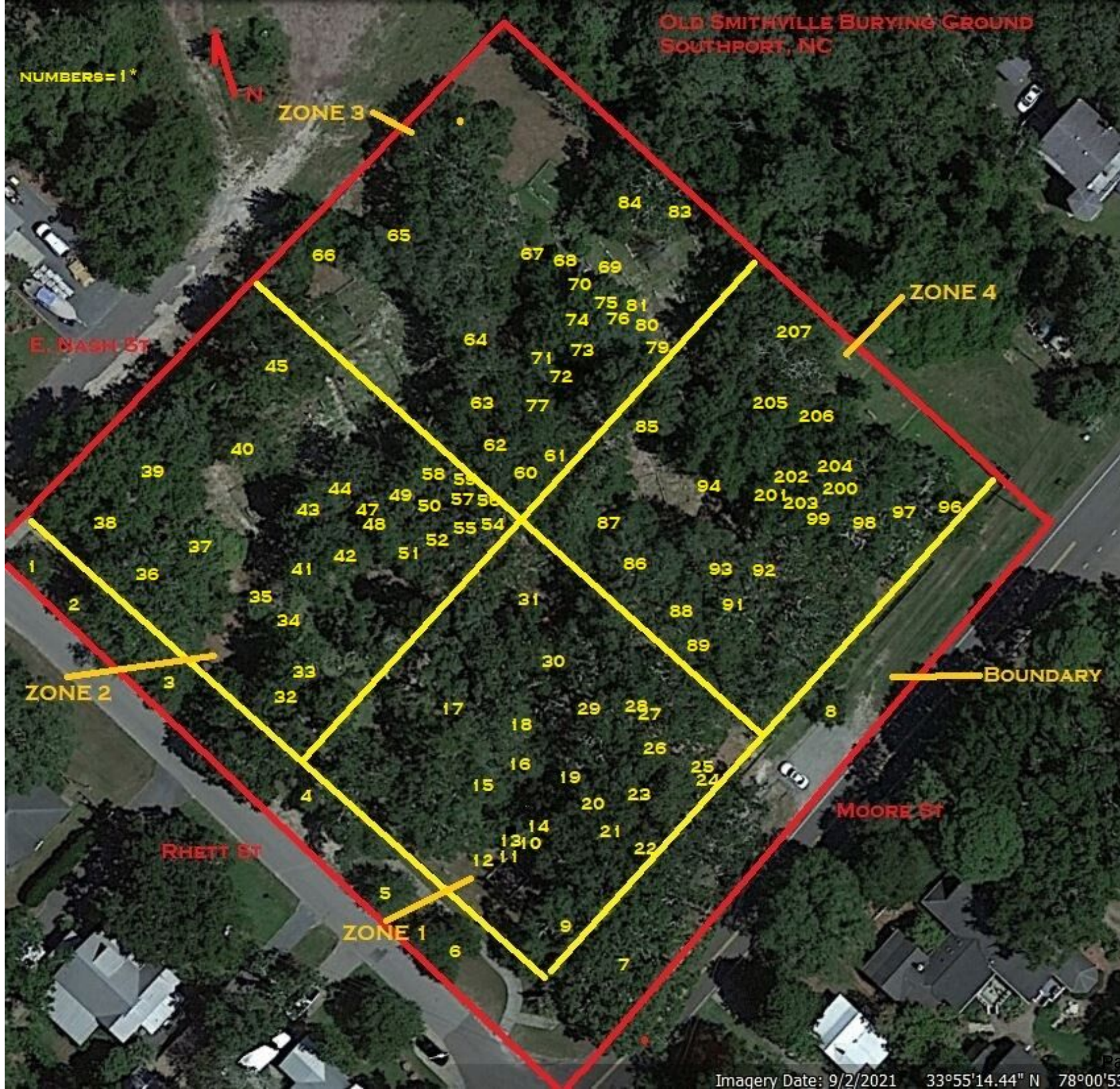
8 Dogwood (*Cornus florida*)

42 Eastern Red Cedar (*Juniperus virginiana*)

7 Magnolia (*Magnolia grandiflora*)

8 Laurel Oak (*Quercus laurifolia*)

1 Pignut Hickory (*Carya glabra*)



LO Live Oak LL Laurel Oak RC Red Cedar
M Magnolia D Dogwood

Southport Forestry Committee
Old Burying Ground Tree Survey

Tree #	ZONE	SPECIES	DBH	NOTES	CANOPY	LIMBS	TRUNK	AGGR.
Example	1	Live Oak	35.5	Dead Limbs, Bark compromised	5	4	4	4.33
101	B	LO	7	Bark damage @ base. Full C w/interior dying, poor limb form	5	4	4	4.33
102	B	LO	8.75	Full C w/interior dying, limb form not ideal.	5	4	5	4.66
103	B	LO	44	RF, SP, C appropriate, limbs solid, no trunk issues	4	4	4	4
104	B	LO	36.25	RF, sparse C, old wounds in trunk	3	2.5	3	2.83
105	B	LO	10.5	Full C, some prune wounds	5	4	4	4.33
106	B	LO	12.5	Full C, 1 limb lost in storm, decent structure	5	4	5	4.66
107	B	LO	54	RF, trunk wounds, limb wounds, small void @crotch, burl RF SP	5	3.5	3.5	4
108	B	LO	9.5	Poor C form, full. Poor limb form	4.5	4	4	4.17
109	1	LO	42.5	Good C, trunk solid. Old broken limbs	5	3.5	4.5	4.33
110	1	LO	20.3	Rem C full, twisted trunk, old limb wound w/insect damage SP	4	2	2	2.66
111	1	D	12.5	Shaded, decl. canopy. Poor limb form/insect dmg. Many prune cuts	3.5	3	3	3.17
112	1	LO	32	unbal. C, poor limb struct. Solid trunk	3.5	2.5	4	3.33
113	1	RC	15	sparse C, much limb damage, sapsuckers	2	2.5	3.5	2.66
114	1	RC	20.5	Sparse C, many prune cuts, balanced	2.5	2.5	3.5	2.83
115	1	D	15	Poor form, much limb loss, insects, poor C, bark loss/insects	1.5	1	1	1.17
116	1	LO	28	sparse C, old limb wounds, poor balance RF	3.5	2.5	4	3.33
117	1	M	17	Full C, old pruns, old sapsucker wounds	4	4	4	4
118	1	M	23.75	Full C, old limb breaks, bark slough, balanced	5	4	4	4.33
119	1	RC	20.25	unbalanced C, dead limbs	3.5	2.5	4.5	3.5
120	1	RC	22.25	split in trunk, bugs, hollow void, poor C/limbs	2	2	2	2
121	1	RC	15.5	fully shaded, sparse canopy, dead limbs	2.5	2.5	3	2.66
122	1	RC	16.5	Many old prunes, fully shaded. Sm. Void in trunk	3	3	2.5	2.83
123	1	LO	35.5	unbal. And sparse C, remaining limbs/trunk OK SP RF	3	3	3	3
124	1	LO	52	sparse C, old limb loss, M intertwined. SP RF	3	2.5	3.5	3
125	1	M	18	canopy joined #124, full but unbal. Shaded	4	3.5	4	3.83
126	1	M	9	Full C, adventitious at base. Black Spot on leaves	4	3	4	3.66
127	1	LO	38	Sparse C, old limb loss, trunk solid. Unbalanced SP RF	3.5	4	4.5	4
128	1	LO	35.5	lightening Strike? Lg trunk wound, unbalanced SP RF	3	3	3	3

LO Live Oak LL Laurel Oak RC Red Cedar
M Magnolia D Dogwood

Southport Forestry Committee
Old Burying Ground Tree Survey

Tree #	ZONE	SPECIES	DBH	NOTES	CANOPY	LIMBS	TRUNK	AGGR.
129	1	LO	30.75	Sparse C, old limb wounds, unbalanced, solid trunk	3	3	3.5	3.17
130	1	LO	33	unbalanced, old limb wounds SP RF	3.5	3.5	4	3.66
131	1	LO	33.5	unbalanced, old limb wounds SP RF	4	3.5	4	3.83
132	2	LO	39.5	RF, old broken limbs, full C but epicormic	4	3.5	5	4.17
133	2	D	8.5	poor C, uneven, bark loss and insect damage	2.5	2	2	2.17
134	2	D	9.5	mostly dead, one good limb. Extensive insect trunk damage	1.5	1	1	1.17
135	2	D	10.5	mostly dead, one good limb. Bark loss on trunk	1	1	2.5	1.5
136	2	LL	36	Full C, epicormic, old limb dmg, trunk solid	4.5	3.5	4.5	4.17
137	2	D	14.5	Full C, voids in trunk, limbs. Bark loss	4.5	3.5	2	3.33
138	2	RC	16.25	Poor C, limb loss, little bark on trunk	1.5	1.5	1	1.33
139	2	LL	34	Full C, epicormic. Old limb loss, trunk solid	3.5	3.5	4	3.66
140	2	RC	33.75	OK C, lg split in trunk, burls, old limb loss. Insect damage	3	2.5	2	2.5
141	2	M	12.5	Full C, sapsucker dmg. Exposed roots, Black spot	4	4	4	4
142	2	RC	14.5	Sparse C, split in trunk, broken limbs, sapsucker damage	3.5	3.5	3	3.33
143	2	LL	34	Void/hollow in trunk. Burl, epicormic C, unbalanced	2.5	2	2	2.17
144	2	LO	33.5	RF/SP, unbalanced. Decent C, old limb loss	3	3	4	3.33
145	2	LL	12	Unbalanced C, trunk OK. Limb breakage (#166 crowding)	3.5	3.5	4	3.66
146	2	LL	18	Full C, epicormic, old prunes & broken branches	3.5	3	3.5	3.33
147	2	RC	14	Unbalanced C, dead limbs, Top C OK	3	3	4	3.33
148	2	RC	18.5	split trunk, dead limbs, sparse C	2	1	1.5	1.5
149	2	RC	10	Unbalanced C, dead limbs, old prunes	3.5	2.5	4	3.33
150	2	RC	10	Mostly dead, sparse C, dead limbs, split trunk	1.5	1	2	1.5
151	2	RC	13	Sparse C, old prunes, unbalanced	2	2	3.5	2.5
152	2	RC	14	Sparse C, co-dominant stems, dead lower limbs	2	1.5	1.5	1.66
153	2	RC	15	Crown gone, sparse C, dead limbs, trunk OK	1.5	2.5	4	2.66
154	2	RC	10.5	understory, sparse C, dead limbs, balanced co-dominate	2.5	2.5	2.5	2.5
155	2	LO	18.25	SP, single trunk/limbs. Severely unbalanced, old prunes	1.5	1	1	1.17
156	2	LL	28	Sparse C, unbalanced, small burls on trunk. Hollow stem	1.5	1.5	1	1.33
157	2	LO	30	Unbalanced, trunk scarred/hollow. Broken limbs	2.5	1.5	1	1.66
158	2	M	15	Decent C, broken limbs, trunk OK, limb voids	3.5	2.5	3.5	3.17
159	2	RC	14.5	Good C, dead lower limbs, sapsuckers, hollow in trunk	4	3.5	3.5	3.33
160	3	LO	33.5	RF Unbalanced, sparse C, trunk OK	2.5	2.5	3.5	2.83

LO Live Oak LL Laurel Oak RC Red Cedar
M Magnolia D Dogwood

Southport Forestry Committee
Old Burying Ground Tree Survey

Tree #	ZONE	SPECIES	DBH	NOTES	CANOPY	LIMBS	TRUNK	AGGR.
161	3	RC	20	Co-dominate stems, 1 near dead. Dead lower limbs	2	2	2	2
162	3	LO	24.5	Unbalanced, dead limbs. Sparse C, small burls	2.5	2	2.5	2.33
163	3	RC	16	Unbalanced, dead lower limbs. Sparse C, trunk wounds	2	2	2	2
164	3	RC	18	Fair C, balanced, old prunes, insects, roots constrained	2.5	2.5	2	2.33
165	3	RC	*	multi-stem, good C, girdled roots, more light	3.5	3	2.5	3
166	3	RC	11	Good C, sparse lower limbs, old prunes on trunk base	3	3	2.5	2.83
167	3	LO	23.5	Good C, unbalanced, old prunes, dead limbs	3	2.5	3.5	3
168	3	LO	24.5	C OK, old prunes, epicormic, unbalanced	2.5	2	2.5	2.33
169	3	LO	26	SP, C OK, unbalanced	2.5	2.5	3	2.66
170	3	LO	30.5	RF/SP, decent C, unbalanced, old prunes, some dead, epicormic	3	3	3.5	3.17
171	3	LO	27.5	Decent C, well-balanced, some old prunes,	3.5	4	4	3.83
172	3	RC	10	Top C OK, lower dead limbs, cracked trunk	2	2	1.5	1.83
173	3	RC	13	Fair C, lower dead limbs, old prunes, roots constricted	3	2.5	2.5	2.66
174	3	RC	8	Fair C, balanced, some lower dead limbs	3	3	3.5	3.17
175	3	RC	12.5	Fair C, old prunes on exposed side, sapsucker damage	3	2.5	2	2.5
176	3	RC	16.5	Fair C, balanced, lower limbs dead, old prunes, exposed roots	2.5	2.5	2.5	2.5
177	3	RC	10	Fair C, balanced, lower limbs dead, old prunes, trunk OK	2	2.5	3.5	2.66
178	3	RC	14	Fair C, shaded, balanced but much dead. Roots constrained	2	2	2.5	2.17
179	3	RC	9	Poor C, shaded, dead limbs, co-dominate stems	2	2	2.5	2.17
180	3	RC	15.5	Top C OK, lower dead, unbalanced, sapsuckers, roots exposed	2	2	2.5	2.17
181	3	LL	17.5	Decent C, unbalanced, void @ crotch, exposed roots	3	2	2.5	2.5
182	3	D	7	Full C, unbalanced, prunes, bark loss at base	3.5	2	2	2.5
183	3	LO	32.5	Decent C, SP, small trunk void, limb damage, balanced	3.5	2.5	2.5	2.83
184	3	RC	22	Full C, old prunes @ base, dual stems, roots constrained	3.5	3	2.5	3
185	4	HICKORY	30	Full, lush C. Lean but balanced. Solid trunk	4.5	4	4.5	4.33
186	4	LO	28	single stem, poor form. Bark loss, insects and voids	1.5	1	1	1.17
187	4	LO	24	Some C, single stem, poor form. Ext. trunk damage	2	1	1	1.33
188	4	RC	13	Decent C, trunk split, lower dead limbs, exposed roots	3	2.5	2.5	2.66
189	4	RC	14	Fair C, shaded, lower limbs dead. Balanced	3	2	3	2.66
190	4	LL	29	Decent C, limb loss, large voids, poor form. SP	3	2	2	2.33
191	4	RC	26	Fair C, large crack in trunk, limb loss, hollowed trunk	2.5	2	1.5	2
192	4	LO	37.5	SP/RF Decent C, balanced, some broken limbs, solid stem	3	3.5	4.5	3.66

Southport Forestry Committee Old Burying Ground Tree Survey

RF Resurrection Fern
SP "smooth patch"

Forestry committee member(s) present:

Tree species observed:

Address/location of inspected tree:

Date:

Criteria	Excellent (5)	Very Good (4)	Good (3)	Fair (2)	Poor (1)	Score
Tree Canopy	Tree canopy cover is near 100%. Leaves appear full and are not dropping prematurely from the tree. Canopy is evenly covered with leaves.	Tree canopy cover is at least 90%. Leaves appear full and normal. Some leaves are missing from a few branches, but overall, tree canopy appears healthy at time of observation.	Tree canopy is 80-89%. Some leaves appear stunted and/or absent from several limbs. Some leaves appear to be dropping prematurely.	Tree canopy is 70-79% covered in leaves. Distribution of leaves is spotty and more than several limbs appear to be missing and/or dropping leaves prematurely.	Less than 69% of the tree canopy is covered in leaves. Leaves appear stunted and/or significant leaf drop may be occurring prematurely.	
Limbs	Tree limbs and crown are balanced with no dead/dying/diseased branches. Attachment points to the main trunk are strong. Minimal to no evidence of nesting cavities or insect damage. Tree has been pruned properly and is in excellent condition.	Tree limbs and crown are mostly balanced. There are no more than 1-2 branches that appear to be dead/dying/diseased. Some evidence of nesting cavities or insect damage. Tree has been pruned properly.	Tree limbs and crown are adequately balanced. Tree has 3-4 branches that appear to be dead/dying/diseased. Nesting cavities and/or insect damage is moderate. Tree has not been pruned properly—dead snags are evident.	Tree limbs and crown are poorly balanced. Tree branches are mostly dead/dying/diseased. Nesting cavities and/or insect damage is becoming severe. Tree has not been pruned properly—dead snags are evident.	Tree limbs and crown are poorly balanced. Tree branches are mostly dead/dying/diseased. Nesting cavities/insect damage is severe. Tree is improperly pruned and dead snags pose a threat to public safety.	
Trunk	Trunk is in excellent condition with no evidence of dead or missing bark. Bark coloration is normal for the tree species. No apparent interior decay is visible.	Trunk has some evidence of damage but is less than 5% of the trunk. Bark coloration appears normal for the tree species. No apparent interior decay is visible.	Trunk is 10-15% damaged. Some evidence of bark cracking around the trunk. Bark appears discolored in places.	Trunk is 16-25% damaged. Moderate evidence of cracking bark. Discoloration of trunk is evident; conks or other decomposing fungi are present around the trunk.	Trunk is >25% damaged. Strong evidence of cracking or peeling bark. Discoloration is present throughout most of the trunk. Conks are present in most places around the trunk. Structural integrity of the trunk poses a safety hazard for the general public.	

Post Assessment Comments

Overall score:

Tree ranking and continued monitoring criteria

- For trees that with an overall score of **5 or 4**: Regular follow up assessment in 5 years is recommended. No recommendations for corrective pruning at this time.
- For trees with an overall score of **3**: Follow up monitoring should occur within 2-3 years. Some recommendations for corrective pruning may need to be made at time of observation.
- For trees with an overall score of **2**: Follow up monitoring should occur in 6-12 months. Recommendations about corrective pruning need to be made at this time.
- For trees with an overall score of **1**: This is a priority species and recommendations should be made about removal as it poses a potential threat to public safety or structural integrity of surrounding buildings.

LO Live Oak LL Laurel Oak RC Red Cedar
M Magnolia D Dogwood

**Southport Forestry Committee
Old Burying Ground Tree Survey**

Tree #	ZONE	SPECIES	DBH	NOTES	CANOPY	LIMBS	TRUNK	AGGR.
115	1	D	15	Poor form, much limb loss, insects, poor C, bark loss/insects	1.5	1	1	1.17
134	2	D	9.5	mostly dead, one good limb. Extensive insect trunk damage	1.5	1	1	1.17
155	2	LO	18.25	SP, single trunk/limbs. Severely unbalanced, old prunes	1.5	1	1	1.17
186	4	LO	28	single stem, poor form. Bark loss, insects and voids	1.5	1	1	1.17
138	2	RC	16.25	Poor C, limb loss, little bark on trunk	1.5	1.5	1	1.33
156	2	LL	28	Sparse C, unbalanced, small burls on trunk. Hollow stem	1.5	1.5	1	1.33
187	4	LO	24	Some C, single stem, poor form. Ext. trunk damage	2	1	1	1.33
193	4	D	8	Poor C, poor limb structure. Bark loss on stem. Shaded	1	1	2	1.33
207	4	LO	27	Fair C, epicormic, hollow trunk, cracked trunk * (ID'd removal)	1.5	1.5	1	1.33
135	2	D	10.5	mostly dead, one good limb. Bark loss on trunk	1	1	2.5	1.5
148	2	RC	18.5	split trunk, dead limbs, sparse C	2	1	1.5	1.5
150	2	RC	10	Mostly dead, sparse C, dead limbs, split trunk	1.5	1	2	1.5
152	2	RC	14	Sparse C, co-dominant stems, dead lower limbs	2	1.5	1.5	1.66
157	2	LO	30	Unbalanced, trunk scarred/hollow. Broken limbs	2.5	1.5	1	1.66
172	3	RC	10	Top C OK, lower dead limbs, cracked trunk	2	2	1.5	1.83
206	4	RC	11	Poor C (under #200), lower dead limbs, split trunk	2	2	1.5	1.83
120	1	RC	22.25	split in trunk, bugs, hollow void, poor C/limbs	2	2	2	2
161	3	RC	20	Co-dominate stems, 1 near dead. Dead lower limbs	2	2	2	2
163	3	RC	16	Unbalanced, dead lower limbs. Sparse C, trunk wounds	2	2	2	2
191	4	RC	26	Fair C, large crack in trunk, limb loss, hollowed trunk	2.5	2	1.5	2
133	2	D	8.5	poor C, uneven, bark loss and insect damage	2.5	2	2	2.17
143	2	LL	34	Void/hollow in trunk. Burl, epicormic C, unbalanced	2.5	2	2	2.17
178	3	RC	14	Fair C, shaded, balanced but much dead. Roots constrained	2	2	2.5	2.17
179	3	RC	9	Poor C, shaded, dead limbs, co-dominate stems	2	2	2.5	2.17
180	3	RC	15.5	Top C OK, lower dead, unbalanced, sapsuckers, roots exposed	2	2	2.5	2.17
162	3	LO	24.5	Unbalanced, dead limbs. Sparse C, small burls	2.5	2	2.5	2.33
164	3	RC	18	Fair C, balanced, old prunes, insects, roots constrained	2.5	2.5	2	2.33
168	3	LO	24.5	C OK, old prunes, epicormic, unbalanced	2.5	2	2.5	2.33
190	4	LL	29	Decent C, limb loss, large voids, poor form. SP	3	2	2	2.33
140	2	RC	33.75	OK C, lg split in trunk, burls, old limb loss. Insect damage	3	2.5	2	2.5
151	2	RC	13	Sparse C, old prunes, unbalanced	2	2	3.5	2.5
154	2	RC	10.5	understory, sparse C, dead limbs, balanced co-dominate	2.5	2.5	2.5	2.5

LO Live Oak LL Laurel Oak RC Red Cedar
M Magnolia D Dogwood

Southport Forestry Committee
Old Burying Ground Tree Survey

Tree #	ZONE	SPECIES	DBH	NOTES	CANOPY	LIMBS	TRUNK	AGGR.
175	3	RC	12.5	Fair C, old prunes on exposed side, sapsucker damage	3	2.5	2	2.5
176	3	RC	16.5	Fair C, balanced, lower limbs dead, old prunes, exposed roots	2.5	2.5	2.5	2.5
181	3	LL	17.5	Decent C, unbalanced, void @ crotch, exposed roots	3	2	2.5	2.5
182	3	D	7	Full C, unbalanced, prunes, bark loss at base	3.5	2	2	2.5
197	4	LO	34.5	Poor C, thin C, epicormic. Severe lean, dead limbs	2	2.5	3	2.5
200	4	LO	36.5	Poor C, severe unbalance, old prunes, void @ trunk base	2	2.5	3	2.5
203	4	RC	7	Fair C, total shade, old prunes	2	2.5	3	2.5
110	1	LO	20.3	Rem C full, twisted trunk, old limb wound w/insect damage SP	4	2	2	2.66
113	1	RC	15	sparse C, much limb damage, sapsuckers	2	2.5	3.5	2.66
121	1	RC	15.5	fully shaded, sparse canopy, dead limbs	2.5	2.5	3	2.66
153	2	RC	15	Crown gone, sparse C, dead limbs, trunk OK	1.5	2.5	4	2.66
169	3	LO	26	SP, C OK, unbalanced	2.5	2.5	3	2.66
173	3	RC	13	Fair C, lower dead limbs, old prunes, roots constricted	3	2.5	2.5	2.66
177	3	RC	10	Fair C, balanced, lower limbs dead, old prunes, trunk OK	2	2.5	3.5	2.66
188	4	RC	13	Decent C, trunk split, lower dead limbs, exposed roots	3	2.5	2.5	2.66
189	4	RC	14	Fair C, shaded, lower limbs dead. Balanced	3	2	3	2.66
199	4	LO	48.5	SP, Fair C, strong lean, shaded, solid trunk	2	2.5	3.5	2.66
201	4	RC	12	Fair C, unbalanced crown, ded limbs, sapsucker damage	2.5	2.5	3	2.66
202	4	RC	15.5	Fair C, lower dead limbs, shaded, Trunk OK	2.5	2.5	3	2.66
204	4	RC	9.5	Fair C, lower dead limbs, old prunes	2.5	2.5	3	2.66
104	B	LO	36.25	RF, sparse C, old wounds in trunk	3	2.5	3	2.83
114	1	RC	20.5	Sparse C, many prune cuts, balanced	2.5	2.5	3.5	2.83
122	1	RC	16.5	Many old prunes, fully shaded. Sm. Void in trunk	3	3	2.5	2.83
160	3	LO	33.5	RF Unbalanced, sparse C, trunk OK	2.5	2.5	3.5	2.83
166	3	RC	11	Good C, sparse lower limbs, old prunes on trunk base	3	3	2.5	2.83
183	3	LO	32.5	Decent C, SP, small trunk void, limb damage, balanced	3.5	2.5	2.5	2.83
123	1	LO	35.5	unbal. And sparse C, remaining limbs/trunk OK SP RF	3	3	3	3
124	1	LO	52	sparse C, old limb loss, M intertwined. SP RF	3	2.5	3.5	3
128	1	LO	35.5	lightening Strike? Lg trunk wound, unbalanced SP RF	3	3	3	3
165	3	RC	*	multi-stem, good C, girdled roots, more light	3.5	3	2.5	3
167	3	LO	23.5	Good C, unbalanced, old prunes, dead limbs	3	2.5	3.5	3

LO Live Oak LL Laurel Oak RC Red Cedar
M Magnolia D Dogwood

**Southport Forestry Committee
Old Burying Ground Tree Survey**

Tree #	ZONE	SPECIES	DBH	NOTES	CANOPY	LIMBS	TRUNK	AGGR.
184	3	RC	22	Full C, old prunes @ base, dual stems, roots constrained	3.5	3	2.5	3
194	4	LO	49	RF OK C, vines, balanced, old prunes, insects on trunk	3	3	3	3
111	1	D	12.5	Shaded, decl. canopy. Poor limb form/insect dmg. Many prune cuts	3.5	3	3	3.17
129	1	LO	30.75	Sparse C, old limb wounds, unbalanced, solid trunk	3	3	3.5	3.17
158	2	M	15	Decent C, broken limbs, trunk OK, limb voids	3.5	2.5	3.5	3.17
170	3	LO	30.5	RF/SP, decent C, unbalanced, old prunes, some dead, epicormic	3	3	3.5	3.17
174	3	RC	8	Fair C, balanced, some lower dead limbs	3	3	3.5	3.17
195	4	RC	14	Decent C, lower dead limbs, solid trunk	3	2.5	4	3.17
205	4	RC	12.5	Decent C, balanced, half shaded, solid trunk	3	3	3.5	3.17
112	1	LO	32	unbal. C, poor limb struct. Solid trunk	3.5	2.5	4	3.33
116	1	LO	28	sparse C, old limb wounds, poor balance RF	3.5	2.5	4	3.33
137	2	D	14.5	Full C, voids in trunk, limbs. Bark loss	4.5	3.5	2	3.33
142	2	RC	14.5	Sparse C, split in trunk, broken limbs, sapsucker damage	3.5	3.5	3	3.33
144	2	LO	33.5	RF/SP, unbalanced. Decent C, old limb loss	3	3	4	3.33
146	2	LL	18	Full C, epicormic, old prunes & broken branches	3.5	3	3.5	3.33
147	2	RC	14	Unbalanced C, dead limbs, Top C OK	3	3	4	3.33
149	2	RC	10	Unbalanced C, dead limbs, old prunes	3.5	2.5	4	3.33
159	2	RC	14.5	Good C, dead lower limbs, sapsuckers, hollow in trunk	4	3.5	3.5	3.33
119	1	RC	20.25	unbalanced C, dead limbs	3.5	2.5	4.5	3.5
126	1	M	9	Full C, adventitious at base. Black Spot on leaves	4	3	4	3.66
130	1	LO	33	unbalanced, old limb wounds SP RF	3.5	3.5	4	3.66
139	2	LL	34	Full C, epicormic. Old limb loss, trunk solid	3.5	3.5	4	3.66
145	2	LL	12	Unbalanced C, trunk OK. Limb breakage (#166 crowding)	3.5	3.5	4	3.66
192	4	LO	37.5	SP/RF Decent C, balanced, some broken limbs, solid stem	3	3.5	4.5	3.66
125	1	M	18	canopy joined #124, full but unbal. Shaded	4	3.5	4	3.83
131	1	LO	33.5	unbalanced, old limb wounds SP RF	4	3.5	4	3.83
171	3	LO	27.5	Decent C, well-balanced, some old prunes,	3.5	4	4	3.83
198	4	LO	50	SP/RF Good C, balanced. Some limb damage, voids	4	3	4.5	3.83
103	B	LO	44	RF, SP, C appropriate, limbs solid, no trunk issues	4	4	4	4
107	B	LO	54	RF, trunk wounds, limb wounds, small void @crotch, burl RF SP	5	3.5	3.5	4

Southport Forestry Committee Old Burying Ground Tree Survey

C Canopy May 2024 RF Resurrection Fern SP "smooth patch" Page 152 of 298

Northwood Cemetery

Preliminary Sign Report

03/26/24

Overview

At the last meeting of the Cemetery Committee, the Board of Aldermen Liaison, Marc Spencer, requested that the signs in the Northwood Cemetery be reviewed for possible replacement due to damage.

Signage

Current lane signs are constructed from a type of foam that seems to be the same type as others that are found around Southport. There are twenty-two signs marking the lanes in the cemetery.

Each post is a 6' high by 4"x4" PVC column (Probably over a pressure treated post). The sign is 2' long x 5 ¾" high x 1 ½" thick. The lettering is painted blue with a 1/2" blue border on a white background. The sign is affixed to the post with metal decorative supports.



Northwood Cemetery Lane Sign

Sign Damage

The signs were viewed to determine the extent of the damage. It appears over time that squirrels may have chewed on a number of the signs. Each sign was provided with a numerical score based on damage as follows:

1 – Good Condition

2 – Fair Condition

3- Poor Condition

Section	Lane	Fodale Ave. Side	Back Side
A	Azalea	2/3	2/3
B	Beech	3	3
C	Chinquapin	1	1
D	Dogwood	1	3
E	Elm	1	1
F	Fig	1	2
G	Gardenia	1	2
G	Gladiola	1	3
H	Heather	1	1
H	Hydrangea	1	1
Back Lane	Sweet Bay	1 (west)	1 (east)

Sign Damage Table



Sample Sign – Rated 1



Sample Sign – Rated 2



Sample Sign – Rated 3



BOARD OF ALDERMAN AGENDA ITEM SUMMARY

DATE: July 11, 2024

DEPARTMENT: City Manager

PRESENTED BY: Bob Jarvis, City Engineer

ITEM SPONSORED BY: City Manager

ITEM/TOPIC: Capital Improvement Program

COST: N/A

BUDGET LINE ITEM: N/A

JUSTIFICATION: The City of Southport is in its second year of preparing and updating a six-year Capital Improvement Program (CIP). The project summaries in the CIP include a brief description of the project, its estimated cost, the financing method, and the implementation schedule. Staff have had ongoing meetings with the Department Heads to ensure that their capital needs are listed, prioritized, and priced as accurately as possible.

Staff made an introductory presentation of the Capital Improvement Program to this board in April. Based on the budget deliberations, revisions to the FY2025 capital projects were made. We are now here seeking a formal adoption of the CIP by the Board. Preparing and adopting a CIP will show that the City is making steady progress in preserving its capital assets and doing so in a fiscally responsible manner. Having an adopted Capital Improvement Program also aids the City with receiving grant funding, approval of funding through the Local Government Commission, or attaining a bond rating.

Adopting the CIP does not mean that you are approving spending in future years. You are simply recognizing the document as a legitimate guide for future projects and spending. The CIP is intended to be a dynamic document that can change from year to year, depending upon a number of factors. However, it provides the City with a guidance document that will help us better plan our annual budgets and long-term financing needs.

IMPACT IF NOT APPROVED: We will continue our current method of capital planning which goes year to year with no future outlook.

DEPARTMENT HEAD COMMENTS: Not applicable

CITY MANAGER COMMENTS: This is a document that the City has needed for many years. Mr. Jarvis has put together this financial plan with a lot of details that will assist all of you and the staff to focus their capital planning on the future. This is a fluid document that will change from year to year based on immediate needs and funding opportunities. I highly recommend you adopt this plan.

ATTACHMENTS: 1). FY2025-2030 City of Southport Capital Improvement Program; 2). Projects List for 2023-2024

REQUESTED ACTION: Review and consider the FY2025-2030 Capital Improvement Program.

PROPOSED MOTION: Motion to adopt the FY2025-2030 Capital Improvement Program.

CITY OF SOUTHPORT

Capital Improvement Program

FY 2025 – FY 2030



Introduction

The Capital Improvement Program

The Capital Improvement Program (CIP) is a multi-year plan used to coordinate the financing and timing of major public improvements for the city government. It contains a comprehensive list of capital projects for the city within the next six years and reflects the recommendations of staff throughout the organization. For each project, the CIP presents a summary description, estimate of cost, method of financing and a schedule of implementation. The intent of the FY25 – FY30 program is to make steady progress in preserving the capital assets of the city. The City must maintain its assets at a level that is adequate to protect the capital investment in those assets and minimize their future maintenance and replacement costs.

Capital Assets and Capital Projects

A capital asset is a new or rehabilitated physical asset that has a useful life of more than five years and is of significant value. Capital projects are undertaken to acquire or extend the useful life of capital assets. As one-time projects, they are differentiated from ordinary repairs or maintenance of a recurring nature. Examples of capital projects include land acquisitions, the construction of, or major improvements to public buildings, recreation areas, roads and utilities, and the acquisition of large equipment such as fire trucks. Equipment purchases, however, are not typically considered capital projects unless they are for new facilities or major investments that usually cost more than \$100,000.

Asset Management in the CIP

As the city's infrastructure ages, and the cost of replacing its assets continues to increase, and financial resources become more constrained, the city must analyze how to best meet the major maintenance and replacement needs. City staff is tracking many assets' (for example; buildings, parks, roads and sidewalks) lifespans, replacement costs and current conditions. In some cases, this assessment involves identifying the condition of numerous contributing components, such as playground equipment, HVAC systems, sports courts, roofs, facades, or other systems. After completing this inventory, city staff assesses whether the work proposed in the CIP adequately addresses the annual repair and replacement needs for each asset.

Capital Improvement Program

The Need for a CIP

The CIP provides a means for both coordinating and prioritizing the capital project requests of various departments and agencies. The process of building the CIP requires careful consideration of proposed projects in a more comprehensive context than if projects were to be submitted and evaluated on an ad-hoc basis. In addition to mitigating wasteful overlap, duplication and delay, the prioritization process ensures that the most important and urgent projects are completed first. The information that the CIP provides, regarding the short-term and long-term financial impacts of undertaking capital projects, enables policy makers to balance city priorities with its financial capacity to pay for desired projects.

Financial Benefits of Capital Planning

When a city seeks to borrow funds, investors and bond rating agencies place a substantial emphasis on capital planning. An organization that goes through a capital planning process is less likely to undertake a series of projects that is beyond its financial capacity. By anticipating capital projects and mapping out a means for financing them, the city is providing assurance to investors that it will be able to pay back its debt. A Capital Plan is also required by the Government Standards Board if you are going to receive their Certificate of Award for the Yearly Budget Document.

Development of the CIP

The CIP process will begin in earnest at the beginning of the budget process. Listed below is a suggested outline and schedule of the steps for preparing the Capital Improvements Program.

<u>December</u>	Letter distributed to city department heads inviting their suggestions for capital projects and asking them to confirm the validity of previous years' projects.
<u>January-February</u>	Detailed project descriptions submitted. Staff CIP Task Team prioritizes projects based on project criteria.
<u>February</u>	City Manager and Finance Director review projects and conduct financial analysis.
<u>March-April</u>	The internal Capital Improvements Task Team advises the City Manager on CIP. City Manager submits draft 6-year CIP to Board of Aldermen and appropriate commissions for review.
<u>May-June</u>	City Manager delivers CIP to Board of Aldermen for review and adoption. Year one of the CIP is incorporated into the annual operating budget.

Capital Improvement Program

The Dynamic Nature of the CIP

The CIP encompasses a six-year period, scheduling the most important, urgent projects in the earliest years. Once the CIP is finalized, Year One of the plan is used as a basis for the capital projects portion of the annual operating budget. Once funding has been authorized, either through adoption of the annual budget or through another financing method (i.e. bond ordinance), the projects can begin and are removed from the subsequent CIP.

By and large, each of the remaining projects (which are still unfunded) will move up by one year in the plan. However, because circumstances can change, financial constraints or opportunities can emerge, and priorities can shift, the schedule for unfunded projects needs to be revised each year. Projects may be moved up, moved back, or even eliminated from the plan. This is especially true for projects in the final years of the plan. This constant review ensures that the CIP maintains its flexibility and can be adjusted to align with a changing environment while still providing community leaders and city officials with a clear view of what lies ahead.

Statistics and Financial Information

In addition to prioritizing proposed capital projects, by assessing their respective importance and urgency, the process of preparing the CIP also demands that these projects be evaluated within the city's overall demographic and financial context. Demographic factors provide insight into future demands on the city's infrastructure while financial indicators illustrate the city's capacity to finance desired projects.

While some trends will provide an indication as to what kinds of projects should be undertaken, others may reveal a need for more detailed information. Therefore, the CIP may, at times, include projects that involve information gathering and assessment on such things as the condition of city buildings, roads and traffic patterns. These analyses are necessary to achieve a responsible balance between wants, needs and limited resources.

Capital Improvement Program

Project Name	Estimated Project Cost	General Fund	Funding Source TBD	New Bonding Authorization	State & Federal Funds	Funding Allocated to Date	Other Sources	COMMENTS
FY 2025								
Second Electrical Point of Delivery (Est. total Cost - \$3.0M)	1,750,000						1,750,000	¹ FY2025 allocation to a multi-year project. Total cost includes \$500k for land acquisition.
Overhead to Underground Electric Conversion (6-yr est. total cost - \$13M)	1,500,000						1,500,000	¹ FY2025 allocation to a multi-year project
Pole Replacement (6-yr est. total cost - \$260k)	50,000						50,000	¹ FY2025 allocation to a multi-year project
Sectionalization/Mitigation (6-yr est. total cost - \$420k)	75,000						75,000	¹ FY2025 allocation to a multi-year project
Electric Vehicle (EV) Charging Stations	40,000						40,000	¹
City Pier Pile Repairs (Design) (Est. total cost- \$115k)	15,000	15,000						Estimated design cost for multi-year project
Southport Waterfront Shoreline Stabilization (Current funding allocation - \$5M)	250,000				250,000			Estimated design cost for multi-year project. \$5M State grant
Old Yacht Basin Dredging (Est. total cost - \$3.7965M)	62,500	15,625			46,875			Estimated design cost for multi-year project. SDI Grant funding 75/25
City Dock - Boat Slips (Est. total cost - \$268k)	18,000	18,000						Estimated design cost for multi-year project
Franklin Square Park - Improvements	50,000	50,000						
City Building Repairs (6-yr est. total cost - \$650k)	130,000	130,000						FY25 allocation to multi-year project. Based on 2024 Bldg. Assessment
Old City Hall Improvements (Est. total cost - \$4.25M)	700,000	700,000						FY 25 allocation, multi-year project. Abatement, Immediate improvements, Design
Park & Rec Building Improvements (Est. total cost - \$825k)	75,000	75,000						Immediate Improvements
Stormwater Improvements (6-yr est. total cost - \$1.975M)	75,000	75,000						Multi-year project. Based on 2024 Study
Sidewalk Improvements (6-yr est. total cost - \$850k)	100,000	100,000			-			Ongoing, multi-year asset maint. and new walk const.
GRAND TOTAL FY 2025	\$4,890,500	\$1,178,625	\$0	\$0	\$296,875	\$0	\$3,415,000	\$0 - Amount remaining to be funded

¹ Electrical Fund

Capital Improvement Program

Project Name	Estimated Project Cost	General Fund	Funding Source TBD	New Bonding Authorization	State & Federal Funds	Funding Allocated to Date	Other Sources	COMMENTS
FY 2026								
Second Electrical Point of Delivery (Est. total Cost - \$3.0M)	1,250,000						1,250,000	¹ FY2026 allocation to a multi-year project. Total cost includes \$500k for land acquisition.
Overhead to Underground Electric Conversion (6-yr est. total cost - \$13M)	1,500,000						1,500,000	¹ FY2026 allocation to a multi-year project
Pole Replacement (6-yr est. total cost - \$260k)	50,000						50,000	¹ FY2026 allocation to a multi-year project
Sectionalization/Mitigation (6-yr est. total cost - \$420k)	75,000						75,000	¹ FY2026 allocation to a multi-year project
Southport Waterfront Shoreline Stabilization (Current funding allocation - \$5M)	4,750,000				4,750,000			Project scope based on expected funding. State grant expires 6/30/26. Estimated const. cost. SDI Grant funding 75/25
Old Yacht Basin Dredging (Est. total cost - \$2.7965M)	3,798,000	950,000			2,848,000			Estimated project cost and assumed funding source.
Inclusive Playground - Taylor Field Park	750,000				350,000		400,000	²
Parks & Recreation Center/Athletic Complex (Est. total cost - \$6.3M)	550,000	150,000			400,000			Multi-year - Est. \$6.3M total. Funding amount/source is assumed.
Community Building Deck Replacement	75,000	75,000						
Lowe White/Fort Johnston Parks - Tennis Court Resurfacing	160,000	160,000						
Parks & Recreation Land Acquisition (6-yr est. total cost - \$450k)	75,000	75,000						FY2026 allocation to a multi-year project, for open space, parks, etc.
Taylor Field Boardwalk	250,000	250,000						
City Dock - Boat Slips (Est. total cost - \$268k)	250,000	250,000						Estimated construction cost for multi-year project
Franklin Square Park - Improvements	50,000	50,000						
City Building Repairs (6-yr est. total cost - \$650k)	150,000	150,000						FY25 allocation to multi-year project. Based on 2024 Bldg. Assessment
City Gym Improvements	441,750	441,750						Based on 2024 Bldg. Assessment
Old City Hall Improvements (Est. total cost - \$4.25M)	3,550,000				3,550,000			Construction of longer-term improvements
Senior Building Improvements	75,000	75,000						Based on 2024 Bldg. Assessment
Dump Truck	140,000	140,000						
Stormwater Improvements (6-yr est. total cost - \$1.975M)	500,000	500,000						Multi-year project. Based on 2024 Study
Sidewalk Improvements (6-yr est. total cost - \$850k)	150,000	150,000			-			Ongoing, multi-year asset maint. and new walk const.
Street Resurfacing (6-yr est. total cost \$7.75M)	1,500,000	1,500,000						Ongoing, multi-year asset maintenance.
GRAND TOTAL FY 2026	\$20,089,750	\$4,916,750	\$0	\$0	\$11,898,000	\$0	\$3,275,000	\$0 - Amount remaining to be funded

¹ Electrical Fund

² Anticipated Fundraisers' contribution

Capital Improvement Program

Project Name	Estimated Project Cost	General Fund	Funding Source TBD	New Bonding Authorization	State & Federal Funds	Funding Allocated to Date	Other Sources	COMMENTS
FY 2027								
Overhead to Underground Electric Conversion (6-yr est. total cost - \$13M)	1,500,000						1,500,000	¹ FY2027 allocation to a multi-year project
Pole Replacement (6-yr est. total cost - \$260k)	45,000						45,000	¹ FY2027 allocation to a multi-year project
Sectionalization/Mitigation (6-yr est. total cost - \$420k)	70,000						70,000	¹ FY2027 allocation to a multi-year project
Replace Engine 374	1,000,000						1,000,000	²
City Pier Pile Repairs (Construction)(Est. total cost- \$115k)	100,000	100,000						Estimated const. cost for multi-year project
Parks & Recreation Center/Athletic Complex (Est. total cost - \$6.3M)	550,000	550,000				550,000		Multi-year - Est. \$6.3M total. Funding amount/source is assumed.
Historic Riverwalk Saltmarsh Boardwalk Improvements	100,000	100,000						
Franklin Square Park - Improvements	50,000	50,000						
Parks & Recreation Land Acquisition (6-yr est. total cost - \$450k)	75,000	75,000				75,000		FY2027 allocation to a multi-year project, for open space, parks, etc.
Lowe White Park Footbridge Repairs	100,000	100,000						
City Building Repairs (6-yr est. total cost - \$650k)	100,000	100,000						Multi-year project. Based on 2024 Bldg. Assessment
Stormwater Improvements (6-yr est. total cost - \$1.975M)	500,000	500,000						Multi-year project. Based on 2024 Study
Sidewalk Improvements (6-yr est. total cost - \$850k)	150,000	150,000			-			Ongoing, multi-year asset maint. and new walk const.
Street Resurfacing (6-yr est. total cost \$7.75M)	1,500,000	1,500,000						Ongoing, multi-year asset maintenance.
GRAND TOTAL FY 2027	\$5,840,000	\$3,225,000	\$0	\$0	\$0	\$625,000	\$2,615,000	\$0 - Amount remaining to be funded

¹ Electrical Fund

² Fire Fees

Capital Improvement Program

Project Name	Estimated Project Cost	General Fund	Funding Source TBD	New Bonding Authorization	State & Federal Funds	Funding Allocated to Date	Other Sources	COMMENTS
FY 2028								
Overhead to Underground Electric Conversion (6-yr est. total cost - \$13M)	1,500,000						1,500,000	¹ FY2028 allocation to a multi-year project
Pole Replacement (6-yr est. total cost - \$260k)	40,000						40,000	¹ FY2028 allocation to a multi-year project
Sectionalization/Mitigation (6-yr est. total cost - \$420k)	70,000						70,000	¹ FY2028 allocation to a multi-year project
Parks & Recreation Center/Athletic Complex (Est. total cost - \$6.3M)	2,050,000	550,000			1,500,000	1,100,000		Multi-year - Est. \$6.3M total. Funding amount/source is assumed.
Parks & Recreation Land Acquisition (6-yr est. total cost - \$450k)	75,000	75,000				150,000		FY2028 allocation to a multi-year project, for open space, parks, etc.
Franklin Square Park - Improvements	50,000	50,000						
City Building Repairs (6-yr est. total cost - \$650k)	100,000	100,000						Multi-year project. Based on 2024 Bldg. Assessment
Park & Rec Building Improvements (Est. total cost - \$825k)	750,000	750,000						Based on 2024 Bldg. Assessment
Public Services Facility Improvements	551,500	551,500						Based on 2024 Bldg. Assessment
Stormwater Improvements (6-yr est. total cost - \$1.975M)	400,000	400,000						Multi-year project. Based on 2024 Study
Sidewalk Improvements (6-yr est. total cost - \$850k)	150,000	150,000			-			Ongoing, multi-year asset maint. and new walk const.
Street Resurfacing (6-yr est. total cost \$7.75M)	1,000,000	1,000,000						Ongoing, multi-year asset maintenance.
GRAND TOTAL FY 2028	\$6,736,500	\$3,626,500	\$0	\$0	\$1,500,000	\$1,250,000	\$1,610,000	\$0 - Amount remaining to be funded

¹ Electrical Fund

Capital Improvement Program

Project Name	Estimated Project Cost	General Fund	Funding Source TBD	New Bonding Authorization	State & Federal Funds	Funding Allocated to Date	Other Sources	COMMENTS
FY 2029								
Overhead to Underground Electric Conversion (6-yr est. total cost - \$13M)	4,000,000						4,000,000	¹ FY2029 allocation to a multi-year project
Pole Replacement (6-yr est. total cost - \$260k)	40,000						40,000	¹ FY2029 allocation to a multi-year project
Sectionalization/Mitigation (6-yr est. total cost - \$420k)	65,000						65,000	¹ FY2029 allocation to a multi-year project
Replace Ladder 362	1,600,000						1,600,000	²
Parks & Recreation Center/Athletic Complex (Est. total cost - \$6.3M)	3,050,000	1,000,000			2,050,000	3,150,000		Multi-year - Est. \$6.3M total. Funding amount/source is assumed.
Parks & Recreation Land Acquisition (6-yr est. total cost - \$450k)	75,000	75,000				225,000		FY20296 allocation to a multi-year project, for open space, parks, etc.
Franklin Square Park - Improvements	50,000	50,000						
City Building Repairs (6-yr est. total cost - \$650k)	75,000	75,000						Multi-year project. Based on 2024 Bldg. Assessment
Stormwater Improvements (6-yr est. total cost - \$1.975M)	300,000	300,000						Multi-year project. Based on 2024 Study
Sidewalk Improvements (6-yr est. total cost - \$850k)	150,000	150,000			-			Ongoing, multi-year asset maint. and new walk const.
Street Resurfacing (6-yr est. total cost \$7.75M)	1,000,000	1,000,000						Ongoing, multi-year asset maintenance.
GRAND TOTAL FY 2029	\$10,405,000	\$2,650,000		\$0	\$0	\$2,050,000	\$3,375,000	\$5,705,000 \$0 - Amount remaining to be funded

¹ Electrical Fund

² Fire Fees

Capital Improvement Program

Project Name	Estimated Project Cost	General Fund	Funding Source TBD	New Bonding Authorization	State & Federal Funds	Funding Allocated to Date	Other Sources	COMMENTS
FY 2030								
Overhead to Underground Electric Conversion (6-yr est. total cost - \$13M)	3,000,000						3,000,000	¹ FY2030 allocation to a multi-year project
Pole Replacement (6-yr est. total cost - \$260k)	35,000						35,000	¹ FY2030 allocation to a multi-year project
Sectionalization/Mitigation (6-yr est. total cost - \$420k)	65,000						65,000	¹ FY2030 allocation to a multi-year project
Parks & Recreation Land Acquisition (6-yr est. total cost - \$450k)	75,000	75,000				300,000		FY2030 allocation to a multi-year project, for open space, parks, etc.
City Building Repairs (6-yr est. total cost - \$650k)	75,000	75,000						Multi-year project. Based on 2024 Bldg. Assessment
Stormwater Improvements (6-yr est. total cost - \$1.975M)	200,000	200,000						Multi-year project. Based on 2024 Study
Sidewalk Improvements (6-yr est. total cost - \$850k)	150,000	150,000			-			Ongoing, multi-year asset maint. and new walk const.
Street Resurfacing (6-yr est. total cost \$7.75M)	750,000	750,000						Ongoing, multi-year asset maintenance.
GRAND TOTAL FY 2030	\$4,350,000	\$1,250,000	\$0	\$0	\$0	\$300,000	\$3,100,000	\$0 - Amount remaining to be funded

¹ Electrical Fund

² Fire Fees

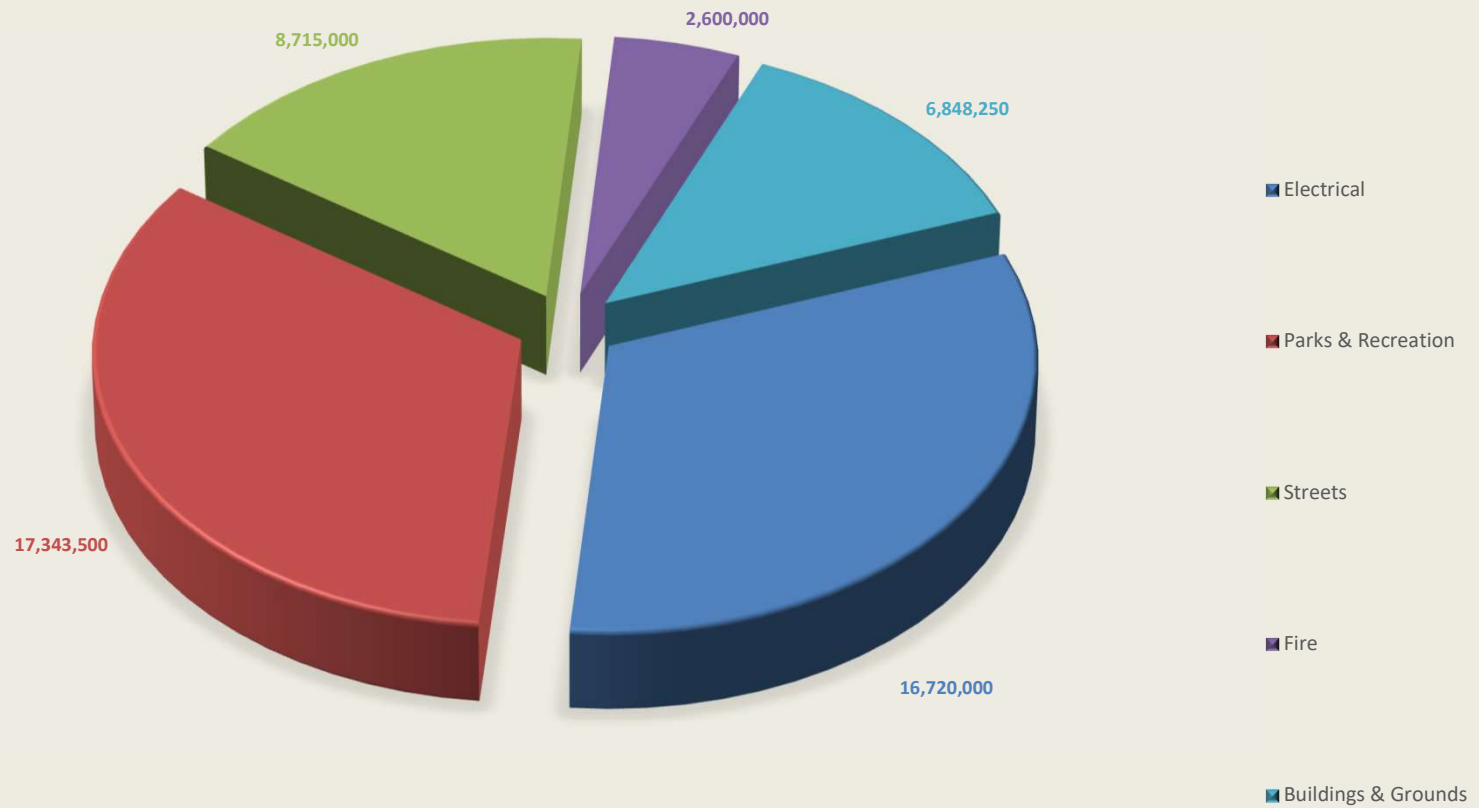
Total CIP Program	\$	52,311,750	\$	16,846,875	\$	-	\$	-	\$	15,744,875	\$	5,550,000	\$	19,720,000	\$0 - Amount remaining to be funded
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Project Name		Estimated Project Cost	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
FY 2025 - FY 2030								
EL	Second Electrical Point of Delivery	3,000,000	1,750,000	1,250,000				
EL	Overhead to Underground Electric Conversion	13,000,000	1,500,000	1,500,000	1,500,000	1,500,000	4,000,000	3,000,000
EL	Pole Replacement	260,000	50,000	50,000	45,000	40,000	40,000	35,000
EL	Sectionalization/Mitigation	420,000	75,000	75,000	70,000	70,000	65,000	65,000
EL	Electric Vehicle (EV) Charging Stations	40,000	40,000					
Electrical Sub-Total		\$16,720,000	\$3,415,000	\$2,875,000	\$1,615,000	\$1,610,000	\$4,105,000	\$3,100,000
P&R	City Pier Pile Repairs	115,000	15,000		100,000			
P&R	Southport Waterfront Shoreline Stabilization	5,000,000	250,000	4,750,000				
P&R	Old Yacht Basin Dredging	3,860,500	62,500	3,798,000				
P&R	Inclusive Playground - Taylor Field Park	750,000		750,000				
P&R	Southport Parks and Recreation Center/Athletic Complex	6,200,000		550,000	550,000	2,050,000	3,050,000	
P&R	Tennis Court Replacement - LWP and Ft. Johnston	75,000		75,000				
P&R	Taylor Field Boardwalk	250,000		250,000				
P&R	City Dock	268,000	18,000	250,000				
P&R	Historic Riverwalk Saltmarsh Boardwalk Improvements	100,000			100,000			
P&R	Franklin Square Park	250,000	50,000	50,000	50,000	50,000	50,000	
P&R	Parks & Recreation Land Acquisition	375,000		75,000	75,000	75,000	75,000	75,000
P&R	Lowe White Park - Footbridge Repair	100,000			100,000			
Parks & Recreation Sub-Total		\$17,343,500	\$395,500	\$10,548,000	\$975,000	\$2,175,000	\$3,175,000	\$75,000
S	Dump Truck	140,000		140,000				
S	Stormwater Improvements	1,975,000	75,000	500,000	500,000	400,000	300,000	200,000
S	Sidewalk Improvements	850,000	100,000	150,000	150,000	150,000	150,000	150,000
S	Street Resurfacing	5,750,000	-	1,500,000	1,500,000	1,000,000	1,000,000	750,000
Streets Sub-Total		\$8,715,000	\$175,000	\$2,290,000	\$2,150,000	\$1,550,000	\$1,450,000	\$1,100,000
FD	Replace Engine 374	1,000,000			1,000,000			
FD	Replace Ladder 362	1,600,000					1,600,000	
Fire Dept. Sub-Total		\$2,600,000	\$0	\$0	\$1,000,000	\$0	\$1,600,000	\$0

	Project Name	Estimated Project Cost	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
	FY 2025 - FY 2030							
B&G	Community Building Deck Replacement	75,000		75,000				
B&G	City Building Repairs	630,000	130,000	150,000	100,000	100,000	75,000	75,000
B&G	City Gym Improvements	441,750		441,750				
B&G	Old City Hall Improvements	4,250,000	700,000	3,550,000				
B&G	Parks and Rec Building Improvements	825,000	75,000			750,000		
B&G	Public Services Facility Improvements	551,500				551,500		
B&G	Senior Building Improvements	75,000		75,000				
	Buildings & Grounds Sub-Total	\$6,848,250	\$905,000	\$4,291,750	\$100,000	\$1,401,500	\$75,000	\$75,000
		-						

	6-Yr Total	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Electrical	16,720,000	3,415,000	2,875,000	1,615,000	1,610,000	4,105,000	3,100,000
Parks & Recreation	17,343,500	395,500	10,548,000	975,000	2,175,000	3,175,000	75,000
Streets	8,715,000	175,000	2,290,000	2,150,000	1,550,000	1,450,000	1,100,000
Fire	2,600,000	-	-	1,000,000	-	1,600,000	-
Buildings & Grounds	6,848,250	905,000	4,291,750	100,000	1,401,500	75,000	75,000
FY Total	\$52,226,750	\$4,890,500	\$20,004,750	\$5,840,000	\$6,736,500	\$10,405,000	\$4,350,000

FY 2025 - FY 2030
PROJECTS BY CATEGORY



PROJECT DETAIL

Project Title: Second Electrical Point of Delivery									
Department: Electrical Department									
Description and Purpose:									
This project will construct an additional point of delivery for the City's electrical system. The current, single point of delivery is no longer sufficient to address future development. The improvements will also create some measure of redundancy within the system. The project also includes the purchase of land, to serve as the site of the 2nd POD.									
RECOMMENDED FINANCING									
	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-			-	-	-	-	-
B. Land and Right of Way	5	500,000	500,000	-	-	-	-	-	500,000
C. Construction	5	2,500,000	1,250,000	1,250,000	-	-	-	-	2,500,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency		-			-	-	-	-	-
TOTAL		3,000,000	1,750,000	1,250,000	-	-	-	-	3,000,000
I. Annual Maintenance & Repair									
(1) General Fund		(3) Private Funding		(5) Other Funding (Electrical Fund)					
(2) Municipal Bonds		(4) State/Federal Aid							

PROJECT DETAIL

Project Title: Overhead to Underground Electric Conversion	
Department: Electrical Department	
Description and Purpose:	
A Multi-year project to continue the relocation of overhead electrical lines to a more resilient, underground location.	

RECOMMENDED FINANCING									
	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	5	13,000,000	1,500,000	1,500,000	1,500,000	1,500,000	4,000,000	3,000,000	13,000,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		13,000,000	1,500,000	1,500,000	1,500,000	1,500,000	4,000,000	3,000,000	13,000,000
I. Annual Maintenance & Repair									
(1) General Fund	(3) Private Funding		(5) Other Funding (Electrical Fund)						
(2) Municipal Bonds	(4) State/Federal Aid								

PROJECT DETAIL

Project Title: Utility Pole Replacement	
Department: Electrical Department	
Description and Purpose: This project will replace approximately 120 deteriorated utility poles with new poles.	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	5	260,000	50,000	50,000	45,000	40,000	40,000	35,000	260,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		260,000	50,000	50,000	45,000	40,000	40,000	35,000	260,000
I. Annual Maintenance & Repair									
(1) General Fund		(3) Private Funding	(5) Other Funding (Electrical Fund)						
(2) Municipal Bonds		(4) State/Federal Aid							

PROJECT DETAIL

Project Title: Sectionalization/Mitigation	
Department: Electrical Department	
Description and Purpose: Under this project fuses will be upgraded and reclosers installed. This will create smaller neighborhood networks within the electric system. Smaller networks will mitigate the impact of power outages by reducing the scale of power loss and preventing more widespread outages.	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	5	420,000	75,000	75,000	70,000	70,000	65,000	65,000	420,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-		-	-	-	-	-	-
TOTAL		420,000	75,000	75,000	70,000	70,000	65,000	65,000	420,000
I. Annual Maintenance & Repair									
(1) General Fund (3) Private Funding (5) Other Funding (Electrical Fund) (2) Municipal Bonds (4) State/Federal Aid									

PROJECT DETAIL

Project Title: Electric Vehicle (EV) Charging Stations									
Department: Electrical Department									
Description and Purpose:									
The installation of EV chargers will accommodate the growing number of EV drivers' needs, stimulate municipal economic development, and provide for a new revenue stream. It is intended that Southport will purchase/own the proposed EV supply equipment (EVSE), set charge rates, retain the net revenue from charging usage, and pay all electric service fees. A third-party vendor will be retained to provide the EVSE, the EVSE Network Management System, warranty, and maintenance services.									
RECOMMENDED FINANCING									
	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	5	40,000	40,000	-		-		-	40,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-		-	-	-	-	-	-
TOTAL		40,000	40,000	-	-	-	-	-	40,000
I. Annual Maintenance & Repair									
(1) General Fund		(3) Private Funding		(5) Other Funding (Electrical Fund)					
(2) Municipal Bonds		(4) State/Federal Aid							

PROJECT DETAIL

Project Title:	Replace Engine 374
Department:	Fire Department
Description and Purpose:	
Engine 374 is scheduled for replacement in FY27/28. The current system calls for replacement after 20 years in service. Age, mileage and service history contribute to the need for replacement	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction		-	-	-	-	-	-	-	-
D. Equipment	5	1,000,000	-	-	1,000,000	-	-	-	1,000,000
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency	5	-	-	-	-	-	-	-	-
TOTAL		1,000,000	-	-	1,000,000	-	-	-	1,000,000
I. Annual Maintenance & Repair									
(1) General Fund	(3) Private Funding		(5) Other Funding (Fire fees)						
(2) Municipal Bonds	(4) State/Federal Aid								

PROJECT DETAIL

Project Title:	Replace Ladder 362
Department:	Fire Department
Description and Purpose:	
Ladder 362 was purchased in 1986. It was refurbished in 2015 to allow it to remain in service. The vehicle will be 42 years old in the designated replacement year. Replacement parts are difficult to obtain and there are service issues with ladder certification.	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction		-	-	-	-	-	-	-	-
D. Equipment	5	1,600,000	-	-	-	-	1,600,000	-	1,600,000
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		1,600,000	-	-	-	-	1,600,000	-	1,600,000
I. Annual Maintenance & Repair									
(1) General Fund	(3) Private Funding		(5) Other Funding (Fire fees)						
(2) Municipal Bonds	(4) State/Federal Aid								

PROJECT DETAIL

Project Title:	City Pier Pile Repairs
Department:	Parks & Recreation
Description and Purpose:	The City Pier is located at Waterfront Park on Bay Street. Repairs to cross-bracing were made during FY24. An inspection of City Pier deck and concrete pile bents was performed, following completion of those repairs . A summary inspection report of the findings was prepared. The pier consist of 25 concrete bents, with each bent having two concrete piles and a concrete cap. This project will includes design, permitting and construction of repairs to correct deficiencies found during the inspection. 

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering	1	15,000	15,000	-	-	-	-	-	15,000
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	100,000	-		100,000	-	-	-	100,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		115,000	15,000	-	100,000	-	-	-	115,000
I. Annual Maintenance & Repair									
(1) General Fund	(3) Private Funding		(5) Other Funding						
(2) Municipal Bonds	(4) State/Federal Aid								

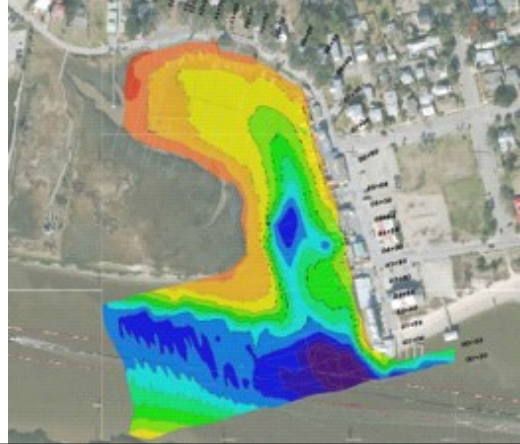
PROJECT DETAIL

Project Title:	Southport Shoreline Stabilization
Department:	Parks & Recreation
Description and Purpose:	The Southport/Cape Fear River shorefront beach is experiencing ongoing erosion due to the long-term effects of storm related wind waves, waves generated from both recreational boat and commercial boat and ship traffic, and the effects of the ongoing increase in average water level. Significant preventative efforts to protect and stabilize the shoreline will be needed to mitigate further erosion of the shorefront. The stabilization project encompasses areas from Bonnets Creek to Yacht Basin Drive. Funding for the project was provided through a \$5M grant from the State Emergency Response and Disaster Relief Fund (SERDRF). The SERDRF grant will expire on June 30, 2026.
	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering	1	250,000	250,000	-	-	-	-	-	250,000
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	4	4,750,000		4,750,000	-	-	-	-	4,750,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		5,000,000	250,000	4,750,000	-	-	-	-	5,000,000
I. Annual Maintenance & Repair									
(1) General Fund	(3) Private Funding		(5) Other Funding						
(2) Municipal Bonds	(4) State/Federal Aid								

PROJECT DETAIL

Project Title: Old Yacht Basin Dredging Project									
Department: Parks & Recreation									
Description and Purpose:									
The Yacht Basin dredging project is intended to restore the safe harbor anchorage in the Southport Yacht Basin. This is a critically important safe harbor area for commercial, industrial, and pleasure craft transiting the offshore waters of North Carolina. The Yacht Basin is also of significant economic benefit to the Southport downtown area. Work involves dredging the Federally designated channel at the Old Yacht Basin. A grant from the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund has been obtained. The grant constitutes a 75/25 state match for permitting, engineering, construction, and construction administration services.									
RECOMMENDED FINANCING									
	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering	1, 4	62,500	62,500	-	-	-	-	-	62,500
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1, 4	3,500,000	-	3,500,000	-	-	-	-	3,500,000
D. Equipment		-	-	-	-	-	-	-	-
E. Const. Administration/Inspection	1, 4	234,000	-	234,000	-	-	-	-	234,000
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		3,796,500	62,500	3,734,000	-	-	-	-	3,796,500
I. Annual Maintenance & Repair									
(1) General Fund		(3) Private Funding	(5) Other Funding						
(2) Municipal Bonds		(4) State/Federal Aid (SDI Grant Funding)							

PROJECT DETAIL

Project Title:	Taylor Field Park Inclusive Playground
Department:	Parks & Recreation
Description and Purpose:	Taylor Field, 409 Nash Street, is the intended site for an inclusive playground. Staff and a Committee of residents, has been working with Unlimited Play, a non-profit organization that assists municipalities in designing, finding funding, and overseeing the implementation of inclusive playgrounds. A conceptual design of the playground has been completed. Fundraising and grant applications are currently underway. The playground, once built, will allow children and adults with physical and mental challenges to play on an accessible playground meant for all members of their family; an opportunity many people are not able to enjoy due to the limited access of current playgrounds. The playground construction is planned to be funded entirely through private donations and grants.
	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	3,4	750,000	-	750,000	-	-	-	-	750,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		750,000	-	750,000	-	-	-	-	750,000
I. Annual Maintenance & Repair									
(1) General Fund	(3) Private Funding		(5) Other Funding						
(2) Municipal Bonds	(4) State/Federal Aid								

PROJECT DETAIL

Project Title: Southport Parks & Recreation Center/Athletic Complex									
Department: Parks & Recreation									
Description and Purpose:									
Funding for acquisition of property and construction of a new, comprehensive multi-purpose recreation and fitness complex and athletic facility with various types of fitness spaces and athletic fields for youth, teens, adults and seniors. The Stevens Park site, on property located on 9th Street, is a desired location.									
RECOMMENDED FINANCING									
	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-		-	-	-	-	-	-
B. Land and Right of Way	1	200,000		50,000	50,000	50,000	50,000	-	200,000
C. Construction	1,5	6,000,000		500,000	500,000	2,000,000	3,000,000	-	6,000,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		6,200,000	-	550,000	550,000	2,050,000	3,050,000	-	6,200,000
I. Annual Maintenance & Repair									
(1) General Fund		(3) Private Funding		(5) Other Funding					
(2) Municipal Bonds		(4) State/Federal Aid							

PROJECT DETAIL

Project Title: Tennis Court Resurfacing - Lowe White and Fort Johnston	
Department: Parks & Recreation	
Description and Purpose:	
Install new surface and lining of existing tennis courts.	

RECOMMENDED FINANCING									
	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	160,000		160,000	-	-	-	-	160,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-							-
H. Contingency		-							-
TOTAL		160,000	-	160,000	-	-	-	-	160,000
I. Annual Maintenance & Repair									
(1) General Fund		(3) Private Funding		(5) Other Funding					
(2) Municipal Bonds		(4) State/Federal Aid							

PROJECT DETAIL

Project Title: Taylor Field Boardwalk	
Department: Parks & Recreation	
Description and Purpose: Construction of Boardwalk at Taylor Field creek, connecting to Lowe White Park.	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	4	250,000	-	250,000	-	-	-	-	250,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-		-	-	-	-
TOTAL		250,000	-	250,000	-	-	-	-	250,000
I. Annual Maintenance & Repair									
(1) General Fund		(3) Private Funding	(5) Other Funding						
(2) Municipal Bonds		(4) State/Federal Aid							

PROJECT DETAIL

Project Title: City Dock	
Department: Parks & Recreation	
Description and Purpose: Rebuild 9 Boat Slips that had been destroyed in a recent hurricane, and were previously proposed for reconstruction	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering	1	18,000	18,000	-	-	-	-	-	18,000
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	4	250,000	-	250,000		-	-	-	250,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-		-	-	-	-
TOTAL		268,000	18,000	250,000	-	-	-	-	268,000
I. Annual Maintenance & Repair									
(1) General Fund		(3) Private Funding	(5) Other Funding						
(2) Municipal Bonds		(4) State/Federal Aid							

PROJECT DETAIL

Project Title: Historic Riverwalk Saltmarsh Boardwalk Improvements	
Department: Parks & Recreation	
Description and Purpose:	
Repair/replace boardwalk, gazebo and add cover over benches along boardwalk	

RECOMMENDED FINANCING									
	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	100,000	-	-	100,000	-	-	-	100,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		100,000	-	-	100,000	-	-	-	100,000
I. Annual Maintenance & Repair									
(1) General Fund	(3) Private Funding		(5) Other Funding						
(2) Municipal Bonds	(4) State/Federal Aid								

PROJECT DETAIL

Project Title: Franklin Square Park - Improvements	
Department: Parks & Recreation	
Description and Purpose:	
Rebuild stage in Franklin Square Park and perform miscellaneous ongoing improvements, per the Master Plan.	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	250,000	50,000	50,000	50,000	50,000	50,000	-	250,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-					-	-	-
TOTAL		250,000	50,000	50,000	50,000	50,000	50,000	-	250,000
I. Annual Maintenance & Repair									
(1) General Fund	(3) Private Funding		(5) Other Funding						
(2) Municipal Bonds	(4) State/Federal Aid								

PROJECT DETAIL

Project Title: Land Acquisition	
Department: Parks & Recreation	
Description and Purpose: Funding for acquisition of property, in accordance with the 2023-2028 Parks, Recreation and Open Space Master Plan. It is advantageous and fortuitous for the City to acquire additional suitable land for parks, recreation and open space purposes. The Master Plan highlights several desirable properties that the City should pursue.	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way	1	375,000		75,000	75,000	75,000	75,000	75,000	375,000
C. Construction		-	-						-
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		375,000	-	75,000	75,000	75,000	75,000	75,000	375,000
I. Annual Maintenance & Repair									

(1) General Fund	(3) Private Funding	(5) Other Funding
(2) Municipal Bonds	(4) State/Federal Aid	

PROJECT DETAIL

Project Title: Low White Park - Footbridge Repair	
Department: Parks & Recreation	
Description and Purpose:	
The 215' footbridge in Low White Park connects the East Leonard portion of the park to East Brown Street. While the structural integrity of the bridge is still suitable, the wood girders, stringers, decking and handrails are deteriorating. They will require future repairs and replacement.	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	100,000	-	-	100,000	-	-	-	100,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-					-	-	-
TOTAL		100,000	-	-	100,000	-	-	-	100,000
I. Annual Maintenance & Repair									
(1) General Fund	(3) Private Funding		(5) Other Funding						
(2) Municipal Bonds	(4) State/Federal Aid								

PROJECT DETAIL

Project Title: Community Building Deck Replacement	
Department: Public Services Department (Buildings and Grounds)	
Description and Purpose: The deck on the southern side of the Southport Community Building is aging and in need of replacement. The decking is deteriorating and could resulting in a tripping hazard. Staff has obtained price quotes for replacement. The intention is to replace the wood decking in-kind.	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	75,000		75,000					75,000
D. Equipment		-	-	-	-		-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		75,000	-	75,000	-	-	-	-	75,000
I. Annual Maintenance & Repair									
(1) General Fund		(3) Private Funding	(5) Other Funding						
(2) Municipal Bonds		(4) State/Federal Aid							

PROJECT DETAIL

Project Title: City Building Repairs	
Department: Public Services Department (Buildings and Grounds)	
Description and Purpose: The Building Assessment Survey recommended numerous smaller repairs and renovations to the City's Buildings. These repairs include roofing, HVAC, hot water heater replacement, window & doors replacement, walkway & parking area improvements, stair & deck repairs, etc. These repairs will be done both internally by Public Services staff and outside contractors depending on the level of expertise required.	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	630,000	130,000	150,000	100,000	100,000	75,000	75,000	630,000
D. Equipment		-	-	-	-		-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		630,000	130,000	150,000	100,000	100,000	75,000	75,000	630,000
I. Annual Maintenance & Repair									
(1) General Fund		(3) Private Funding		(5) Other Funding					
(2) Municipal Bonds		(4) State/Federal Aid							

PROJECT DETAIL

Project Title:	City Gym Improvements
Department:	Public Services
Description and Purpose:	City Gym Improvemnts
The Building Assessment Survey recommended \$441,750 in repairs and renovations to the City Gym. The recommended repairs and renovations include window & door replacement, HVAC replacement, roof replacement, gym floor replacement and complete renovation of interior finishes.	
	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	441,750		441,750					441,750
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		441,750	-	441,750	-	-	-	-	441,750
Funding Sources									
(1) General Fund	(3) Private Funding		(5) State/Federal Aid						
(2) Municipal Bonds	(4) Utility Revenues		(6) Other Funding						

PROJECT DETAIL

Project Title:	Old City Hall Improvements
Department:	Public Services
Description and Purpose:	Old City Hall Improvemnts
The Building Assessment Survey recommended approximately \$4 Million of repairs and renovations to the Old City Hall, to create a viable facility (exclusive of fitout costs). The repairs and renovations include a structural analysis, mold remediation, asbestos sampling, window & door replacement, HVAC replacement, possible electrical and plumbing upgrades (based on future use of building), elevator construction and a complete renovation of the interior finishes.	
	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering				-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	4,250,000	700,000	3,550,000					4,250,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		4,250,000	700,000	3,550,000	-	-	-	-	4,250,000
Funding Sources									
(1) General Fund	(3) Private Funding		(5) State/Federal Aid						
(2) Municipal Bonds	(4) Utility Revenues		(6) Other Funding						

PROJECT DETAIL

Project Title:	Parks & Rec Building Improvements
Department:	Public Services
Description and Purpose:	Park & Rec Building Improvemnts
The Building Assessment Survey recommended \$825,000 in repairs and renovations to the Parks & Rec Building. The repairs and renovations included window & door replacement, HVAC replacement, roof replacement and a complete renovation of the interior finishes.	
	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	825,000	75,000			750,000			825,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		825,000	75,000	-	-	750,000	-	-	825,000
Funding Sources									
(1) General Fund	(3) Private Funding		(5) State/Federal Aid						
(2) Municipal Bonds	(4) Utility Revenues		(6) Other Funding						

PROJECT DETAIL

Project Title: Public Services Facility Improvements									
Department: Public Services									
Description and Purpose: Public Services Facility Improvements									
The Building Assessment Survey recommended \$551,500 in repairs and renovations to the Public Services Facility. The repairs and renovations include window & door replacement, roof replacement, refurbishing the building facade.									
RECOMMENDED FINANCING									
	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	551,500				551,500			551,500
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		551,500	-	-	-	551,500	-	-	551,500
Funding Sources									
(1) General Fund		(3) Private Funding		(5) State/Federal Aid					
(2) Municipal Bonds		(4) Utility Revenues		(6) Other Funding					

PROJECT DETAIL

Project Title: Senior Building Improvements									
Department: Public Services									
Description and Purpose: Senior Building Improvemnts									
The Building Assessment Survey recommended \$75,000 in repairs and renovations to the Senior Building. The repairs and renovations included a structural evaluation of foundation cracks, complete roof replacement, and exterior building facade repairs. Repairs and renovations of the facility, or demo and reconstruction of the facility, or relocate operations to another facility (Jaycee Building)?									
RECOMMENDED FINANCING									
	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	75,000	-	75,000	-	-	-	-	75,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		75,000	-	75,000	-	-	-	-	75,000
Funding Sources									
(1) General Fund		(3) Private Funding			(5) State/Federal Aid				
(2) Municipal Bonds		(4) Utility Revenues			(6) Other Funding				

PROJECT DETAIL

Project Title: Dump Truck									
Department: Streets Department									
Description and Purpose:									
The project will replace dump trucks that have exceeded their useful life. The trucks requires ongoing repairs to maintain their ability to remain functional.									
RECOMMENDED FINANCING									
	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction		-	-	-	-	-	-	-	-
D. Equipment	1,5	140,000	-	140,000	-	-	-	-	140,000
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		140,000	-	140,000	-	-	-	-	140,000
I. Annual Maintenance & Repair									
(1) General Fund			(3) Private Funding			(5) Other Funding (Powell Bill)			
(2) Municipal Bonds									

PROJECT DETAIL

Project Title:	Stormwater Improvements
Department:	Streets Department
Description and Purpose:	Improve City's Stormwater System
The City will complete the Stormwater Mapping project in September 2024. Also included in the Stormwater Mapping was the creation of a capital Improvement Plan for the Stormwater System. This Stormwater CIP will be also be completed in September 2024. The costs listed below will most likely change once the Stormwater CIP is completed. The numbers listed are placeholders for future projects as determined by the Stormwater Mapping and Capital Improvement Plan when completed.	
	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	1,975,000	75,000	500,000	500,000	400,000	300,000	200,000	1,975,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		1,975,000	75,000	500,000	500,000	400,000	300,000	200,000	1,975,000
I. Annual Maintenance & Repair									
(1) General Fund	(3) Private Funding		(5) Other Funding						
(2) Municipal Bonds	(4) State/Federal Aid								

PROJECT DETAIL

Project Title: Sidewalk Improvement Program									
Department: Streets Department									
Description and Purpose:									
Annual sidewalk improvement program for City Streets and adjacent areas. This project is intended to construct new sidewalk segments and repair/replace existing sidewalk segments. Powell Bill funds may be used to supplement financing of this project.									
RECOMMENDED FINANCING									
	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1,4	850,000	100,000	150,000	150,000	150,000	150,000	150,000	850,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-	-	-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		850,000	100,000	150,000	150,000	150,000	150,000	150,000	850,000
I. Annual Maintenance & Repair									
(1) General Fund		(3) Private Funding		(5) Other Funding					
(2) Municipal Bonds		(4) State/Federal Aid							

PROJECT DETAIL

Project Title: Street Resurfacing	
Department: Streets Department	
Description and Purpose: This project is a program that will annually resurface a portion of the deteriorated streets within the City. The current funding levels, primarily from Powell Bill funds the City receives each year, is not sufficient to keep the streets in good condition.	

RECOMMENDED FINANCING

	Source of Funds	Estimated Cost in Current Dollars	Estimated Expenditures by Fiscal Year						
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Six Year Total
A. Planning and Engineering		-	-	-	-	-	-	-	-
B. Land and Right of Way		-	-	-	-	-	-	-	-
C. Construction	1	5,750,000		1,500,000	1,500,000	1,000,000	1,000,000	750,000	5,750,000
D. Equipment		-	-	-	-	-	-	-	-
E. Administration		-	-	-	-	-	-	-	-
F. Other Costs		-	-	-	-	-	-	-	-
G. Bonding		-		-	-	-	-	-	-
H. Contingency		-	-	-	-	-	-	-	-
TOTAL		5,750,000	-	1,500,000	1,500,000	1,000,000	1,000,000	750,000	5,750,000
I. Annual Maintenance & Repair									
(1) General Fund			(3) Private Funding			(5) Other Funding			
(2) Municipal Bonds			(4) State/Federal Aid						



BOARD OF ALDERMEN AGENDA ITEM SUMMARY

DATE: July 11, 2024

DEPARTMENT: Parks and Recreation/Engineering

PRESENTED BY: Bob Jarvis – City Engineer, Heather Hemphill – Parks and Recreation Director

ITEM SPONSORED BY: Parks and Recreation

ITEM/TOPIC: Shoreline Stabilization – Olsen Associates’ Task Order 04

COST: \$117,100

BUDGET LINE ITEM: 60-60-8111-5800

JUSTIFICATION: The Southport/Cape Fear River shorefront beach is experiencing ongoing erosion due to the long-term effects of storm related wind waves, waves generated from both recreational boat and commercial boat and ship traffic, and the effects of the ongoing increase in average water level. The erosional effect of these forces has increased over time due to (1) an increase in sea level, (2) an increase in size and frequency of recreational boat traffic in the area, and (3) an increase in the size and frequency of the commercial boats and ships that use the Wilmington Harbor Federal Navigation Channel. The limited shore protection projects implemented thus far have helped to curb the erosion. However, they have been localized and more all-encompassing efforts will be needed to mitigate further erosion of the shorefront.

The City’s engineering consultant, Olsen Associates was engaged in 2023. They have provided comprehensive topographic and cultural resource surveys to support design and permitting services. They have also made multiple presentations to the Board, presenting erosion mitigation alternatives, refined cost estimates, and gaining Board consensus for phasing and erosion mitigation preferences.

Developing a project phasing scheme is necessary due to the current amount of funding available for design, permitting and construction of the proposed improvements. Funding for the project was provided through a \$5M grant from the State Emergency Response and Disaster Relief Fund (SERDRF). The SERDRF grant will expire on June 30, 2026.

Olsen Associates has recently prepared Task Order 04 (attached) for the next phase of their work on the project. This phase will include the engineering and environmental permitting services necessary to assist the City with the pursuit of State and Federal environmental permits that will allow for the construction of shoreline restoration and stabilization improvements. Specific tasks include development of design plans and supporting documentation, preparation and submittal of permit application and supporting information, biological and fish habitat assessments, sampling and analyzing sand fill samples, responses to State and Federal regulatory agency(ies) comments.

IMPACT IF NOT APPROVED: The shoreline protection project will come to a halt if we do not proceed with continued design and permitting efforts. The shoreline within the project area will continue to erode and impact adjacent properties.

DEPARTMENT HEAD COMMENTS: It is recommended that the City enter into the next phase of Olsen Associates’ contract for ongoing engineering and permitting work for the project to enable the project to be completed within the funding timeframe.

CITY MANAGER COMMENTS: I recommend moving forward with Olsen Associates’ Task Order 04.

ATTACHMENTS: Task 04 Proposal: Schematic Level Design and Permitting

REQUESTED ACTION: Accept the proposed Contract with Olsen Associates for continued design, and permitting activities related to the shoreline stabilization project.

PROPOSED MOTION: Motion to authorize the Olsen Associates' Task 04, to continue the work for design development, coordination and permitting for the Shoreline Stabilization Project.

July 2, 2024

Robert A. Jarvis, P.E., City Engineer
City of Southport
Southport City Hall
1029 N. Howe Street, Suite 100
Southport, NC 28461



Re: City of Southport, North Carolina
Shoreline Stabilization Project
Task 04 Proposal: Schematic Level Design and Permitting

Dear Mr. Jarvis:

Olsen Associates, Inc. (OAI) is pleased to submit for your consideration the following proposal to provide to the City of Southport (City) professional coastal engineering services to assist the City with further development of a shoreline restoration and stabilization plan and permitting.

A subsequent proposal will include the development of construction plans and technical specifications; bidding assistance; construction oversight; and post-construction reporting. The scope of work and proposed costs for this task are provided in **Attachment A**.

Please let me know if you have any questions regarding this submittal. Thank you for the opportunity to present this proposal to the City of Southport.

Sincerely,

A handwritten signature in blue ink, reading "Christopher G. Creed".

Christopher G. Creed, P.E., D. CE
Principal Engineer, Vice President

/attachment

Approved: City of Southport
Date: _____

ATTACHMENT A - SCOPE-OF-WORK and COST

This scope of work provides for professional coastal engineering and environmental permitting services to assist the City of Southport with pursuit of State and Federal environmental permits that will allow for the construction of shorefront restoration and stabilization improvements along City of Southport Cape Fear River shoreline. The City has identified the preferred plan to be pursued for the schematic level design and permit applications. The professional coastal engineering services will be provided by Olsen Associates, Inc. (OAI). The environmental permitting services will be provided by Davey Resource Group, Inc. (DRG), through the OAI contract with the City of Southport.

Assumptions

- For the preferred plan, it is anticipated that private property owners along the project shoreline will have to sign easements with the City that indicate agreement with the public activity within their riparian area before the City can apply for the CAMA major permit. If easements are not secured, the project plan will need to be modified accordingly.
- The schematic level design and permit applications will be developed with information that is currently available. Should agency review require additional, unanticipated data collection, design work, analyses, etc. not currently available or described herein, additional scope and budget will be required for OAI and/or DRG.
- Herein, it is assumed that the proposed work will be considered for approval under USACE Regional General Permit (RGP). This is believed to be a reasonable assumption given the scope of work of the proposed project and understanding of project site conditions. Once the State forwards the CAMA major permit application to the U.S. Army Corps of Engineers Wilmington District (USACE) for review, the USACE will conduct a formal review of the project and make a final determination about the applicability of RGP to this project. Should the USACE determine it cannot apply RGP to the project and a project-specific Federal permit is needed, additional scope of work and budget will be required to support a more involved Federal application and permitting process.
- Based on prior discussions with regulatory staff, it is assumed that only a Biological Assessment (BA) and an Essential Fish Habitat (EFH) assessment will be required to facilitate regulatory review with available environmental data. Accordingly, this scope of work and budget does not contemplate preparation of an Environmental Impact Statement (EIS), an Environmental Assessment (EA), or any new environmental surveys.
- Given the proximity of the proposed project to three federal channels (Wilmington Harbor, Atlantic Intracoastal Waterway, and Southport Boat Basin), the USACE is expected to perform a Section 408 review of the project. It is assumed that available information and descriptions will be sufficient to allow the USACE to complete the Section 408 review. Should the USACE require specific meetings during 408 review and/or information and analyses that are not already available or that will be produced through work described

herein (i.e., more detailed engineering analyses, numerical modeling, site survey data, etc.), the OAI and DRG scope of work and budget will need to be amended accordingly.

Sub-task 4.1 Schematic Level Design and Permit Support Drawings and Documentation:

OAI shall develop schematic-level design details of the selected plan and drawings sufficient to support the formulation of the Coastal Area Management Act (CAMA) major permit application. OAI shall consider available physical, environmental, and cultural resources data for development of the schematic-level design to include sufficient details regarding the project plan to support a permit application and agency review. This will include schematic layout drawings and descriptive details of structures, beach fill, marsh restoration, etc., and appropriate. OAI will additionally update the preliminary opinion of probable cost to construct, if necessary.

Deliverables:

- (1) One (1) set of permit drawings, signed and sealed by a professional engineer in the State of North Carolina.
- (2) Memorandum describing the project and engineering design assumptions, suitable for supporting the permit application.

Schedule: Within forty-five (45) days following NTP by the City.

Cost: OAI Lump Sum: \$ 16,500.00

Sub-task 4.2 CAMA Major Permit: Under contract to OAI, Davey Resource Group (DRG) shall prepare the Coastal Area Management Act (CAMA) major permit application for submittal to the State of North Carolina Division of Coastal Management (NCDCM). DRG will complete the permit application forms, project narrative, and required notifications. DRG will complete the property owner notifications required for the CAMA permit. To facilitate regulatory review of the permit application, DRG will prepare the Biological Assessment (BA) and the Essential Fish Habitat (EFH) assessment.

OAI shall provide management and technical support to DRG during the application process. The OAI effort shall assemble and provide supporting information (graphics, text, etc.) from existing information, including information prepared under this agreement to support the preparation and review of the project permit application.

Deliverable: CAMA major permit application submittal to the City and the State of North Carolina Division of Coastal Management (NCDCM).

Schedule: Within seventy-five (75) days following completion of final figures and project details by OAI. Efforts will be made to overlap with Task 4.1 schedule.

<u>Cost:</u> OAI Lump Sum:	\$ 4,500.00
DRG Lump Sum:	\$12,500.00

Sub-task 4.3 Biological Assessment (BA): To support the permitting effort and under contract to OAI, DRG shall prepare a Biological Assessment (BA) for submittal to USACE Regulatory and review by the United States Fish and Wildlife Service (USFWS) to fulfill the requirements as outlined under Section 7(c) of the Endangered Species Act of 1973, as amended. The BA will evaluate the potential impacts that the proposed project may have on federally-listed endangered and threatened species and describe the avoidance, minimization, and conservation measures proposed by the applicant.

Deliverables:

- (1) A PDF copy of the Biological Assessment, prepared by DRG.
- (2) Copies of email correspondence transmitting the BA to the USACE Regulatory.

Schedule: Within seventy-five (75) days following completion of final figures and project details by OAI. Efforts will be made to overlap with Task 4.1 schedule.

<u>Cost:</u> OAI Lump Sum:	\$ 4,500.00
DRG Lump Sum:	\$14,000.00

Sub-task 4.4 Essential Fish Habitat (EFH) Assessment: To support the permitting effort and under contract to OAI, DRG shall will prepare an Essential Fish Habitat (EFH) for submittal to the USACE Regulatory and review by National Marine Fisheries Service (NMFS). The assessment will be conducted per the requirements of the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended through 1996 (Magnuson-Stevens Act). The EFH Assessment will describe how the Applicant's proposed action may affect EFH designated by the NMFS and the South Atlantic Fisheries Management Council (SAFMC), for the area of influence of the project.

Deliverables:

- (1) A PDF copy of the Essential Fish Habitat assessment, prepared by DRG.
- (2) Copies of email correspondence transmitting the EFH assessment to USACE Regulatory.

Schedule: Within seventy-five (75) days following completion of final figures and project details by OAI. Efforts will be made to overlap with Task 4.1 schedule.

<u>Cost:</u> OAI Lump Sum:	\$ 4,500.00
DRG Lump Sum:	\$ 14,000.00

Sub-task 4.5 Response to Agency Comments/Project Coordination and Team Meetings:

OAI and DRG will respond to formal requests for additional information regarding the permit application to help complete the file. These responses will be formulated based on available information. Should the agencies require information and analyses that are not already available (i.e., more detailed engineering analyses, numerical modeling, site survey data, etc.), the OAI and DRG scope of work and budget will need to be amended accordingly.

Allowance is included for OAI and DRG to attend one (1) in-person meeting with City staff and/or regulatory agencies, as desired. OAI and DRG will also be available for teleconference and/or virtual meetings with State and Federal regulatory and resource agencies to support review of the permit application.

Deliverables:

- (1) A PDF copy of any formal responses to requests for additional information.
- (2) Copies of email correspondence transmitting the response(s) to regulatory Requests for Additional Information.
- (3) Attendance at meeting(s) and PDF copies of presentation materials and meeting notes will be provided to the City.

Schedule: The deliverables will be submitted to the City immediately upon transmittal to the agencies.

<u>Cost:</u> OAI (T&M, NTE at prevailing rates):	\$ 15,000.00
DRG (T&M, NTE at prevailing rates):	\$ 18,000.00

Sub-task 4.6: Sand Source Identification (Authorization to Proceed Withheld):

OAI shall seek to identify candidate upland sand sources in Brunswick County that could be potentially used for the sand fill component of the project. OAI shall visit up to four (4) sand sources sites, review site conditions and collect sand samples as may be required and appropriate. Up to four (4) samples from each mine will be analyzed in commercial geotechnical labs in Jacksonville, Florida. OAI staff will also collect up to twenty (20) native beach sediment samples from along the Southport shorefront for comparison to candidate sources, compatibility analyses, and permit submittal. OAI shall review physical sand samples, inspect laboratory analyses for

representative samples and perform requisite beach compatibility analyses to support identification of the most suitable source.

Deliverables:

- (1) A memorandum-of-findings that summarizes the characteristics of the candidate sand sources, compares each candidate source to the native beach conditions, and recommends the most suitable source will be submitted to the City and the Board of Aldermen.
- (2) PDF copies of the grain size analyses prepared by a geotechnical laboratory.

Schedule: Within forty-five (45) days of a notice by the agencies for the needed information.

<u>Cost:</u>	<i>OAI Lump Sum:</i>	<i>\$ 8,500.00 (includes travel time)</i>
	<i>Travel Expenses for site visit:</i>	<i>\$ 2,600.00 (NTE budget allowance)</i>
	<i>Geotechnical Laboratory Services</i>	<i>\$ 2,500.00 (NTE budget allowance)</i>



BOARD OF ALDERMEN AGENDA ITEM SUMMARY

DATE: 07/11/2024

DEPARTMENT: Development Services

PRESENTED BY: Maureen Meehan, City Planner

ITEM SPONSORED BY: Development Services

ITEM/TOPIC: Sidewalk Improvements at the Preserve at Fisher Landing

COST: To Be Determined

BUDGET LINE ITEM: Not Applicable

JUSTIFICATION: The Preserve at Fisher Landing is a previously approved cluster subdivision that is close to being built out. Part of the subdivision approval includes installing sidewalks. There is an approved sidewalk plan, although the sidewalks have yet to be installed. The Homeowner's Association (HOA) is requesting help resolving the issue since the developer and builder are unresponsive.

IMPACT IF NOT APPROVED: Sidewalks will not be built.

DEPARTMENT HEAD COMMENTS: In April 2023, Michael House with Cape Fear Engineering contacted Staff to release landscaping bonds to the developer, Hoosier Daddy, LLC. Mr. House also confirmed that sidewalk improvements were outstanding. Former Development Services Director Travis Henley worked with the engineer and developer to resolve the issue of bond release and sidewalk installation. Mr. Henley approved the release of the landscape bond. At that time, the City took no further action regarding sidewalk installation. The HOA was made aware of the requirement of sidewalk installation and came to Staff last fall looking for a resolution without installing the sidewalks. Since sidewalks are a requirement for subdivisions, Staff could not offer a remedy other than installing the sidewalks. The HOA understands the requirement and is amenable to the installation, although neither the developer nor the builder is willing to make further improvements to the subdivision. Staff reached out again to both the developer and builder with little response. Upon counsel with the City Attorney, the next step forward is a determination by the Board of Aldermen to: 1) do nothing and leave the installation to the HOA; 2) call the bond and release payments to the HOA as they complete the sidewalks; or 3) have the City call the bond to build the sidewalks and cover the remaining costs. Our best estimate at this time, is that the cost would now be \$87,600 not including any excavation, grading or painting of crosswalks. The difference could be between \$25,000-\$35,000.

CITY MANAGER COMMENTS: Typically, the bond is released to the HOA and they have to install the sidewalks and make up any difference in cost for doing this work. They would then go after the Developer for any additional money. The City would stay away from doing any of this work. I am sure City Attorney Brady Herman will give you his recommendation and overview of what the law allows in situations like this one.

ATTACHMENTS: 1.) Staff Report 2.) Subdivision Development Agreement 3.) Map of proposed sidewalks 4.) Emails from Brady Herman

REQUESTED ACTION: Discussion and direction on installation of required sidewalks at the Preserve at Fisher Landing

PROPOSED MOTION: Motion to take one of the actions below:

1. Call the Bond and release funds to the HOA as needed to complete the sidewalks;
2. Call the Bond and contribute any remaining balance to the construction of the sidewalks;
3. Call the bond but forego the sidewalks and use funds in the subdivision for improvements;
4. Do nothing with the bond and require the HOA to install sidewalks.



MEMORANDUM

To: Mayor Rich Alt and Members of the Board of Aldermen

From: Maureen Meehan, City Planner

Re: Sidewalk Improvements at the Preserve at Fisher Landing

Date: July 11, 2024

Background

The Preserve at Fisher Landing is a previously approved cluster subdivision between W. 9th and W. 11th Streets. This subdivision consists of 48 single-family lots on 15 acres and is close to being built out.

At the time the subdivision was approved, the UDO required that infrastructure be installed or performance bonds (such as a bond or letter of credit) be submitted before recording a final plat. The sidewalk infrastructure had yet to be built, and the developer submitted a performance guarantee equal to \$66,412.50 (125% of the cost of the infrastructure.) The final plat and infrastructure improvement agreement was approved on July 9, 2020. The sidewalks were to be constructed as houses were built to prevent damage to the infrastructure. Building permits were issued in 2020 without the sidewalks being installed as the homes were being built. Currently, there are no active building permits for constructing a house.

In April of 2023, when the last permits were being completed, the developer contacted Staff inquiring about releasing the bonds for landscaping and sidewalk installation. Michael House with Cape Fear Engineering requested the release of the landscaping bond to the developer, Hoosier Daddy, LLC. Mr. House also confirmed that sidewalk improvements were outstanding. Former Development Services Director Travis Henley worked with the engineer and developer to resolve the issue of bond release and sidewalk installation. Mr. Henley approved the release of the landscape bond in August 2023. At that time, the City took no further action regarding sidewalk installation, as the developer assured Staff that they were working with the builder, Dream Finder Homes, to complete the improvements.

Dream Finder Homes was ready to install the sidewalks by the end of 2023. However, neither the homeowner's association (HOA) nor the subdivision residents were aware of the requirement. In October, members of the HOA met with Staff to discuss their options and concerns, including a petition against the sidewalks presented by the residents.

Sidewalks are a requirement for a major subdivision, and there is no option to request a variance or modify the subdivision to remove them. The HOA understands this and is now amenable to installing the sidewalks. With the HOA in agreement, the builder no longer accepts responsibility for installation since the installment agreement is between the developer and the City. The developer states that they have an agreement with the builder for installation. There is a stalemate.

Staff have contacted the developer and builder to complete the project. The builder states that they are not responsible for installing the sidewalks. Hoosier Daddy, LLC is restructuring its leadership. Numerous letters, emails, and phone calls from the HOA and city staff to the developer have yet to be answered.

The HOA now requests a determination of how and if the City will be able to help with the installation of the required sidewalks. The HOA has the following preferences for proceeding with the installation of the sidewalks.

1st choice: The Developer installs the sidewalks abutting the curb as per the development agreement.

2nd choice: The City notifies the developer they are in default and proceeds with collecting on the bond for \$66,412.50.

In terms of installation of sidewalks once the \$66k is secured:

First choice: While the HOA hasn't priced out what it would cost currently to complete what is in the improvements agreement, we all believe the \$66,412.50 won't cover the improvements today. Given that, if it is possible to have the City take over the streets without sidewalks, that would be preferred by the HOA. The initial petition signed by nearly every homeowner was for no sidewalks. They want to see the City spend some or all of the \$66k in improvements to our neighborhood.

Second choice: If sidewalks must be installed, then the HOA asks that the City spend the bond to complete the sidewalks. The improvements agreement states: "Upon default, the City may immediately proceed against Developer and spend the bond pursuant to the terms of this agreement."

Third (and undesirable) choice: The \$66k goes to the HOA, and the HOA must hire a contractor to manage the process of installing sidewalks so the City can take over the streets.

Before sending this request for your review, the Development Services staff asked Public Services for a rough estimate of the cost of installing the sidewalks. Public Services Director Tom Stanley provides the following estimate, considering today's costs.

The estimate is just that and does NOT include excavation, grading, or painting of the crosswalks.

2070ft x 5ft= 10,350 Sf. of sidewalk @ \$8 sf. = \$82,800	
4 Handicap curb cuts @ \$1200 ea.	= 4,800
	<u>\$87,600</u>

Staff, in consultation with the City Attorney Brady Herman, provided the following options for discussion and consideration.

1) Do nothing and leave further coordination with the developer and installation of the sidewalks to the HOA;

- 2) Call the bond and release payments to the HOA as they complete the sidewalks; or
- 3) Call the bond to build the sidewalks and cover the remaining costs.

Attachments

Approved Sidewalk Plan
Signed Improvement Agreement



THE MAIN STREET AMERICA GROUP



Bond No. S330046

SUBDIVISION BOND

KNOW ALL MEN BY THESE PRESENTS, THAT, we, Hoosier Daddy, LLC, as Principal, and NGM Insurance Company, 55 West Street, Keene, NH 03431, as Surety, are held and firmly bound unto the City of Southport as Oblige, in the full and just sum of Sixty Six Thousand Four Hundred Twelve Dollars and 50/100 (\$ 66,412.50) for the payment of which sum, well and truly to be made, the said Principal and Surety bind themselves, and their respective heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal is the owner of a certain tract of land in Brunswick County more particularly described as follows: The Preserve at Fisher Landing

WHEREAS, The Principal has entered into an agreement with the Oblige, wherein the Principal agrees to construct the following: The Preserve at Fisher Landing - Sidewalk Completion and Landscaping in said tract.

NOW, THEREFORE, the condition of this obligation is such that, if the Principal shall faithfully perform the terms of said agreement on its part shall fully indemnify and save harmless the Oblige from all cost and damage which the Oblige may suffer by reason of failure so to do and shall fully reimburse and repay the Oblige all outlay and expense which the Oblige may incur in making good such default, then this obligation shall be null and void, otherwise it shall remain in full force and effect.

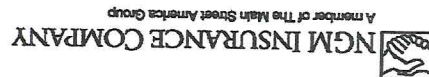
IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this 13th day of July, 2020

Attest [Signature]
Jenniffer Underhill

Hoosier Daddy, LLC
BY: [Signature]
NGM Insurance Company
President, [Signature]
Manager
(Seal)
BY: [Signature]
James P. Lowrey
Attorney-in-Fact
(Seal)



Handwritten text or signature, possibly a date or name, located in the upper left quadrant of the page.



POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That NGM Insurance Company, a Florida corporation having its principal office in the City of Jacksonville, State of Florida, pursuant to Article IV, Section 2 of the By-Laws of said Company, to wit:

"SECTION 2. The board of directors, the president, any vice president, secretary, or the treasurer shall have the power and authority to appoint attorneys-in-fact and to authorize them to execute on behalf of the company and affix the seal of the company thereto, bonds, recognizances, contracts of indemnity or writings obligatory in the nature of a bond, recognizance or conditional undertaking and to remove any such attorneys-in-fact at any time and revoke the power and authority given to them."

James P. Lowrey
does hereby make, constitute and appoint
its true and lawful Attorney-in-fact, to make,
execute, seal and deliver for and on its behalf, and as its act and deed, bond number S330046 dated July 13, 2020.

on behalf of Hoosier Daddy, LLC
in favor of City of Southport

and to bind NGM Insurance Company thereby as fully and to the same extent as if such instrument was signed by the duly authorized officers of the NGM Insurance Company; the acts of said Attorney are hereby ratified and confirmed.

This power of attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Directors of NGM Insurance Company at a meeting duly called and held on the 2nd day of December 1977.

Voted: That the signature of any officer authorized by the By-Laws and the company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof, such signature and seal, when so used being hereby adopted by the company as the original signature of such officer and the original seal of the company, to be valid and binding upon the company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, NGM Insurance Company has caused these presents to be signed by its Vice President, General Counsel and Secretary and its corporate seal to be hereto affixed this 7th day of January, 2020.

NGM INSURANCE COMPANY BY:

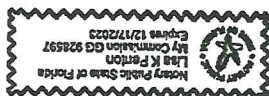


Kimberly K. Law
Vice President,
General Counsel and Secretary

Kimberly K. Law

State of Florida,
County of Duval.
On this 7th day of January, 2020, before the subscriber a Notary Public of State of Florida in and for the County of Duval duly commissioned and qualified, came Kimberly K. Law of the NGM Insurance Company, to me personally known to be the officer described herein, and who executed the preceding instrument, and she acknowledged the execution of same, and being by me fully sworn, deposed and said that she is an officer of said Company, aforesaid: that the seal affixed to the preceding instrument is the corporate seal of said Company, and the said corporate seal and her signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company; that Article IV, Section 2 of the By-Laws of said Company is now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Jacksonville, Florida this 7th day of January, 2020.



do not print

I, Nancy Giordano-Ramos, Vice President of the NGM Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Company which is still in full force and effect. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company at Jacksonville, Florida this 13th day of July, 2020.

Nancy Giordano-Ramos



WARNING: Any unauthorized reproduction or alteration of this document is prohibited.
TO CONFIRM VALIDITY of the attached bond please call 1-603-358-1343.

TO SUBMIT A CLAIM: Send all correspondence to 55 West Street, Keene, NH 03431 Attn: Bond Claim Dept. or call our Bond Claim Dept. at 1-603-358-1229.



STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

IMPROVEMENTS AGREEMENT

THIS AGREEMENT ("Agreement"), made and entered into this the 9th day of

July, 2020, by and between the **City of Southport**, a North Carolina municipal corporation,

party of the first part ("City") and Hoosier Daddy, LLC, a North Carolina limited liability

corporation, with an office and place of business in New Hanover County, North Carolina,

party of the second part ("Developer");

WITNESSETH:

THAT WHEREAS, Developer (or developer's predecessor in title) has previously

obtained planned building group site plan approval from City for that certain subdivision known

as "The Preserve at Fisher Landing"; and

WHEREAS, Developer now wishes to obtain final plat approval for said

subdivision prior to installation of all required road infrastructure and tree mitigation; and

WHEREAS, pursuant to City ordinances, in order to obtain said final plat

approval prior to the installation of all required infrastructure and tree mitigation improvements,

the Developer is required to post a surety bond, cash or equivalent security with City to

guarantee the timely completion of all required improvements; and

WHEREAS, developer wishes to file a surety bond as security; and

WHEREAS, Section 25-7 of the UDO also requires the execution of an

Improvement Agreement to assure the posting of adequate security and the proper performance

of Developer's duties under the approved plans and city ordinances; and

WHEREAS, City desires to accept from Developer the filing of a surety bond to

guarantee the completion of all road infrastructure improvements in said subdivision; and

WHEREAS, the parties desire to reduce to writing the provisions, terms and conditions

of their agreement related to the posting of said cash and the completion of all required road

infrastructure and tree mitigation improvements;

NOW, THEREFORE, in consideration of the premises and the mutual promises and

covenants contained herein to be kept and performed, the parties hereto agree as follows:

1. Developer shall complete, at Developer's sole cost and expense, all remaining

required sidewalk infrastructure improvements for The Preserve at Fisher Landing, in

accordance with the original plans, specifications and drawings prepared by Cape

Fear Engineering, dated September 18, 2019 which are incorporated herein by

reference and in accordance with all applicable city ordinances and policies, and as

shown on the Engineer's Cost Estimate prepared by Michael R. House dated June 1,

2020 which is also incorporated herein by reference.

2. Developer shall complete, at Developer's sole cost and expense, all remaining

required tree mitigation improvements for The Preserve at Fisher Landing, in accordance

with original plans, specifications and drawings prepared by Cape Fear Engineering,

dated May 13, 2019 which are incorporated herein by reference and in accordance with

all applicable city ordinances and policies, and as shown on the Engineer's Cost Estimate

prepared by Michael R. House dated June 1, 2020, which is also incorporated herein by

reference.

3. All required sidewalk infrastructure and tree mitigation improvements shall be

completed in conformity with said plans, specifications, town ordinances and policies on or

before July 15, 2022. It is estimated that the costs of said improvements are \$53,130.

4. Developer shall pay for the costs and expenses of all temporary improvements, if any, required by the City Planner and shall maintain said improvements for the period specified by said City Planner.

5. As security for the payment and completion of all required road infrastructure and tree mitigation improvements in said subdivision as set forth above, Developer shall immediately file with City a surety bond pursuant to Section 25-7 of the UDO in a form acceptable to City in the sum of \$66,412.50 in favor of the City securing and guaranteeing the satisfactory and timely completion of said required sidewalk infrastructure and tree mitigation improvements. The bond will remain in the City's account until all required sidewalk infrastructure and tree mitigation improvements have been completed, approved and accepted by City. It is understood and acknowledged that all required improvements are subject to the approval of the City's designated engineer.

6. No extensions of the required completion date shall be valid unless in writing and approved by City. In the event that Developer desires to obtain an extension of any required completion date, Developer must request said extension in writing at least 90 days prior to the applicable completion date. Nothing herein shall be construed to require City to approve an extension of the completion date. Before City may grant an extension, however, Developer must provide a new performance guarantee in a form acceptable to City showing the new completion date.

7. Failure of the Developer to complete all required improvements in a timely manner in accordance with City's ordinances and policies and in accordance with the approved plans, specifications and drawings, such determination to be made by City's designated engineer, or the failure of the developer to comply with the terms of this Agreement, shall constitute a default

hereunder. Upon default, the City may immediately proceed against Developer and spend the bond pursuant to the terms of this agreement.

8. Prior to the release of the surety bond and approval and acceptance of the required improvements, Developer shall submit to City satisfactory written documentation that all

contractors and subcontractors have been paid in full.

IN WITNESS WHEREOF, the parties have executed this Agreement effective the

day and year first above written.

City of Southport

BY:

City Manager

Gordon Huggins 7/15/2020

Hoosier Daddy, LLC

BY:

President

Manager

Lisa Beaman

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

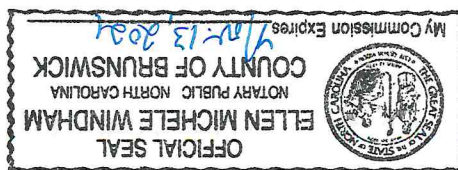
I, *Ellen Michele Windham*, Notary Public for said State and County, certify

that Lisa Beaman personally came before me this day and acknowledged that he is President of Hoosier Daddy, LLC and that by authority duly given and as the act of the corporation, the

foregoing instrument was signed in its name by him as president.

Witness my hand and notarial seal, this the *15th* day of *July*, 2020.

Ellen Michele Windham



_____, Notary Public
My commission expires: Nov. 13, 2021

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

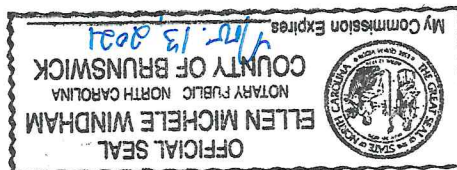
I, Ellen Michele Windham, Notary Public for said State and County, certify

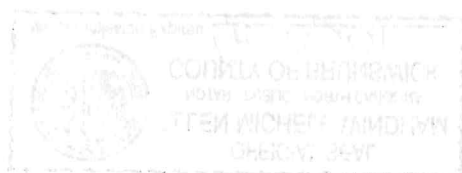
that Gordon Hargrove personally came before me this day and acknowledged that he is Manager of the City of Southport, and that by authority duly given and as the act of the municipal

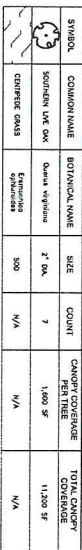
corporation, the foregoing instrument was signed in its name by him as Manager.

Witness my hand and notarial seal, this the 15th day of July, 2020.

_____, Notary Public
My commission expires: Nov. 13, 2021







SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE	COUNT	CANOPY COVERAGE PER TREE	TOTAL CANOPY COVERAGE
	SOUTHERN LIVE OAK	<i>Quercus virginiana</i>	2' DIA.	7	1,600 SF	11,200 SF
	COMPACT GRASS	<i>Eragrostis spurius</i>	500	N/A	N/A	N/A

NOTE: LANDSCAPING PLAN SHOWN REPRESENTS MINIMUM CODE/ORDINANCE REQUIREMENTS. COMPREHENSIVE LANDSCAPE PLAN FOR ENTIRE SITE TO BE PROVIDED BY OTHERS AT A LATER DATE. PLANNINGS SHALL BE ADJUSTED TO AVOID ANY POTENTIAL UTILITY OR STORMDRAIN CONFLICTS.



PROJECT LOCATION

ISSUED FOR REGULATORY REVIEW

#	REVISION	DATE	BY
1	ISSUED FOR REGULATORY REVIEW	5/20/18	SSZ/018
2	REVISIONS	5/20/18	SSZ/018

REVIEWED FOR CITY OF SOUTHPORT

COMMENTS:

Michael
5/14/18

OWNER/DEVELOPER

HOOSIER DADDY, LLC
8025 TARVIN ROAD
WILLIAMSTON, NC 28409
PHONE: (252) 916-5030

CAPE FEAR ENGINEERING

151 Pogue Rd, Suite 100, Blawie, NC 28451
TEL: 910-442-6600
WWW.CAPEFEARENGINEERING.COM
N.C. LICENSE # 21047

PRODUCT 4440-01

SCALE 1"=40' (SEE TITLE)

DATE 5/20/18

TRACED BY SSZ/018

HOOSIER DADDY, LLC

151 Pogue Rd, Suite 100, Blawie, NC 28451

W. ELEANOR ST., SINGLE FAMILY

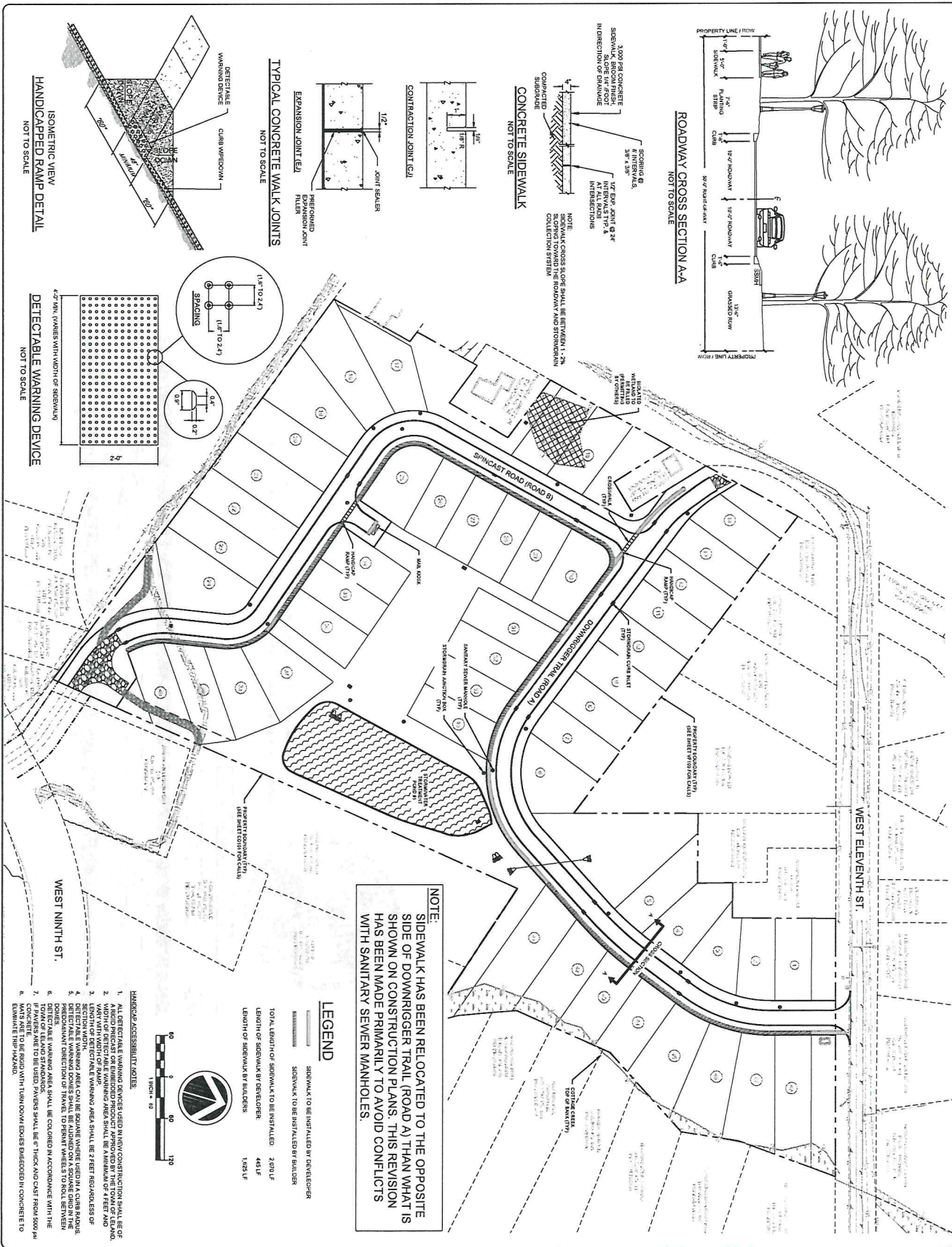
SMITHVILLE TWP.

BRUNSWICK CO., SOUTHPORT, NC

CONCEPT LANDSCAPE PLAN

4440-01

DATE 5/20/18



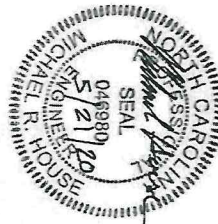
Engineer's Opinion of Probable Cost
 THE PRESERVE AT FISHER LANDING
 City of Southport - Brunswick County, NC

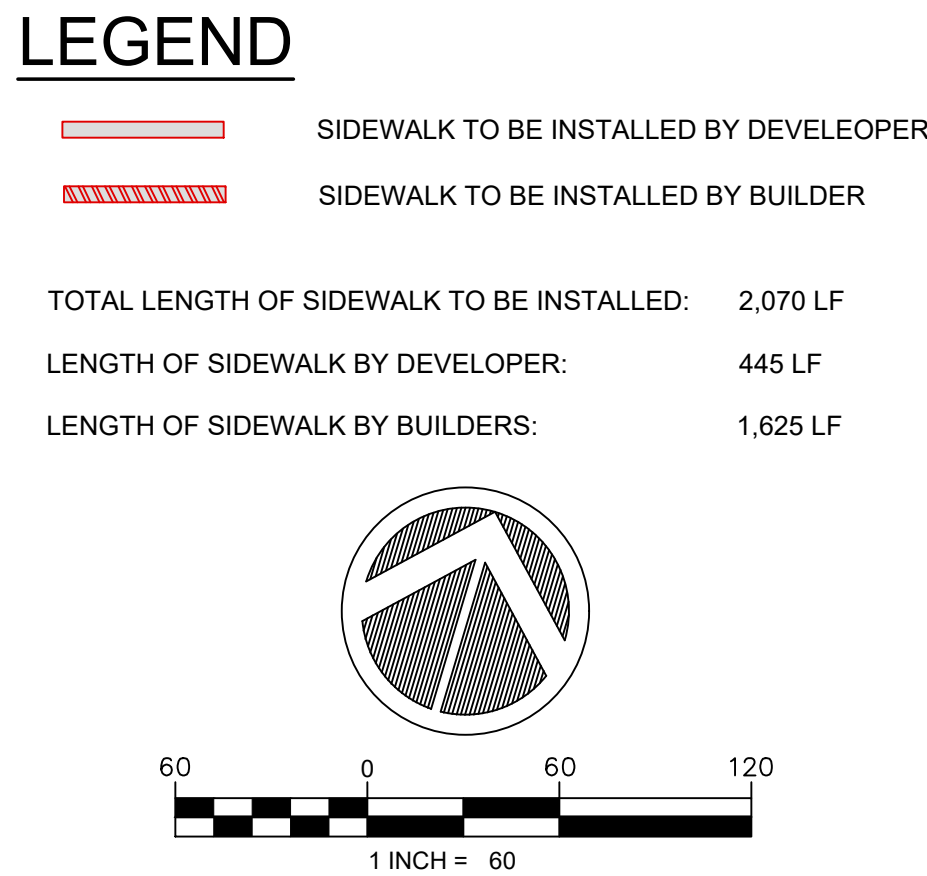
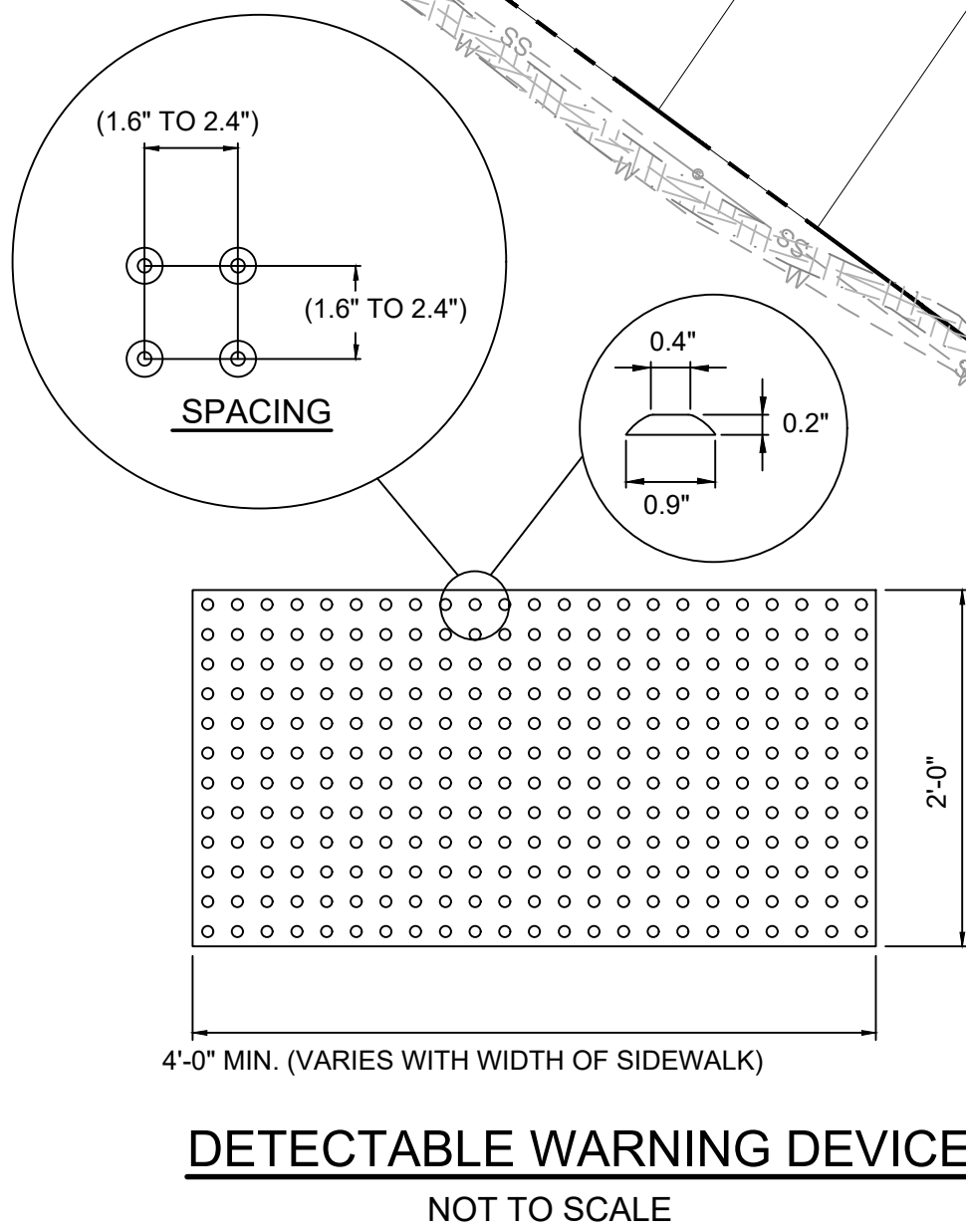
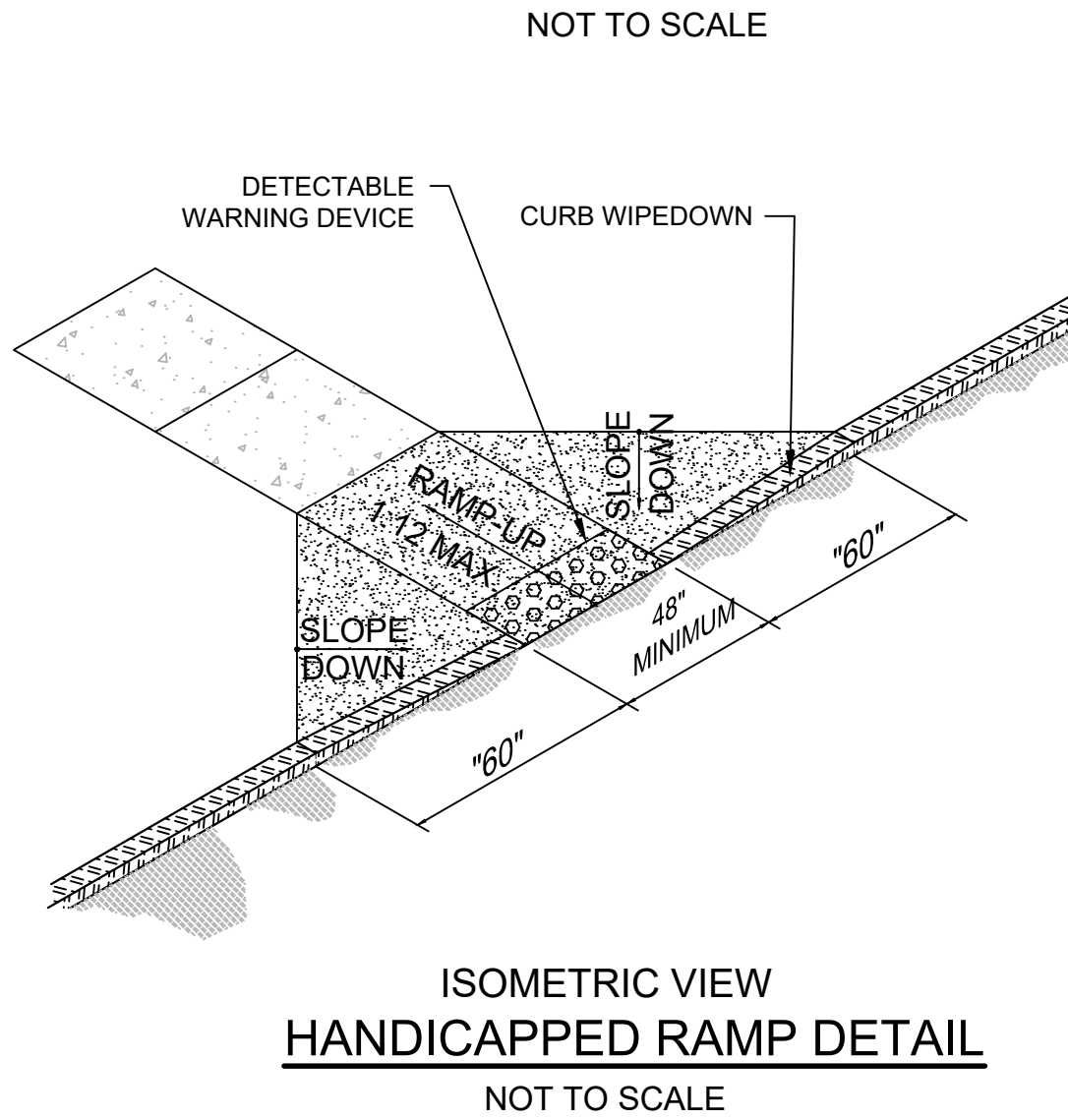
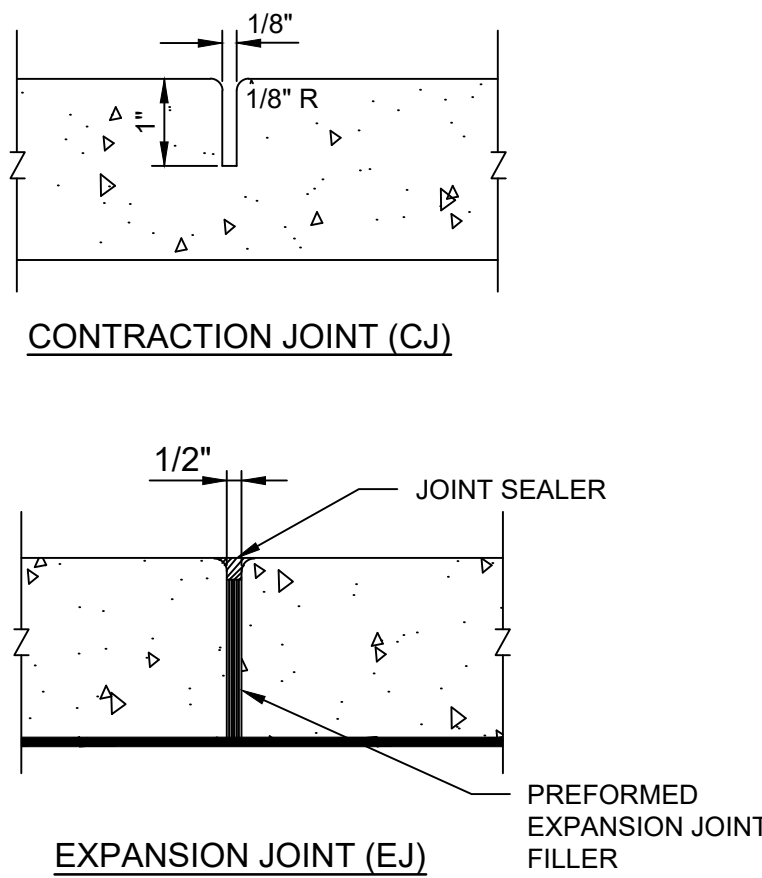
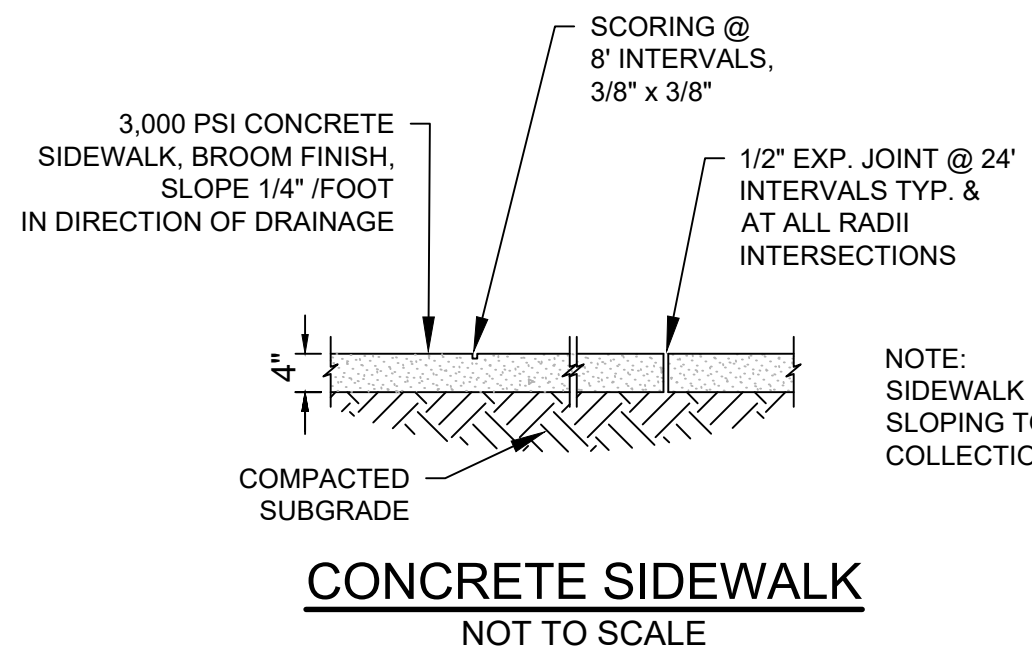
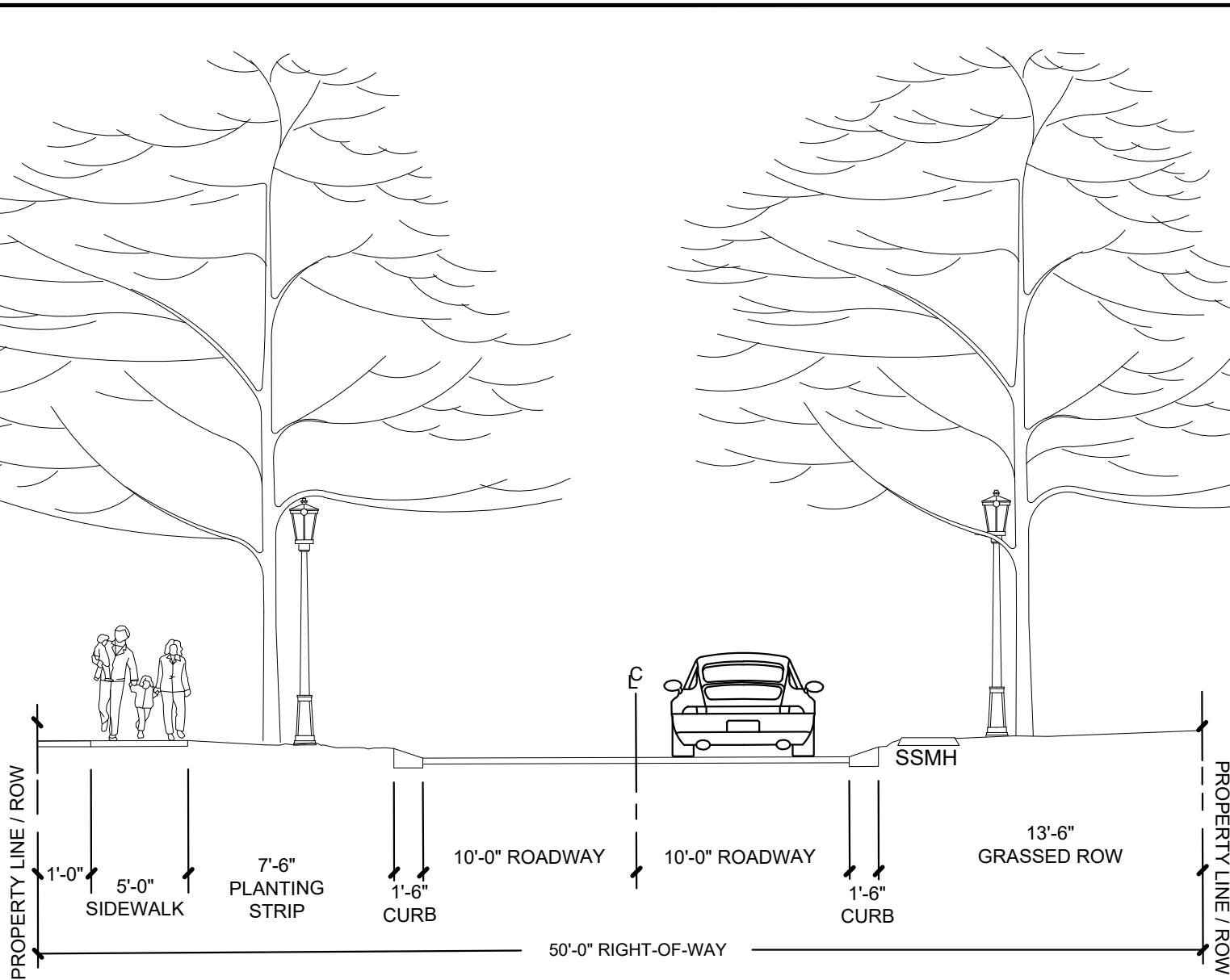
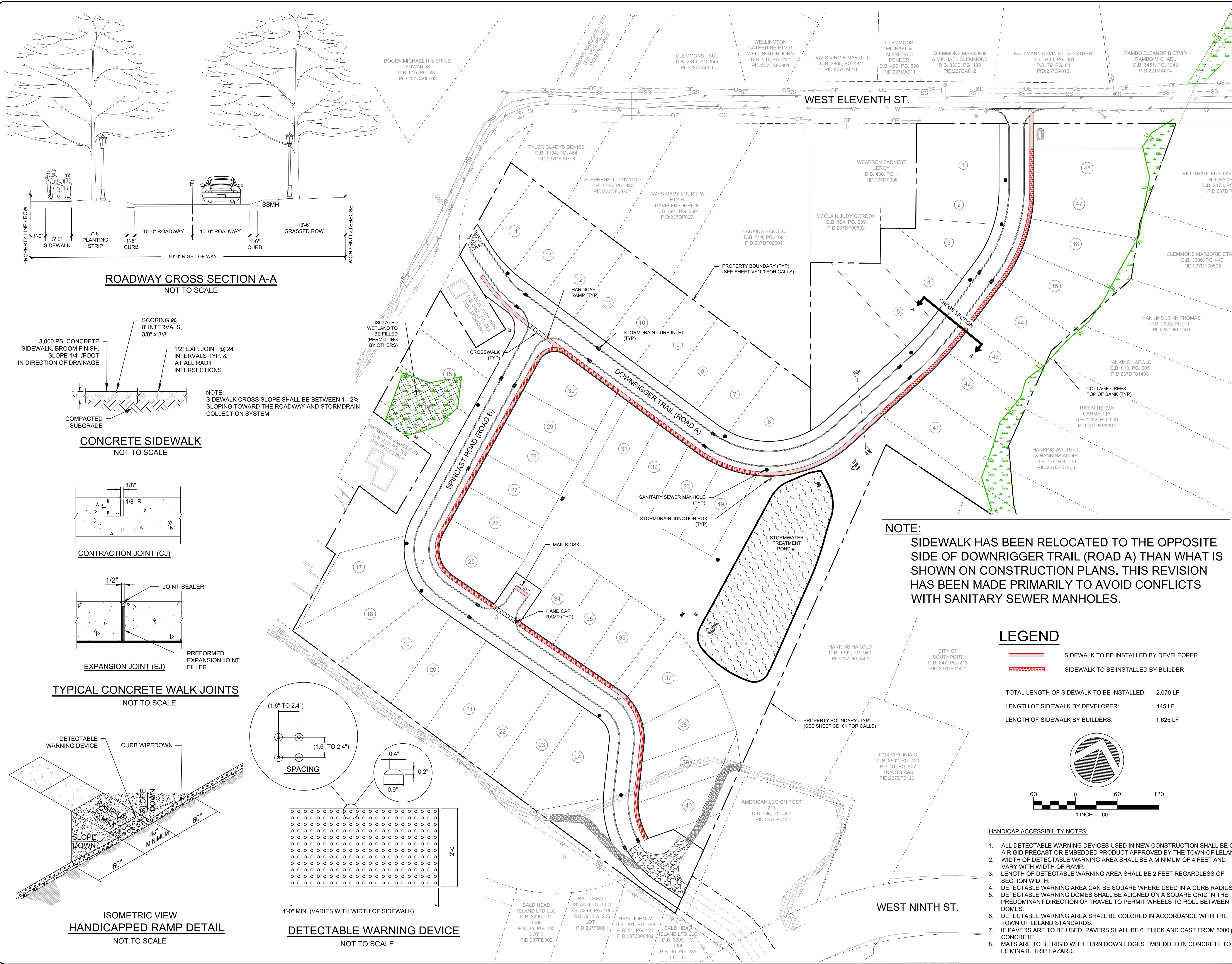
		ORIG. CFE ESTIMATE	
Item Description	Engineer's Estimated Quantity	units	Probable Costs
1.00 SIDEWALKS			
1.01 6' Wide Sidewalk (4" thick)	2,070	LF	\$24.00 \$ 49,680.00
1.02 Handicap Ramps	4	EA	\$250.00 \$ 1,000.00
			SUB-TOTAL \$ 50,680.00

TOTAL	\$ 50,680.00
TOTAL PLUS 25%	\$ 63,350.00

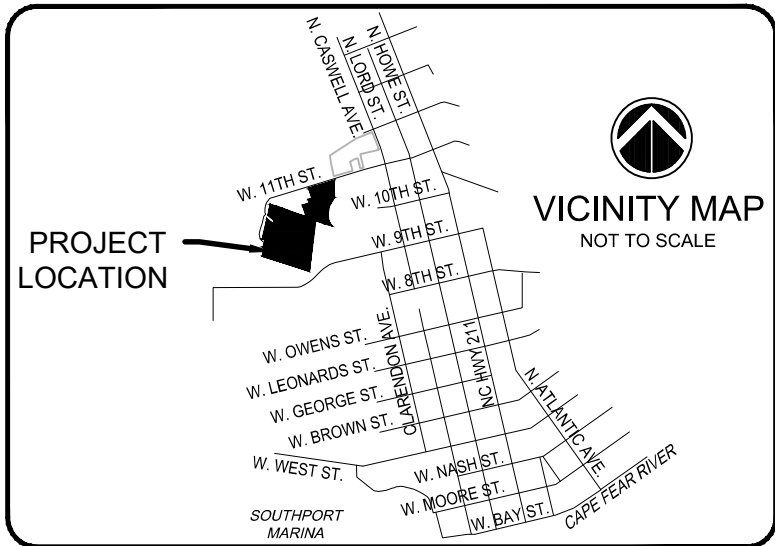
Notes:

1. Unit price estimates based on previously reviewed Contractor bids for similar projects.
2. Quantities reported based on Sidewalk Plan EX100 attached for reference.





- HANDICAP ACCESSIBILITY NOTES:**
- ALL DETECTABLE WARNING DEVICES USED IN NEW CONSTRUCTION SHALL BE OF A RIGID PRECAST OR EMBEDDED PRODUCT APPROVED BY THE TOWN OF LELAND.
 - WIDTH OF DETECTABLE WARNING AREA SHALL BE A MINIMUM OF 4 FEET AND VARY WITH WIDTH OF RAMP.
 - LENGTH OF DETECTABLE WARNING AREA SHALL BE 2 FEET REGARDLESS OF SECTION WIDTH.
 - DETECTABLE WARNING AREA CAN BE SQUARE WHERE USED IN A CURB RADIUS.
 - DETECTABLE WARNING DOMES SHALL BE ALIGNED ON A SQUARE GRID IN THE PREDOMINANT DIRECTION OF TRAVEL TO PERMIT WHEELS TO ROLL BETWEEN DOMES.
 - DETECTABLE WARNING AREA SHALL BE COLORED IN ACCORDANCE WITH THE TOWN OF LELAND STANDARDS.
 - IF PAVERS ARE TO BE USED, PAVERS SHALL BE 6" THICK AND CAST FROM 5000 PSI CONCRETE.
 - MATS ARE TO BE RIGID WITH TURN DOWN EDGES EMBEDDED IN CONCRETE TO ELIMINATE TRIP HAZARD.



ISSUED FOR
REGULATORY REVIEW

0	ISSUED FOR CONSTRUCTION	MRH
REV. #	DESCRIPTION	REV. BY
	REVISIONS	DATE

OWNER/DEVELOPER

HOOSIER DADDY, LLC
6025 TARIN ROAD
WILMINGTON, NC 28409
PHONE: (252) 916-5030

**CAPE FEAR
ENGINEERING**

151 Poole Rd., Suite 100, Belville, NC, 28451
TEL (910) 383-1044; FAX (910) 383-1045
www.capefearengineering.com
N.C. LICENSE # C-1621

PROJECT NUMBER:	440-021
SCALE:	1 INCH = 60 FEET
DATE:	MARCH 2019
TRACKING:	

HOOSIER DADDY, LLC
W. ELEVENTH ST. SINGLE FAMILY
SMITHVILLE TWP.
BRUNSWICK CO., SOUTHPORT, NC

SIDEWALK PLAN

PROJECT NUMBER	SHEET NUMBER
440-021	EX100

Engineer's Opinion of Probable Cost					
THE PRESERVE AT FISHER LANDING					
City of Southport - Brunswick County, NC					
				ORIG. CFE ESTIMATE	
Item	Description	Engineer's Estimated Quantity	units	Unit Price	Probable Costs
1.00	SIDEWALKS				
1.01	5' Wide Sidewalk (4" thick)	2,070	LF	\$24.00	\$ 49,680.00
1.02	Handicap Ramps	4	EA	\$250.00	\$ 1,000.00
				SUB-TOTAL	\$ 50,680.00

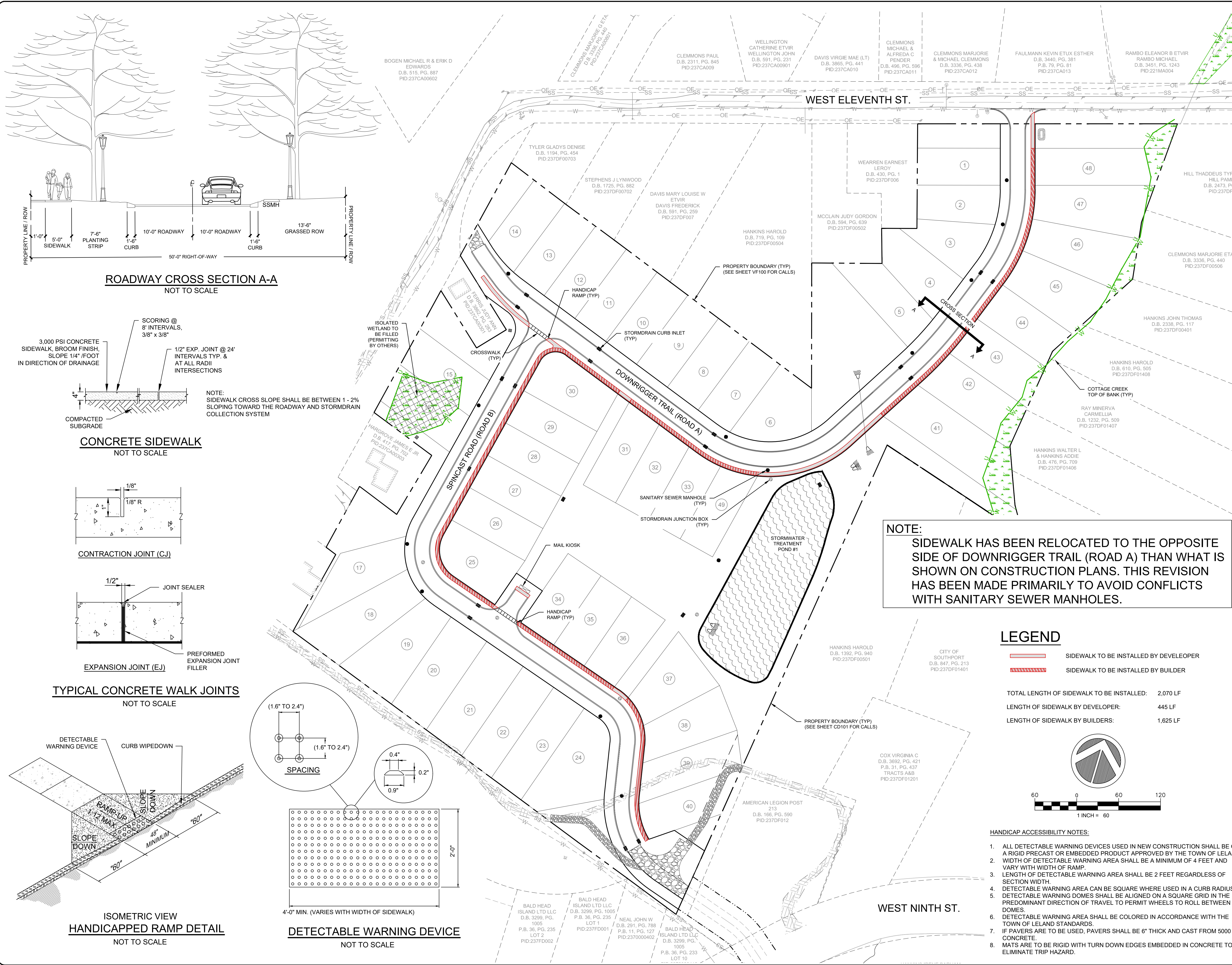
TOTAL	\$	50,680.00
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TOTAL PLUS 25%	\$	63,350.00
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Notes:

1. Unit price estimates based on previously reviewed Contractor Bids for similar projects.
2. Quantities reported based on Sidewalk Plan EX100 attached for reference.





PATH:P440-00 H & H HOMES440-021 SOUTHPORT W. SF ENGDWGCONSTRUCTIONSSOUTHPORT SF MASTER.DWG

Prepared by:
Ellen P. Wortman
Marshall, Williams & Gorham, LLP
14 S Fifth Ave
Wilmington, NC 28401

DEED OF DEDICATION

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

THIS DEED OF DEDICATION, made and entered into this the 9th day of July, 2020, by and between Hoosier Daddy, LLC, a North Carolina limited liability company, with an office and place of business in New Hanover County, North Carolina, party of the first part, hereinafter referred to as "Developer", and The City of Southport, a governmental entity created and existing under the laws of the State of North Carolina, party of the second part, hereinafter referred to as Grantee:

WITNESSETH:

That WHEREAS Developer is the owner and developer of a tract or parcel located in the City of Southport, Smithville Township, Brunswick County, North Carolina, known as The Preserve At Fisher Landing;

And WHEREAS Developer has caused to be installed water distribution lines and sewer lines under and along the road rights-of-way hereinafter described and referenced;

And WHEREAS Developer wishes to obtain water and sewer from Grantee for The property and to make water and sewer from Grantee's system available to individual owners;

And WHEREAS Grantee has adopted through appropriate resolution stated policy regarding water distribution and sewer systems under the terms of which, among other things, in order to obtain water and sewer for said subdivision Developer must convey title to the water and sewer distribution system to Grantee through an instrument of dedication acceptable to Grantee;

NOW, THEREFORE, Developer, in consideration of Grantee accepting said water and sewer lines and making water and sewer available to said subdivision, has Conveyed by these presents and does hereby convey to Grantee, its lawful successors and assigns, the following described property:

All water and sewer lines beside or beneath Downrigger Trail, Spincast Road and W. Eleventh Street and all associated easements and appurtenances as shown on the record drawings created by Cape Fear Engineering titled "Final Water and Sewer As Built Plans" dated April 29, 2020 and attached hereto as **Exhibit A**. Also included are the 10 foot public utility easements on each side of the above mentioned roads as indicated on the plat recorded in Map Cabinet __, page __ and also on as built drawing sheet as prepared by Cape Fear Engineering and attached as **Exhibit B**.

TO HAVE AND TO HOLD said water and sewer lines and equipment, together with the privileges and appurtenances thereto belonging to Grantee forever.

Also conveyed herein are non-exclusive easements over, along and upon the entire area of the streets and cul-de-sacs depicted on the maps and serving the areas referenced above for purposes of entry into the subdivision for maintenance, repair and upkeep of the

My Commission Expires:

ACCEPTANCE OF DEED

This Deed of Dedication and accompanying Affidavit for Hoosier Daddy, LLC was accepted by the City of Southport Board of Aldermen on the 9th day of July, 2020.

Michele Windham
, Clerk to the Board

Joseph P. Hatton City of Southport
Mayor



water and sewer distribution systems and for connecting the same to the individual lots developed or to be developed lying adjacent to said streets and cul-de-sacs reserving unto Developers, its successor and assigns, equal rights or easement and easement over, in, along and upon said streets and cul-de-sacs for purposes of installing and maintaining such utilities as may be required for the development of subdivision, including, but not limited to, electric, gas, telephone, cable and sewer.

And Developer does hereby covenant that it is seized of said water and sewer lines and equipment and described above in fee simple and has the right to convey the same in fee simple, that the same are free and clear of encumbrances, and that it will warrant and defend the title to the same against all persons whomsoever.

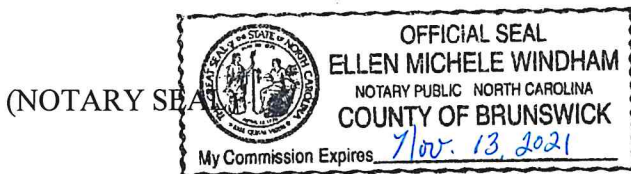
IN WITNESS WHEREOF, the Grantor has caused his instrument to be duly executed, the day and year first above written.

By: *Lisa Beaman* Hoosier Daddy, LLC
Lisa Beaman, Member-Manager

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, a Notary Public of the County and State aforesaid, do hereby certify that Lisa Beaman personally came before me on this day, and (I have personal knowledge of the identity of the principal) OR (I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____) OR (a credible witness has sworn to the identity of the principal(s)); and he/she acknowledged that he/she Member-Manager of Hoosier Daddy, LLC, a North Carolina limited liability company, and that he/she, as Member-Manager, being authorized to do so, executed the foregoing on behalf of the LLC.

Witness my hand and official seal, this is the 15th day of July, 2020.



Ellen Michele Windham
Signature of Notary Public
ELLEN MICHELE WINDHAM
Printed of Typed Name of Notary Public

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

AFFIDAVIT

Hoosier Daddy, LLC, a North Carolina limited liability company, with an office and place of business in New Hanover County, North Carolina, hereinafter referred to as Affiant, being first duly sworn, hereby deposes and says under oath as follows:

1. That it is the owner of certain property located in the City of Southport, Smithville Township, Brunswick County, North Carolina, known as The Preserve at Fisher Landing, containing lots numbers 1 thru 48, as more particularly described in a Deed of Dedication in favor of the City of Southport of even date herewith.

2. That it has caused to be installed water distribution lines [and/or sewer lines] under and along the road right-of ways property hereinafter described and referenced:

All water and sewer lines beside or beneath Downrigger Trail, Spincast Road and W. Eleventh Street and all associated easements and appurtenances as shown on the record drawings created by Cape Fear Engineering titled "Final Water and Sewer As Built Plans" dated April 29, 2020 and attached hereto as **Exhibit A**. Also included are the 10 foot public utility easements on each side of the above mentioned roads as indicated on the plat recorded in Map Cabinet _____, Page _____ also on as built drawing sheet as prepared by Cape Fear Engineering and attached as **Exhibit B**.

3. All the work which has been performed in the construction and installation of said water distribution lines and sewer lines described in paragraph 2, above, has been fully paid for and there are now no liens of any kind including any lien for labor or material against the subdivision property which would in any way jeopardize title of Affiant to the property in said subdivision nor are there any legal actions pending against Affiant or any contractor arising out of any work performed in said subdivision or the water lines and sewer lines installed there in which would in any way jeopardize title to the subdivision or the water distribution lines and sewer lines located therein.

IN WITNESS WHEREOF, the Affiant has caused this instrument to be duly executed by
is authorized officer(s), this _____ day of _____, 2020.

Hoosier Daddy, LLC

By: _____

Lisa Beaman, Member-Manager

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

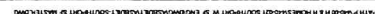
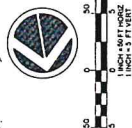
Signed and sworn to (or affirmed) before me this day by _____.
Date: _____ Lisa Beaman

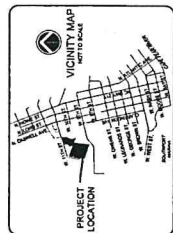
(NOTARY SEAL)

Signature of Notary Public

Printed or Typed Name of Notary Public

My Commission Expires:





NOTE:
SEE SHEET C-001 FOR GENERAL NOTES AND
LEGEND.

FINAL WATER AND
SEWER AS-BUILTS

NO.	FINAL WATER AND SEWER AS-BUILTS	REVISIONS
0	FINAL WATER AND SEWER AS-BUILTS	DESCRIPTION
1	REVISED	DATE



OWNER/DEVELOPER
HOOSIER DADDY, LLC
6025 TARIN ROAD
WILMINGTON, NC 28409
PHONE: (252) 916-5030

**CAPE FEAR
ENGINEERING**
151 PINE BLVD., SUITE 100, WILMINGTON, NC 28403
TEL: (910) 355-1044, FAX: (910) 355-1045
WWW.CAPEFEARENGINEERING.COM
N.C. LICENSE # 4018

PROJECT
SCALE
DATE
TOWN

HOOSIER DADDY, LLC
W. ELEVENTH ST. SINGLE FAMILY
SMITHVILLE TWP.
BRUNSWICK CO., SOUTHPORT, NC

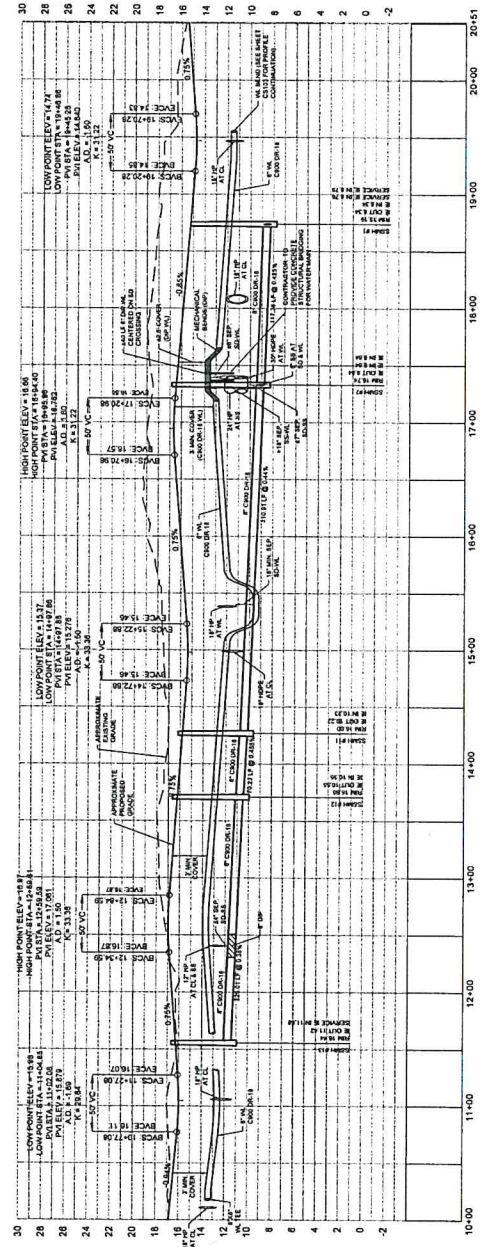
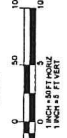
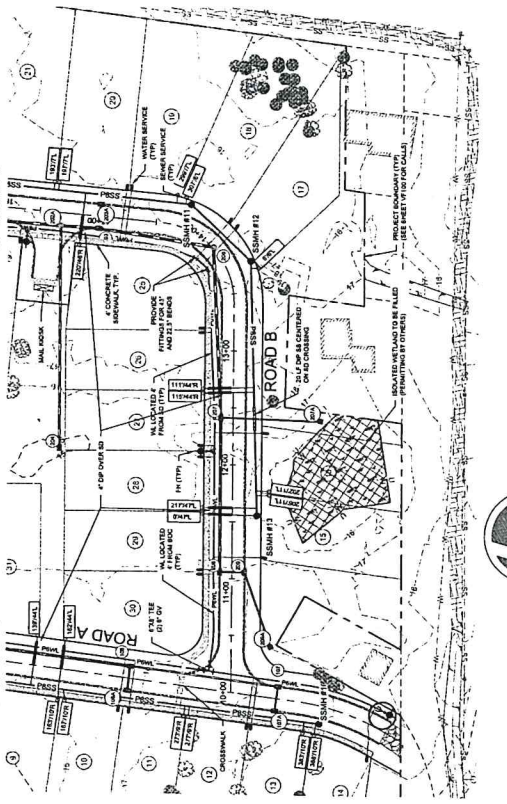
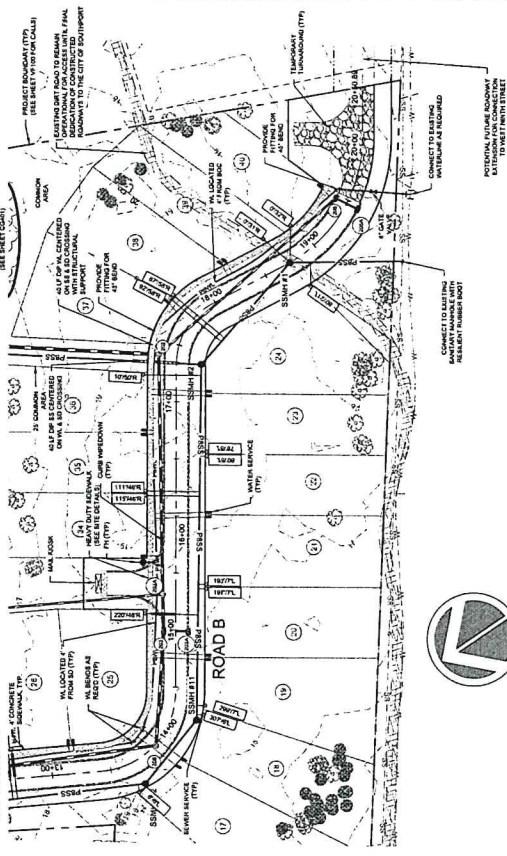
ROAD A
STA. 21+75 TO 28+75

440-021
A-2

SEE THIS SHEET
FOR CONTINUATION
OF ROAD B

SEE THIS SHEET
FOR CONTINUATION
OF ROAD B

SEE SHEET A-1
FOR CONTINUATION
OF ROAD A



ROAD B



PROJECT LOCATION

NOTES:

SEE SHEET CG-100 FOR ADDITIONAL NOTES.

FINAL WATER AND SEWER AS-BUILTS

REV.	DATE	DESCRIPTION
0		FINAL WATER AND SEWER AS-BUILTS



OWNER/DEVELOPER

HOOSIER DADDY, LLC

6025 TARIN ROAD

WILMINGTON, NC 28409

PHONE: (252) 916-5030

CAPE FEAR ENGINEERING

151 PINE RIDGE ROAD, SUITE 100, WILMINGTON, NC 28401

TEL: (910) 343-8800 FAX: (910) 343-1045

WWW.CAPEFEARENGINEERING.COM

N.C. LICENSE # C-161

PROJECT NUMBER	SCALE	DATE
440-021	AS SHOWN	11/17/17

HOOSIER DADDY, LLC

W. ELEVENTH ST. SINGLE FAMILY

SMITHVILLE TWP.

BRUNSWICK CO., SOUTHPORT, NC

EX. SSMH - SSMH #1

STA. 10+00 TO 11+07

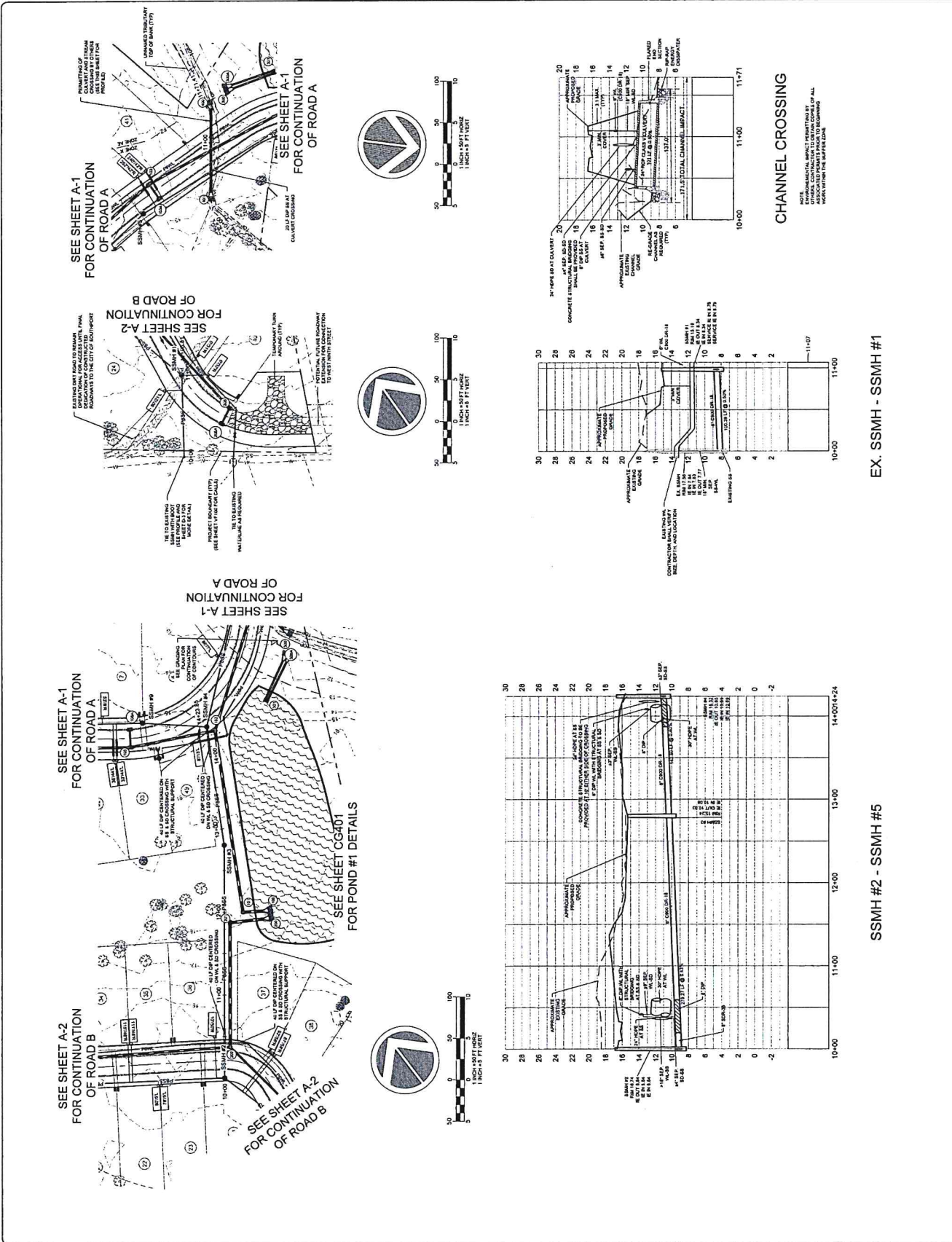
SSMH #2 - SSMH #5

STA. 10+00 TO 14+05

PROJECT NUMBER

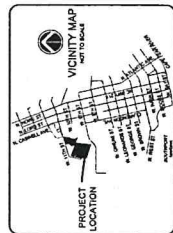
SCALE

DATE



EX. SSMH - SSMH #1

SSMH #2 - SSMH #5



NOTES:
SEE SHEET CG100 FOR ADDITIONAL NOTE.

FINAL WATER AND
SEWER AS-BUILTS

NO.	FINAL WATER AND SEWER AS-BUILTS	DESCRIPTION	DATE
1			
2			
3			
4			
5			



OWNER/DEVELOPER
HOOSIER DADDY, LLC
6025 TARRIN ROAD
WILMINGTON, NC 28409
PHONE: (252) 916-5030

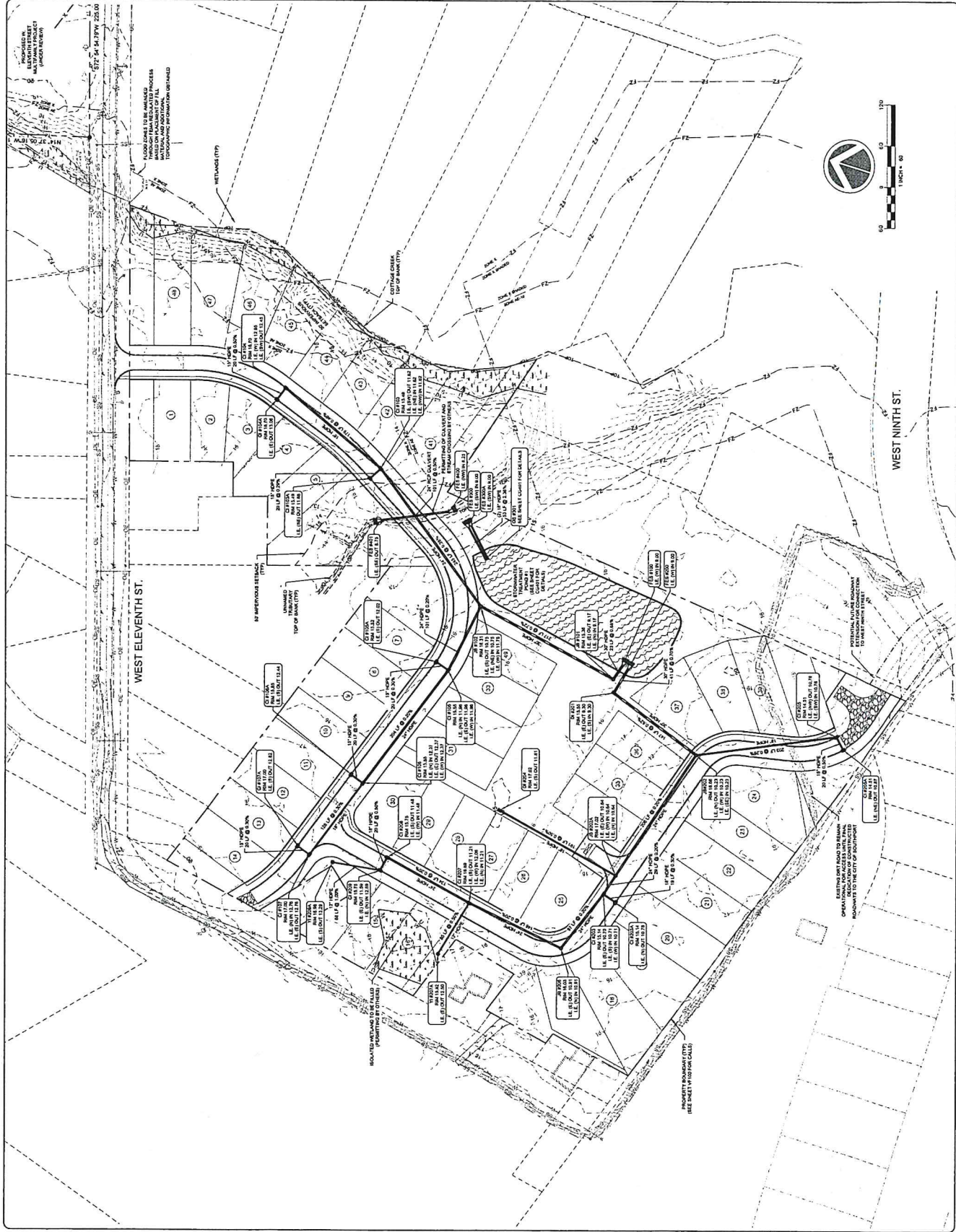
**CAPE FEAR
ENGINEERING**
141 South Rd. Suite 100, Durham, NC 28603
TEL: (919) 382-1044; FAX: (919) 382-1045
WWW.CAPEFEARENGINEERING.COM
N.C. LICENSE # 14568

PROJECT	440-021
DATE	MARCH 2018
SCALE	1"=60' & 2"=120'
TRACED	

HOOSIER DADDY, LLC
W. ELEVENTH ST. SINGLE FAMILY
SMITHVILLE TWP.
BRUNSWICK CO., SOUTHPORT, NC

STORMDRAIN PLAN

PROJECT NO.	440-021
SHEET NO.	CG101



PROJECT LOCATION
NOT TO SCALE

**FINAL WATER AND
SEWER AS-BUILTS**

REVISIONS	
0	FINAL WATER AND SEWER AS-BUILTS
REV	DESCRIPTION
BY	DATE

OWNER/DEVELOPER
 HOOSIER DADDY, LLC
 6025 TARIN ROAD
 WILMINGTON, NC 28409
 PHONE: (252) 916-5030

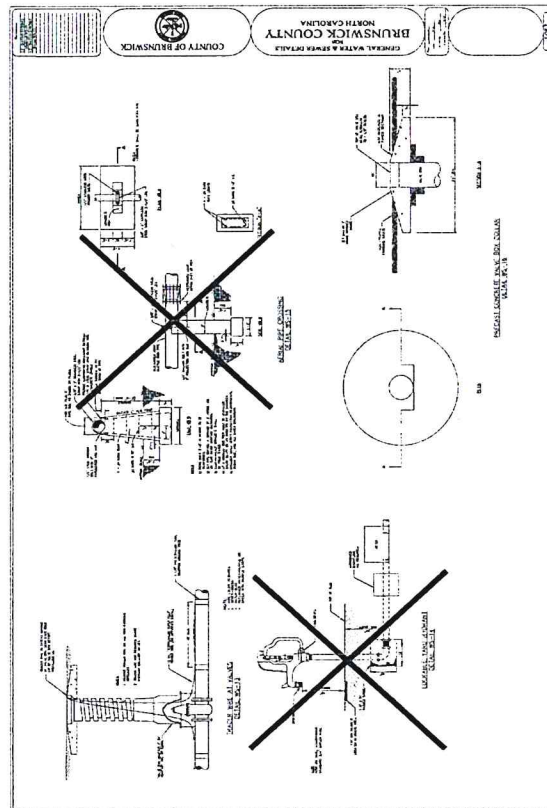
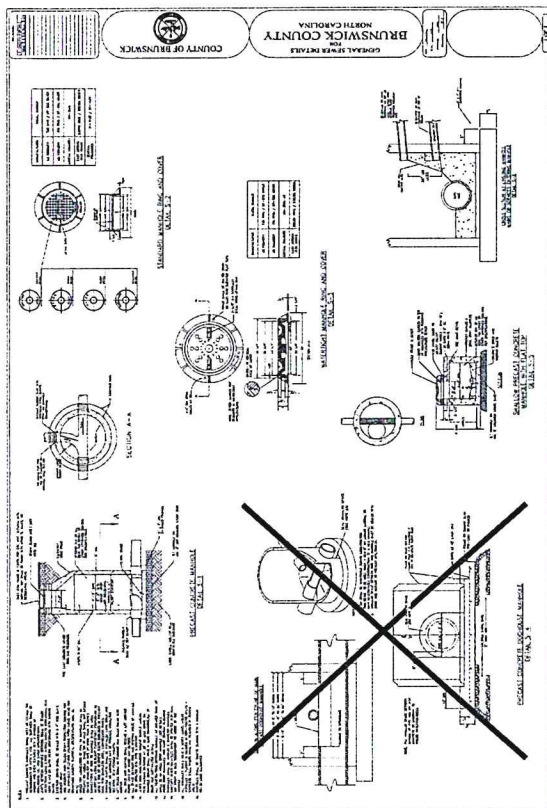
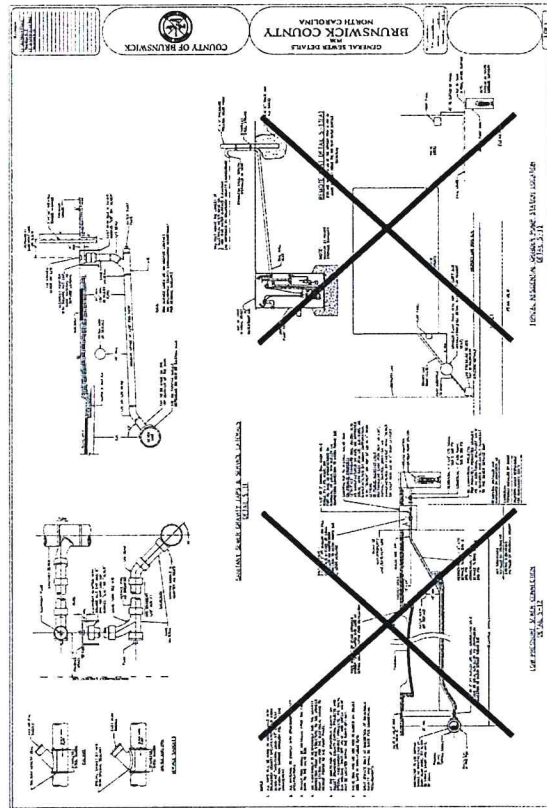
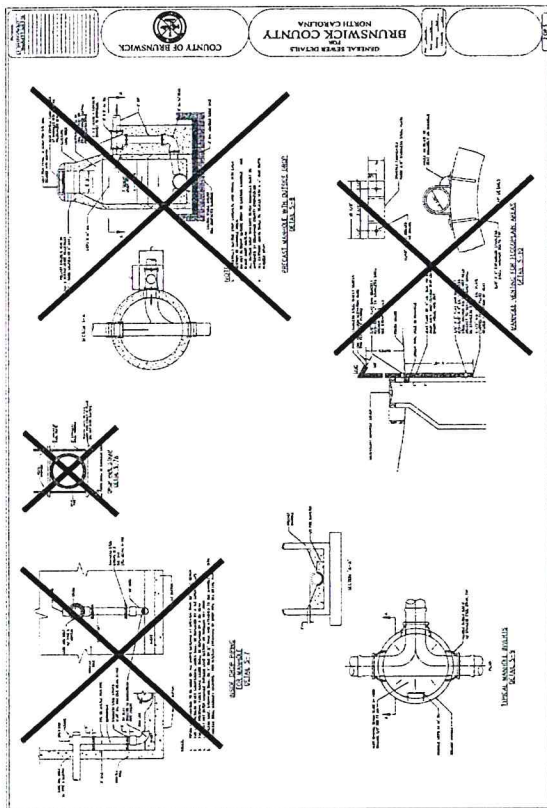
**CAPE FEAR
ENGINEERING**
 151 Potts Rd., Suite 100, Beaufort, NC 28520
 TEL: (252) 738-1100
 www.capefearengineering.com
 N.C. LICENSE # C-881

PROJECT: 440-021
 SHEET: 440-021
 SCALE: NOT TO SCALE
 DATE: 08/08/2011
 TOWN: SMITHVILLE

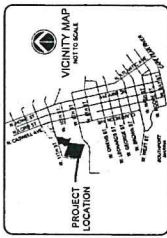
HOOSIER DADDY, LLC
 W. ELEVENTH ST. MULTIFAMILY
 SMITHVILLE TWP.
 BRUNSWICK CO., SOUTHPORT, NC

UTILITY DETAILS-1

PROJECT NUMBER: 440-021
 SHEET NUMBER: D-502

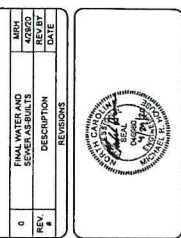


NOTE: BRUNSWICK COUNTY ASSESSORS PROVIDED FOR
 NOTING: ALL DETAILS MAY NOT APPLY TO
 SUBJECT PROJECT.



FINAL WATER AND
SEWER AS-BUILTS

REV	DESCRIPTION	DATE
0	FINAL WATER AND SEWER AS-BUILTS	02/20/20



OWNER/DEVELOPER
HOOSIER DADDY, LLC
6025 TARRIN ROAD
WILMINGTON, NC 28409
PHONE: (910) 916-5030

**CAPE FEAR
ENGINEERING**
1515 SOUTH PARKWAY, SUITE 100
FAYETTEVILLE, NC 28404
TEL: (910) 333-0041 FAX: (910) 333-0042
WWW.CAPEFEARENGINEERING.COM
N.C. LICENSE # 00161

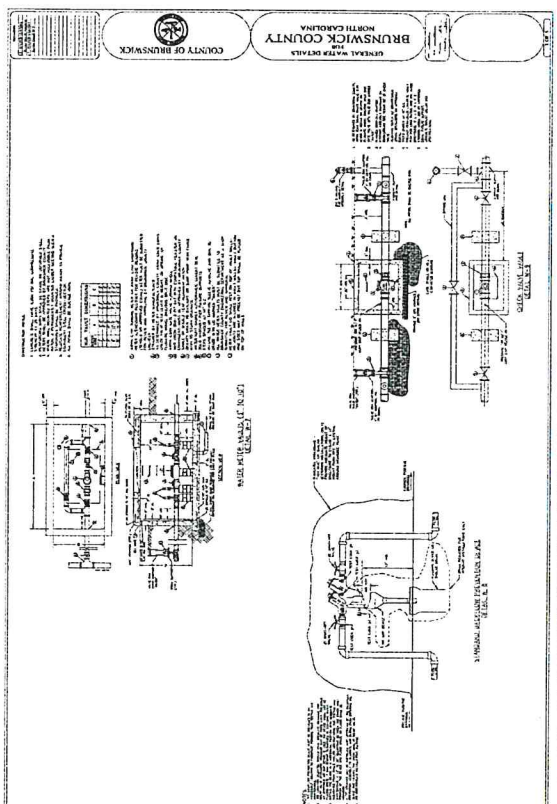
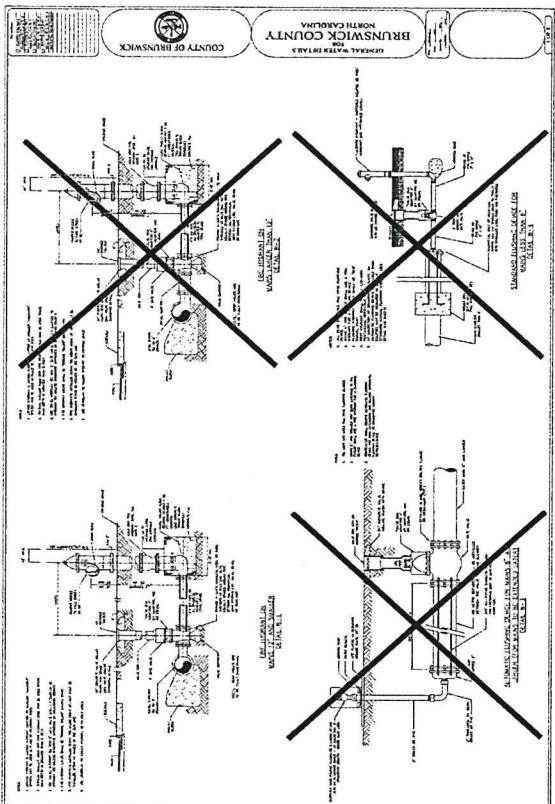
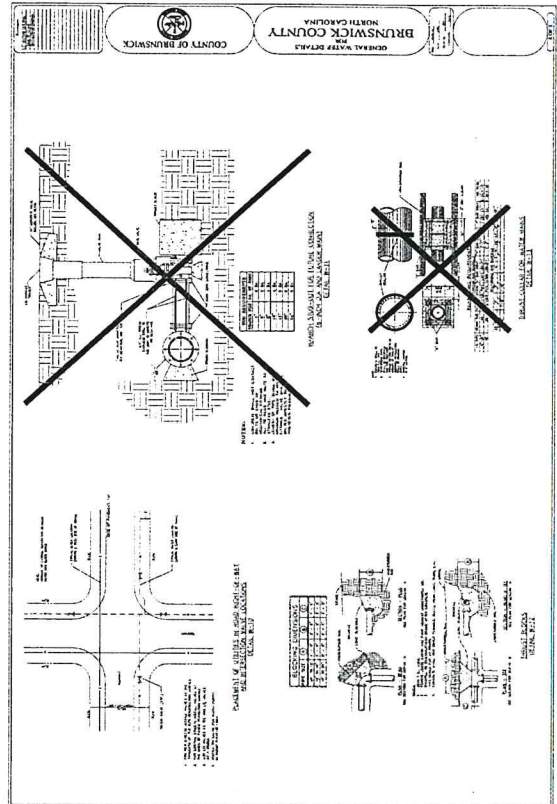
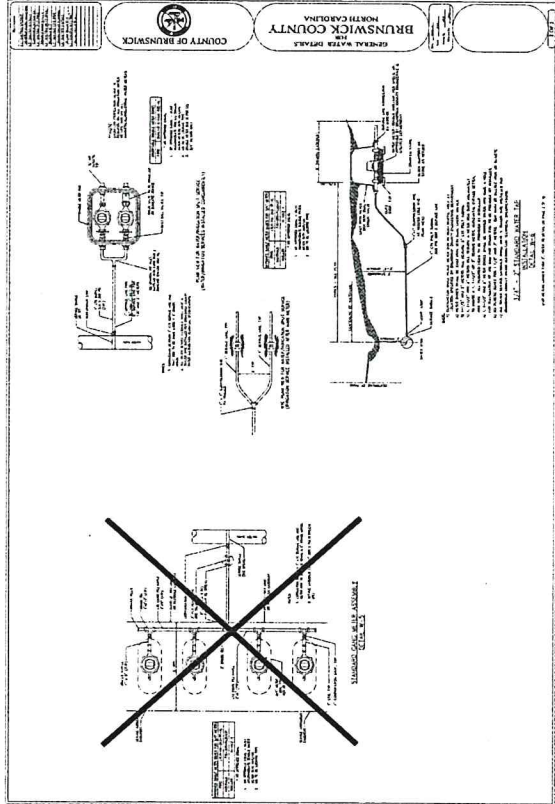
PROJECT	HOOSIER DADDY, LLC
DATE	02/20/20
SCALE	AS SHOWN
BY	MANOJ K. SINGH

HOOSIER DADDY, LLC
W. ELEVENTH ST. SINGLE FAMILY
BRUNSWICK CO., SOUTHPORT, NC

UTILITY DETAILS-2

PROJECT NUMBER
440-021

SHEET NUMBER
D-503



NOTE: STANDARD BRUNSWICK COUNTY DETAILS PROVIDED FOR
REFERENCE. ALL DETAILS MAY NOT APPLY TO
SUBJECT PROJECT.

HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF SOUTHPORT AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT. ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL SANITARY SEWER, STORM SEWER, AND WATER LINES TO THE CITY OF SOUTHPORT.

OWNER'S SIGNATURE _____ DATE _____

WINNER'S SIGNATURE

(WE) HEREBY CERTIFY THAT PRIOR TO ENTERING ANY AGREEMENT OR ANY CONVEYANCE WITH A PROSPECTIVE BUYER, (WE) SHALL PREPARE AND SIGN, AND THE BUYER OF THE SUBJECT REAL ESTATE SHALL RECEIVE AND SIGN A STATEMENT WHICH FULLY AND ACCURATELY DISCLOSES THAT THE SUBJECT REAL ESTATE OR A PORTION OF THE SUBJECT REAL ESTATE, IS LOCATED WITHIN A FLOOD HAZARD AREA AND THAT THE BUYER MUST SATISFY THE REQUIREMENTS OF ILLINOIS UNIFORM FLOOD PLAIN MANAGEMENT REGULATIONS PRIOR TO

OWNER'S SIGNATURE _____ DATE _____

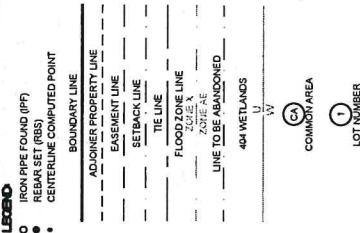
HEREBY CERTIFY THAT ALL STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED IN ACCORDANCE WITH NC DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND STANDARDS, AND THAT GUARANTEES OF THE INSTALLATION OF THE REQUIRED IMPROVEMENTS IN AN AMOUNT AND MANNER SATISFACTORY TO THE CITY OF SOUTHPORT HAS BEEN RECEIVED, AND THAT THE FILING FEE FOR THIS PLAT, IN THE AMOUNT OF \$30.00, HAS BEEN PAID.

NORTH CAROLINA, BRUNSWICK COUNTY. _____ A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT _____ A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT, WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS _____ DAY OF _____

YOUR COMMISSION EXPIRES

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SOUTHPORT, NORTH CAROLINA, AND THAT THIS PLAT HAS BEEN APPROVED BY THE BOARD OF ALDERMEN FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF BRUNSWICK COUNTY.

CITY CLERK
SOUTHPORT, NORTH CAROLINA

[illegible]

NO TITLE COMMITMENT WAS PROVIDED TO THE SURVEYOR ON THIS SURVEY.

UTILITIES WERE NOT INCLUDED IN THIS MAPPING.
THESE UTILITIES ARE BASED ON RECORDS OF
OBSERVATIONS AND THE TOPOGRAPIHIC SURVEY
CONDUCTED FOR THE CONSTRUCTION OF ROUTE 1870.
BASED ON THE VERTICAL DATUM NAD83
AND AN ELEVATION SHOWN ON THIS PLAT SHOULD BE VERIFIED
ON A FIELD WALKING DOWN ON THIS PLAT SHOULD BE VERIFIED
ON 6-13-1993

DO NOT RECORDED INFORMATION FOR THE WEST ELEVENTH
STREET RIGHT OF WAY WAS FOUND OR SUPPLIED TO CAPE
EARL ENGINEERING AT THE TIME OF SURVEY TO SUPPORT THAT
THE RIGHT OF WAY EXTENDS ACROSS ON THIS PARCEL.

DEVELOPER: HOOSIER DADDY, LLC
8620 RIVER ROAD
WILMINGTON, NC 28412-3334

151 Poole Rd., Suite 100; Belville, NC, 28451
TEL (910) 383-1044; FAX (910) 383-1045
www.capefearengineering.com
N.C. LICENSE # C-1604

CITY OF SOUTHPORT
SMITHVILLE TOWNSHIP
BRUNSWICK COUNTY
NORTH CAROLINA

PROJECT NUMBER 440-022	SHEET NUMBER 1 4
----------------------------------	----------------------------

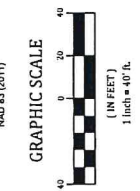
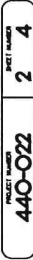
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD DISTANCE
C11	39.26	66.50	N20° 41' 30"W	29.12
C22	48.31	66.50	N45° 41' 10"W	45.86
C23	17.66	67.50	N65° 50' 15"W	17.83
C28	148.30	175.00	N54° 38' 53"E	142.06
C31	42.22	123.50	N11° 40' 54"E	42.16
C44	131.07	165.00	N60° 59' 20"E	128.31
C35	33.28	150.00	S21° 46' 53"E	35.17
C38	49.51	100.00	S50° 25' 47"E	42.59
C38	66.31	95.00	N30° 20' 35"W	60.82
C39	41.54	23.00	N60° 45' 00"E	37.89
C40	38.44	175.00	S18° 57' 22"E	39.35
C41	54.95	175.00	N87° 35' 55"E	54.72
C42	55.11	513.50	N27° 37' 24"E	55.06
C43	43.27	513.50	N27° 06' 05"E	43.28
C44	53.85	223.50	N12° 50' 47"E	53.50
C45	47.74	223.50	N30° 08' 51"W	47.85
C46	121.53	198.20	S01° 18' 54"W	125.35
C47	93.59	468.50	S25° 12' 33"W	93.46
C48	208.50	150.00	S10° 05' 56"W	190.42
C48	75.26	198.82	N59° 47' 20"W	74.63

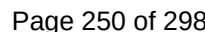
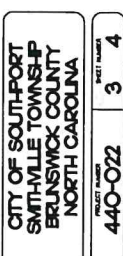
LINE TABLE		
LINE #	LENGTH	DIRECTION
L2	39.19'	N16° 26' 29"E
L1	59.86'	N16° 26' 29"E
L3	15.21'	S21° 28' 39"W
L4	9.39'	S21° 28' 39"W

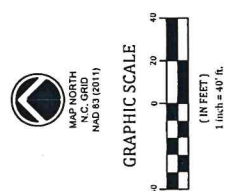
WHAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;

EDWARD E. STOCKS, PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER: 1-4250

PRELIMINARY
ISSUED FOR REVIEW
NOT FOR RECORDATION, CONVEYANCES









Prepared by and return to: Ellen Wortman,
Marshall Williams & Gorham,
430 Eastwood Rd, Suite 200
Wilmington, NC 28403

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

DECLARATION OF COVENANTS
CONDITIONS AND RESTRICTIONS
FOR PRESERVE AT FISHER LANDING

**THIS DOCUMENT REGULATES OR PROHIBITS
THE DISPLAY OF THE UNITED STATES OF AMERICA OR STATE
OF NORTH CAROLINA AND THIS DOCUMENT REGULATES OR
PROHIBITS THE DISPLAY OF POLITICAL SIGNS.**



This Declaration, made the ___ day of June 2021, by Hoosier Daddy, LLC, hereinafter referred to as “Declarant” or “Developer”;

WITNESSETH:

Whereas, Declarant is the owner of certain real property in Brunswick County, North Carolina, known as PRESERVE AT FISHER LANDING, which is shown on plats recorded in the Office of the Register of Deeds of Brunswick County, North Carolina, in Map Book 122, Pages 23-26, to which reference is made for a more particular description (the "Property"); and

NOW, THEREFORE, Declarant declares that the Property described above shall be held, sold and conveyed subject to the North Carolina Planned Community Act set forth in Chapter 47F of the North Carolina General Statutes (the “Act”), as well as the following easements, restrictions, covenants, and conditions.

ARTICLE 1.
DEFINITIONS

In addition to other terms defined herein, the following capitalized terms shall have the following meanings as used herein:

SECTION 1. Allocated Interest shall mean the Common Expense Liability and vote in the Association allocated to each Lot.

SECTION 2. Association shall mean and refer to The Preserve At Fisher Landing HOA, Inc., a North Carolina non-profit corporation, its successors and assigns, the owners association organized pursuant to the Act for the purposes set forth herein.

SECTION 3. Common Elements shall mean and refer to all lands and easements within or appurtenant to the Planned Community owned by the Association, other than a Lot, or intended for the common use and enjoyment of the Owners, including, without limitation, any private roads, open space/common area and storm water ponds within the Planned Community. Common Elements need not be contiguous to or abutting the Property or any Additional Property.



SECTION 4. Common Expenses means expenditures made by or financial liabilities of the Association, together with any allocations to reserves. "Common Expenses" shall be construed broadly.

SECTION 5. Common Expense Liability means the liability for Common Expenses allocated to each. Lot as permitted by the Act, this Declaration or otherwise by law.

SECTION 6. Declarant shall be used interchangeably with Developer (which designations shall include singular, plural, masculine and neuter as required by the context) and shall mean and refer to Hoosier Daddy, LLC, its successors and assigns, if such successors or assigns should acquire undeveloped property from the Declarant or a Lot not previously disposed of for the purpose of development and reserves or succeeds to any Special Declarant Right.

SECTION 7. Declarant Control Period shall, have the meaning set forth in Article III. hereof.

SECTION 8. Declaration shall mean this instrument as it may be from time to time amended or supplemented.

SECTION 9. Executive Board shall be used interchangeably with the Board of Directors and means the body, regardless of name, designated in this. Declaration or otherwise to act on behalf of the Association.

SECTION 10. Limited Common Elements shall mean areas and facilities which are for the exclusive use of the Lot Owner but which the Association is obligated to maintain pursuant to the terms of this Declaration. There are no limited common elements at this time.

SECTION 11. Lots shall mean and refer to any portion of the Planned Community designated for separate ownership by a Lot Owner.

SECTION 12. Owner shall mean the Declarant or other Person who owns a fee simple title to any Lot, including builders and contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

SECTION 13. Person means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision, or agency or other legal or commercial entity.



SECTION 14. Purchaser means any Person, other than the Declarant or a Person in the business of selling real estate for the purchaser's own account, who by means of a voluntary transfer acquires a legal or equitable interest in a Lot, other than (i) a leasehold interest (including renewal options) of less than 20 years, or (ii) as security for an obligation.

SECTION 15. Reasonable Attorneys' Fees means attorneys' fees reasonably incurred without regard to any limitations on attorneys' fees which otherwise may be allowed by law.

SECTION 16. Special Declarant Rights means rights reserved for the benefit of the Declarant including without limitation the right (i) to complete improvements intended or planned by Developer for the Property or Additional Property; (ii) to exercise any development or other right reserved to the Declarant by this Declaration or otherwise; (iii) to maintain within the Planned Community sales offices, management offices, construction offices/trailers, signs advertising the Planned Community, and models; (iv) to use the Common Elements for the purpose of making improvements within the Planned Community; or (v) to appoint or remove any officer or Executive Board member of the Association during the Declarant Control Period.

SECTION 17. Stormwater Permit shall mean Stormwater Permit # SW8 190511 dated May 31, 2019 issued by the North Carolina Department of Environmental Quality, under Title 15A NCAC 2H.1000.

ARTICLE II. PROPERTY RIGHTS AND EASEMENTS

SECTION 1. Owners' Property Rights and Easement of Enjoyment. Every Owner shall have and is hereby granted a right and easement of enjoyment in and to the Common Elements, which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

A. The Association may make and amend reasonable rules and regulations governing use of the Common Elements;

B. The Association may grant a security interest in or convey the Common Elements, or dedicate or transfer all or party of the Common Elements, to any public agency, authority or utility for such purposes and subject to such conditions as may be agreed to by at least eight percent (80%) of the Members,



excluding the Developer; provided, however, that the Association may without the consent of the Owners grant easements, lease, licenses and concessions through or over the Common Elements. No conveyance or encumbrance of Common Elements shall deprive any Lot of its rights or access or support.

SECTION 2. Easements in Favor of Declarant and Association. The following easements are reserved to Declarant and the Association, their agents, contractors, employees, successors and assigns:

A. Easements as necessary in the lands constituting the Common Elements, public access easement, open space and utility and drainage easements for maintenance of utilities, drainage facilities/storm water ponds and access easements.

B. Easements over all private streets, if any, access easements, and Common Elements within the Planned Community as necessary to provide access, ingress and egress to and the installation of utilities for any Additional Property.

C. An easement of unobstructed access over, on, upon, through and across each Lot and the Limited Common Elements located thereon, if any, at all reasonable times to perform any maintenance and repair to the Limited Common Elements required by this Declaration.

SECTION 3. Other Easements. The following additional easements are granted by Declarant:

A. An easement to all police, fire protection, ambulance and all similar person, companies or agencies performing emergency services, to enter upon all Lots and Common Elements in the performance of their duties.

B. In case of any emergency originating in or threatening any Lot or Common Elements, regardless of whether any Lot Owner is present at the time of such emergency, the Association or any other person authorized by it, shall have the immediate right to enter any Lot for the purpose of remedying or abating the causes of such emergency and making any other necessary repairs not performed by the Owners.

C. The Association is granted an easement over each Lot for the purposes of providing Lot maintenance when an Owner fails to provide maintenance and upkeep in accordance with this Declaration. In the event the



Association provides Lot maintenance for an Owner's failure to maintain his/her Lot as required by these Declarations, the charge for the Association's remedy maintenance shall be taxed against the Owner in violation as an individual Assessment.

SECTION 4. Nature of Easements. All easements and rights described herein are perpetual easements appurtenant, running with the land, and shall inure to the benefit of and be binding on the Declarant and the Association, their successors and assigns, and any Owner, purchaser, mortgagee and other person having an interest in the Planned Community, or any part or portion thereof, regardless of whether or not reference is made in the respective deeds of conveyance, or in any mortgage or trust deed or other evidence of obligation, to the easements and rights described in this Declaration.

ARTICLE III. HOMEOWNERS' ASSOCIATION

SECTION 1. Formation of Association. The Association is a nonprofit corporation organized pursuant to the Nonprofit Corporation Act of the State of North Carolina for the purpose of establishing an association for the Owners of Lots to operate and maintain the Common Elements in accordance with this Declaration and Bylaws. The Association shall be empowered to perform and/or exercise those powers set forth in the Act as it may be amended from time to time, in addition to any powers and authority otherwise granted to it.

SECTION 2. Membership. Every Owner shall be a Member of the Association. Membership shall be appurtenant to and may, not be separated from Lot ownership.

SECTION 3. Voting Rights. The Association shall have two classes of voting Membership.

Class A. Class A Members shall be all Owners, with the exception of the Declarant, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot. Fractional voting with respect to any Lot is prohibited.

Class B. The Declarant shall be a Class B Member and shall be entitled to four (4) votes for each Lot owned. The Class B Membership shall cease and be converted to Class A Membership on the happening of any of the following events, whichever occurs earlier:



(a) When the total votes outstanding in the Class A membership equal or exceed the total votes outstanding in the Class B membership (Lots shall include any additional future phases which Declarant might bring under the terms of this agreement),

(b) Thirty years from the date of recordation of this Declaration; or

(c) upon the voluntary surrender of all Class B Membership by the holder thereof.

The period during which there is Class B Membership is sometimes referred to herein as the "Declarant Control Period".

SECTION 4. Government Permits. After completion of construction of any facilities required to be constructed by Declarant pursuant to permits, agreements and easements for the Planned Community, all duties, obligations, rights and privileges of the Declarant under any water, sewer, stormwater and utility agreements, easements and permits for the Planned Community with municipal or governmental agencies or public or private utility companies, shall be the duties, rights, obligations, privileges and the responsibility of the Association, notwithstanding that such agreements, easements or permits have not been assigned or the responsibilities thereunder specifically assumed by the Association. There are additional provisions made in this Declaration concerning stormwater facilities and the Stormwater Permit.

SECTION 5. Common Elements. The Association shall at its sole cost and expense be responsible for the operation and maintenance of each Common Element within the Planned Community from the date of completion of its construction or improvement by the Developer, whether or not (i) such Common Element has actually been deeded to the Association, or (ii) any permit issued by a governmental agency to Declarant for the construction and operation of the Common Elements has been transferred from the Declarant to the Association or assumed by the Association. If the Declarant is *required* by any government agency to provide any operation or maintenance activities to a Common Element for which the Association is liable to perform such operation and maintenance pursuant to this section, then the Association agrees to reimburse the Declarant the cost of such operation and maintenance within 30 days after Declarant renders a bill to the Association therefor. The Association agrees to levy a Special Assessment to cover the amount of such bill if it does not have other sufficient funds available. Declarant shall be entitled to specific performance to require the Association to levy and collect such Special Assessment.



SECTION 6. Insurance. The Executive Board on behalf of the Association, as a Common Expense, may at all times keep the Common Elements and other assets of the Association, if any, insured against loss or damage by fire or other hazards and such other risks, including public liability insurance, upon such terms and for such amounts as may be reasonably necessary from time to time to protect such property, which insurance shall be payable in case of loss to the Association for all Members. Additionally, the Association shall insure the townhome buildings, but not the interior of the townhome units. The Association shall have the sole authority to deal with the insurer in the settlement of claims. In no event shall the insurance coverage obtained by the Association be brought into contribution with insurance purchased by Members or their mortgagees. At a minimum, the Association shall maintain the insurance coverages required by the Act, and shall insure the townhome buildings but not the interior of the townhome units. The Owners are responsible for insuring the townhome units and are required to purchase an HO6 policy and provide evidence of that insurance to the Association's Executive Board upon request.

SECTION 7. Architectural Control Committee. The Executive Board shall perform all duties of the Architectural Control Committee if no such committee is appointed by it, subject, however, to the Special Declarant Rights. Declarant retains architectural control until either the last unit is sold or until Declarant turns over architectural control to the Executive Board.

ARTICLE IV. COVENANTS FOR ASSESSMENTS

SECTION 1. Creation of the Lien and Personal Obligation of Assessments. Each Lot Owner covenants and agrees to pay to the Association the following assessments (collectively the "Assessments"):

- A. Annual Assessments;
- B. Special Assessments;
- C. Individual Assessments;
- D. Insurance Assessments;
- E. Ad Valorem Tax Assessments; and
- F. Working Capital Assessments.

The Assessments, together with interest, costs and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the respective Lot against which the Assessments are made. Each such Assessment, together with interest, costs and reasonable attorney's fees, shall also be the, personal obligation of the person who was the Owner of such Lot at the time when the Assessment fell due. The personal obligation for delinquent



Assessments shall not pass to the Owner's successors in title unless expressly assumed by them.

SECTION 2. Purpose of Annual Assessments. The Annual Assessments levied by the Association shall be used exclusively to promote the recreation, health, safety and welfare of the Owners and residents of the Planned Community and for the maintenance, repair and replacement of the Common Elements. The funds arising from said assessments or charges, may be used for any or all of the following purposes: Operations, maintenance and improvement of the Common Elements, including payment of utilities; enforcing this Declaration; paying taxes, insurance premiums, legal and accounting fees and governmental charges; establishing reserves; and in addition, doing any other things necessary or desirable in the opinion of the Association to keep the Common Elements in good operating order and repair.

SECTION 3. Annual Assessments. The Executive Board shall adopt a proposed annual budget at least 90 days before the beginning of each fiscal year of the Association. Within 30 days after adoption of the proposed budget for the Planned Community, the Executive Board shall provide to all of the Lot Owners a summary of the budget and notice of a meeting to consider its ratification, including a statement that the budget may be ratified without a quorum. The budget is ratified unless at the meeting a majority of all of the Lot Owners in the Association rejects the budget. In the event the proposed budget is rejected, the periodic budget last ratified by the Lot Owners shall be continued until such time as the Lot Owners ratify a subsequent budget proposed by the Executive Board. The Annual Assessment for each Lot shall be established based on the annual budget thus adopted; provided, however, that the first Annual Assessment shall be set by the Declarant prior to the conveyance of the first Lot to an Owner. The due date for payment shall be established by the Executive Board. The Executive Board shall have the authority to require the Assessments to be paid in periodic installments. The Association shall, upon demand, and for a reasonable charge furnish a certificate signed by an officer of the Association setting forth whether the Assessments on a specified Lot have been paid.

SECTION 4. Special Assessments. In addition to the Annual Assessments authorized above, the Association may levy, in any assessment year, a Special Assessment applicable to the year only for the following purposes:

A. To defray, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Elements and any Limited Common Elements, including fixtures and personal property related thereto, provided that any such Special Assessment shall have the assent of two-thirds (2/3) of the Members of each class who are voting in person or by proxy at a meeting duly called



for this purpose. Written notice of any meeting of Owners called for the purpose of approving such Special Assessment shall be sent to all Members not less than ten (10) days nor more than sixty (60) days in advance of the meeting.

B. Without a vote of the Members, to provide funds to reimburse the Declarant as provided for in Article III, Section 5, hereof.

SECTION 5. Individual Assessments. To the extent an Owner or their guest, tenant or invitees violate these Declarations, the Association's Bylaws, or the Rules and Regulations, an Individual Assessment in the form or a fine may be assessed, after following the due process requirements of the Planned Community Act, or in the event the Association enters a Lot to perform maintenance required the Lot Owner failed to perform, an Individual Assessment in the amount of the cost paid by the Association for that maintenance will be an Individual Assessment. In the event a fine is imposed or costs are incurred, that fine or those costs become an Individual Assessment against the Lot and can be collected as the other Assessments described herein.

SECTION 6. Insurance Assessments. All premiums on insurance policies purchased by the Board of Directors or its designee and any deductibles payable by the Association upon loss shall be a Common Expense, and the Association may at any time levy against the Owners equally an "Insurance Assessment", in addition to the Annual Assessments, which shall be in an amount sufficient to pay the cost of all such deductibles and insurance premiums not included as a component of the Annual Assessment.

SECTION 7. Ad Valorem Tax Assessments. All ad valorem taxes levied against the Common Elements, if any, shall be a common expense, and the Association may at any time levy against the Owners equally an "Ad Valorem Tax Assessment", in addition to the Annual Assessments, which shall be in an amount sufficient to pay ad valorem taxes not included as a component of the Annual Assessment.

SECTION 8. Working Capital Assessments. Declarant, in its sole discretion, may collect a Working Capital Assessment from any individual or entity that purchases a Lot from Declarant.

SECTION 9. Rate of Assessment. The Association may differentiate in the amount of Assessments charged when a reasonable basis for distinction exists, such as between vacant Lots of record and Lots of record with completed dwellings for which certificates of occupancy have been issued by the appropriate governmental authority, or



when any other substantial difference as a ground of distinction exists between Lots. However, Assessments must be fixed at a uniform rate for all Lots similarly situated.

SECTION 10. Commencement of Assessments. Assessments for each Lot shall commence upon the date of acceptance of a deed from Declarant; however, Declarant has the sole right to enter into an agreement with the builders to whom it sells Lots to delay commencement of assessments for those Lots. Subsequent purchasers shall be obligated to pay Assessments commencing upon the date a deed is recorded, transferring ownership to them.

SECTION 11. Effect Of Nonpayment of Assessments And Remedies Of The Association. Any Assessment or installment thereof not paid within thirty (30) days after the due date shall bear interest from the due date at the highest rate allowable by law. The Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the Owner's Lot. No Owner may waive or otherwise escape liability for the Assessments provided for herein by non-use of the Common Elements or abandonment of his Lot. All unpaid installment payments of Assessments shall become immediately due and payable if an Owner falls to pay any installment within the time permitted. The Association may also establish and collect late fees for delinquent installments.

SECTION 12. Lien for Assessments. The Association may file a lien against a Lot when any Assessment levied against said Lot remains unpaid for a period of 30 days or longer.

A. The lien shall constitute a lien against the Lot when and after the claim of lien is filed of record in the office of the Clerk of Superior Court of the county in which the Lot is located. The Association may foreclose the claim of lien in like manner as a mortgage on real estate under power of sale under Article 2A of Chapter 45 of the General Statutes. Fees, charges, late charges, fines, interest, and other charges imposed pursuant to Sections 47F-3-102, 47F-3-107, 47F-3-107.1 and 47F-3-115 of the Act are enforceable as Assessments.

B. The lien under this section shall be prior to all liens and encumbrances on a Lot except liens and encumbrances (specifically including, but not limited to, a mortgage or deed of trust on the Lot) recorded before the docketing of the claim of lien in the office of the Clerk of Superior Court, and (ii) liens for real estate taxes and other governmental assessments and charges against the Lot.



C. The lien for unpaid assessments is extinguished unless proceedings to enforce the tax lien are instituted within three years after the docketing of the claim of lien in the office of the Clerk of Superior Court.

D. Any judgment, decree, or order in any action brought under this section shall include costs and reasonable attorneys' fees for the prevailing party.

E. Where the holder of a first mortgage or deed of trust of record, or other purchaser of a Lot obtains title to the Lot as a result of foreclosure of a first mortgage or first deed of trust, such purchaser and its heirs, successors and assigns shall not be liable for the Assessments against the Lot which became due prior to the acquisition of title to the Lot by such purchaser. The unpaid Assessments shall be deemed to be Common Expenses collectible from all of the Lot Owners including such purchaser, its heirs, successors and assigns.

F. A claim of lien shall set forth the name and address of the Association, the name of the record Owner of the Lot at the time the claim of lien is filed, a description of the Lot, and the amount of the lien claimed.

ARTICLE V RIGHTS OF DEVELOPER

The Declarant shall have, and there is hereby reserved to the Declarant, the Special Declarant Rights as herein defined and the following rights, powers and privileges which shall be in addition to the Special Declarant Rights and any other rights, powers and privileges reserved to the Declarant herein:

SECTION 1. The Architectural Control Committee/Executive Board. All duties and responsibilities conferred upon, the Architectural Control Committee by this Declaration or the Bylaws of the Association shall be exercised and performed by the Declarant or its designee, so long as Declarant shall own any Lot within the Property or any Additional Property. The Declarant shall be entitled during the Declarant Control Period to appoint and remove the officers and members of the Executive Board.

SECTION 2. Plan of Planned Community. The right to change, alter or redesignate the allocated planned, platted, or recorded use or designation of any of the lands constituting the Planned Community including, but not limited to, the right to change, alter or redesignate road, utility and drainage facilities and easements and to change, alter or redesignate such other present and proposed amenities, Common Elements, or facilities as may in the sole judgment and discretion of Declarant be necessary or desirable. The Declarant hereby



expressly reserves, unto itself, its successors and assigns, the right to re-plat any one (1) or more Lots shown on the plat of any subdivision of the Property or Additional Property in order to create one or more modified Lots; to further subdivide tracts or Lots shown on any such subdivision plat into two or more Lots; to recombine one or more tracts or Lots or a tract and Lots to create a larger tract or Lot (any Lot resulting from such recombination shall be treated as one Lot for purposes of Assessments); to eliminate from this Declaration or any plats of the Planned Community Lots that are not otherwise buildable or are needed or desired by Declarant for access or are needed or desired by Declarant for use as public or private roads or access areas, whether serving the Planned Community or other property owned by the Declarant or others, or which are needed for the installation of utilities, Common Elements or amenities, and to take such steps as are reasonably necessary to make such re-platted Lots or tracts suitable and fit as a building site, access area, roadway or Common Elements.

SECTION 3. Amendment of Declaration by the Declarant. This Declaration may be amended without Member approval by the Declarant, or the Board of the Association, as the case may be, as follows:

- A. In any respect, prior to the sale of the first Lot.
- B. To the extent this Declaration applies to Additional Property.
- C. To correct any obvious error or inconsistency in drafting, typing or reproduction.
- D. To qualify the Association or the Property and Additional Property, or any portion thereof, for tax-exempt status.
- E. To incorporate or reflect any platting change as permitted by this Article or otherwise permitted herein.
- F. To conform this Declaration to the requirements of any law or governmental agency having legal jurisdiction over the Property or any Additional Property or to qualify the Property or any Additional Property or any Lots and improvements thereon for mortgage or improvement loans made, insured or guaranteed by a governmental agency or to comply with the requirements of law or regulations of any corporation or agency belonging to, sponsored by, or under the substantial control of the United States Government or the State of North Carolina, regarding purchase or sale of such Lots and improvements, or mortgage interests therein, as well as any other law or regulation relating to the control of property, including, without limitation, ecological controls, construction standards, aesthetics, and matters affecting the public health, safety and general welfare. A letter from an official of any such corporation or agency, including, without limitation, the Department of Veterans Affairs, U. S. Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, Government National Mortgage Corporation, or the Federal National Mortgage Association, requesting or suggesting an amendment necessary to comply with the requirements of such corporation or agency shall be sufficient evidence of the approval of such corporation or agency, provided that the changes made



substantially conform to such request or suggestion. Notwithstanding anything else herein to the contrary, only the Declarant, during the Declarant Control Period, shall be entitled to amend this Declaration pursuant to this Section.

SECTION 4. Annexation of Additional Property. Declarant may annex to and make a part of the Planned Community any other real property which Declarant now owns or which Declarant may hereafter acquire or develop (the "Additional Property"). Annexation of Additional Property to the Planned Community shall require the assent of 67% of the Class A Members who are voting in person or by proxy at a meeting called for this purpose; provided, however, Additional Property may be annexed to the Planned Community without the assent of the Members so long as the Additional Property is adjacent to the Planned Community. Nothing herein shall require the Developer to annex any lands to the Planned Community. The Developer shall be entitled to develop any lands currently owned by it, other than the Property, in accordance with any scheme of development that Developer chooses.

ARTICLE VI. USE RESTRICTIONS, ARCHITECTURAL CONTROL AND MAINTENANCE

SECTION 1. Approval of Plans for Building and Site Improvements. No dwelling, wall or other structure (including mail boxes) shall be commenced, erected, or maintained upon any Lot, nor shall any exterior addition to or change in or alteration therein (including painting or repainting of exterior surfaces) be made until the plans and specifications showing the nature, kind, shape, heights, materials, colors and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Control Committee. If the Architectural Control Committee fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with. Refusal or approval of any such plans, location or specification may be based upon any ground, including purely aesthetic and environmental considerations that in the sole and uncontrolled discretion of the Architectural Control Committee shall be deemed sufficient. One copy of all plans and related data shall be furnished to the Architectural Control Committee for its records. The Architectural Control Committee shall not be responsible for any structural or other defects in plans and specifications submitted to it or in any structure erected according to such plans and specifications.



SECTION 2. Minimum Standards for Site Improvements.

A. All service utilities, fuel tanks, and wood piles are to be enclosed within a wall or plant screen of a type and size approved by the Architectural Control Committee, so as to preclude the same from causing an unsightly view from any highway, street or way within the subdivision, or from any other residence within the subdivision. Clothes lines are not permitted on any Lot.

B. All light bulbs or other lights installed in any fixture located on the exterior of any building or any Lot for the purpose of illumination shall be white or non-frost lights or bulbs.

C. All front and side windows shall have well maintained white, two-inch (2") horizontal blinds, or a style of blinds otherwise approved by the Architectural Control Committee. Damaged blinds shall be replaced immediately.

D. Owners shall not change any landscape design, including any flowers, bushes or trees, in the front yard of the Lot without approval of the Architectural Control Committee. Owners replacing damaged, diseased or dying landscaping with healthy replacement landscaping of the identical species and in the same location do not need approval of the Architectural Control Committee.

SECTION 3. Use Restrictions.

A. Land Use And Building Type. No Lot shall be used for any purpose except for residential purposes, subject, however, to the rights of the Declarant contained herein. Short term rentals of six (6) months or less, including those through VRBO or Air BnB, are not permitted.

B. Nuisances. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. There shall not be maintained any plants or animals, nor device or thing of any sort whose normal activities or existence are in any way noxious, dangerous, unsightly, unpleasant or other nature as may diminish or destroy the enjoyment of other Lots by the Owners thereof. It shall be the responsibility of each Owner to prevent the development of any unclean, unsightly or unkempt condition of buildings or grounds on the Owner's Lot which would tend to decrease the beauty of the neighborhood as a whole or the specific area.

C. Temporary Structures. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot any time as a residence either temporarily or permanently without the written consent of the Association.

D. Vehicles/Boats. No boat, motor boat, camper, trailer, motor or mobile homes, tractor/trailer, commercial vehicle or similar type vehicle, shall be permitted to remain on any Lot or on any street or Common Element at any time, without the written consent of the Association. No inoperable vehicle or vehicle without current registration and insurance will be permitted on any Lot, street or Common Element. The Association shall have the right to have all such vehicles towed away at the owner's expense.

E. Animals. No animals, livestock or poultry of any kind shall be kept or maintained on any Lot or In any dwelling except that no more than a total of two (2) dogs, cats or other household pet may be kept or maintained provided that they are not kept or maintained for commercial purposes and provided further that they are not allowed to run free, are at all times kept properly leashed or under the control of their owner and do not become a nuisance. American Pit Bull Terriers, American Staffordshire Terrier, American Bully, and Staffordshire Bull Terriers are not permitted to be kept or maintained on any Lot.

F. Statuary, TV Satellite Dishes and Outside Antennas. No yard statuary are permitted on any Lot and no outside radio or television antennas or satellites shall be erected on any Lot or dwelling unit unless and until permission for the same has been granted by the Architectural Control Committee; provided, however, satellite dishes not over 18" in diameter which cannot be seen from the street are permitted, so long as their installation does not cause damage to the exterior of the building.

G. Construction in Common Elements. No Person shall undertake, cause, or allow any alteration or construction in or upon any portion of the Common Elements except at the direction or with the express written consent of the Association.

H. Signs. No signs (including "for sale" or "for rent" signs) shall be permitted on any Lot or in the Common Elements without permission of the Executive Board; provided, however, the Declarant may so long as it owns any Lot maintain for sale signs on Declarant's Lots and signs on its Lots and in the Common Elements generally advertising the Planned Community. Notwithstanding the above provision, Owners may place one "for sale" sign in the grass area of his/her own Lot after the Declarant Control Period has ended.

I. Mail and Paper Boxes. Each Lot shall have one mail slot at the common cluster postal center. No newspaper boxes are allowed in the Planned Community.



J. Fire Pits, Grills and Open Flames No fire pits or open flames are permitted on any Lot. Grills are permitted so long as they are kept and used in the backyard, behind the house, so as not in view from the street the house faces.

K. Exterior Flags No exterior flag poles are permitted to be mounted to the exterior of the building and no flag poles are permitted to be constructed in the front yard of any Lot. Placement of any other exterior flags, or flags visible from the exterior, including garden size flags, must be approved by the Architectural Control Committee.

SECTION 4. Maintenance. The Association shall maintain, as a Common Expense, the Common Elements, Common Area, Sanitary Sewer Easement and Utility and Drainage Easements within the Property. Each Owner shall keep his/her Lot free from weeds, underbrush or refuse piles, or unsightly growth or objects. All structures shall be kept neat and in good condition and repair. All shrubs, trees, grass and plantings shall be kept neatly trimmed and properly cultivated. Owners shall be responsible for maintenance, repair and replacement of all components of their structures, including their driveways; however the Architectural Control Committee shall approve all replacement doors, windows, garage doors and paint color prior to installation.

ARTICLE VII STORMWATER

The Association shall comply with all terms, provisions and requires of the Stormwater Management Permit, including all maintenance requirements of the vegetative buffer and the Schedule of Compliance set forth in the Stormwater Management Permit. The cost of such maintenance shall be a Common Expense shared equally among the Owners.

The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW8 190511, as issued by the Division of Energy, Mineral and Land Resources (the "Division") under 15A NCAC 02H. 1000, effective January 1, 2017.

The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.

These covenants are to run with the land and be binding on all persons and parties claiming under them.



The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the Division.

Alteration of the drainage as shown on the approved plan may not take Place without the concurrence of the Division.

The maximum allowable built-upon area (BUA) per lot is 4,500 square feet. This allotted amount includes any BUA constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. Built upon area has the same meaning as G.S. 143-214.7, as amended.

The maximum allowable BUA shall not be exceeded on any lot until the permit is modified to ensure compliance with the stormwater rules, permit, and the approved plans and specifications.

All runoff from the BUA on the lot must drain into the permitted system. This may be accomplished via grading, a stormwater collection system and/or a vegetated conveyance.

A 50-foot wide vegetative setback must be provided and maintained adjacent to all surface waters in accordance with 15A NCAC 02H. 1003(4) and the approved plans.

Any individual or entity found to be in noncompliance with the provisions of a stormwater management permit or the requirements of the stormwater rules is subject to enforcement procedures as set forth in NCGS 143, Article 21.

ARTICLE VIII ENFORCEMENT AND REMEDIES

SECTION 1. Enforcement and Remedies. The covenants and restrictions of this Declaration shall inure to the benefit of and be enforceable (by proceedings at law or in equity) by the Association, or the Owner of any Lot, their respective legal representatives, heirs, successors and assigns. The Executive Board shall be entitled to enforce its Articles of Incorporation, Bylaws and Rules and Regulations. In addition to the remedies otherwise provided for herein concerning the collection of Assessments, the following remedies shall be available:



A. Association to Remedy Violation. In the event an Owner (or other occupant of a Lot) is in violation of or fails to perform any maintenance or other activities required by this Declaration, the Association's Bylaws, Charter or Rules and Regulations, the Executive Board or its designee, after 30-days' notice, may enter upon the Lot and remedy the violation or perform the required maintenance or other activities, all at the expense of the Owner. The full amount of the cost of remedying the violation or performing such maintenance or other activities shall be chargeable to the Lot, including collection costs and reasonable attorneys' fees. Such amounts shall be due and payable within 30 days after Owner is billed. If not paid within said 30 day period, the amount thereof may immediately be added to and become a part of the Annual Assessment levied against said Owner's Lot. In the event that any maintenance activities are necessitated to any Common or Limited Common Elements by the willful act or active or passive negligence of any Owner, his family, guests, invitees or tenants, and the cost of such maintenance, repair or other activity is not fully covered by insurance, then, at the sole discretion of the Board of Directors, the cost of the same shall be the personal obligation of the Owner and if not paid to the Association upon demand, may immediately be added to and become a part of the Annual Assessment levied against said Owner's Lot.

B. Fines: The Association may in accordance with the procedures set forth in the Act establish a schedule of and collect fines for the violation of this Declaration or of the Association's Articles of Incorporation, Bylaws or Rules and Regulations. If an Owner does not pay the fine when due, the fine shall immediately become a part of and be added to the Annual Assessment against the Owner's Lot and may be enforced by the Association as all other Assessments provided for herein.

C. Suspension of Services and Privileges. The Association may in accordance with the procedures set forth in the Act suspend all services and privileges provided by the Association to an Owner (other than rights of access to Lots) for any period during which any Assessments against the Owner's lot, remain unpaid for at least 30 days or for any period that the Owner or the Owner's Lot is otherwise in violation of this Declaration or the Association's Charter, Bylaws, or Rules and Regulations.

SECTION 2. Miscellaneous. Failure by the Association or by an Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. The remedies provided herein are cumulative and are in addition to any other remedies provided by law.



ARTICLE IX.
GENERAL PROVISIONS

SECTION 1. Rights of Institutional Note Holders. Any institutional holder of a first lien on a Lot will, upon request, be entitled to (a) inspect the books and records of the Association during normal business hours, (b) receive an annual audited financial statement of the Association within ninety (90) days following the end of its fiscal year, (c) receive written notice of all meetings of the Association and right to designate a representative to attend all such meetings, (d) receive written notice of any condemnation or casualty loss that affects either a material portion of the Planned Community or the property securing its loan, (e) receive written notice of any sixty-day (60) delinquency in the payment of Assessments or charges owed by any Owner of any property which is security for the loan, (f) receive written notice of a lapse, cancellation, or material modification of any insurance policy or fidelity bond maintained by the Association, (g) receive written notice of any proposed action that requires the content of a specified percentage of mortgage holders, and (h) be furnished with a copy of any master insurance policy.

SECTION 2. Utility Service. Declarant reserves the right to subject the Property to contracts for the installation of utilities, cable TV and street lighting, which may require an initial payment and/or a continuing monthly payment by the Owner of each Lot. Each Lot Owner will be required to pay for any water connections, sewer connections, impact fees or any other charges imposed by any entity furnishing water, sewer or other utility service to the Lots. In the alternative, the Developer may collect such connection, impact and other fees, and charges directly from the Lot Owners. All Lot Owners shall be required, for household purposes, to use water and sewer supplied by the companies/governmental units servicing the Planned Community. Separate water systems for outside irrigation and other outdoor uses shall be permitted so long as the system is approved by the Architectural Control Committee.

SECTION 3. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

SECTION 4. Amendment of Declaration. Except in cases of amendments that may be executed by the Declarant under this Declaration or by certain Lot Owners under the Act, this Declaration may be amended by affirmative vote or written agreement signed by Owners of Lots to which at least sixty-seven percent (67%) of the votes in the Association are allocated, or by the Declarant if necessary for the exercise of any Special Declarant Right or development or other right reserved to the Declarant herein.



SECTION 5. FHA/VA Approval. So long as there is Class B membership, annexation of Additional Properties, dedication of Common Elements and amendments to this Declaration must be approved by the Federal Housing Administration and/or the Department of Veterans Affairs, as the case may be, if either of those agencies has approved the making, insuring or guaranteeing of mortgage loans within the Planned Community.

SECTION 6. North Carolina Planned Community Act. It is the intent of the Declarant to comply with the requirements imposed on the Planned Community by the Act and to the extent any of the terms of this Declaration violate the Act, the terms of the Act shall control.

SECTION 7. Streets. Each of the streets in the Subdivision now or hereafter designated on any plat is a Common Element until accepted by the City of Southport. The Declarant will build the streets in the community to standards set by the City of Southport and will maintain the streets until they are turned over to the City Of Southport. If the City of Southport does not accept the streets, the streets shall remain Common Elements and the Association shall maintain them as any other Common Element.



IN TESTIMONY WHEREOF, Declarant has caused this Declaration to be signed in its corporate name by its president pursuant to authority of Declarant's Board of Directors as of the day and year first above written.

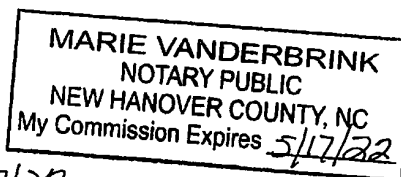
Hoosier Daddy, LLC
A North Carolina limited liability company

By: *Lisa Beaman*, Member-Manager

State of North Carolina
County of New Hanover

I, the undersigned Notary Public of the County and State aforesaid, certify that Lisa Beaman personally came before me this day and acknowledged that she is the Member-Manager of Hoosier Daddy, LLC, and that by authority duly given and as the act of such entity, he attested the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 17th day of June, 2021.

Marie VanderBrink
Notary Public



My Commission expires: 5/17/22

12. Final Plat; *Preserve at Fisher Landing*

Memorandum from Planner Lloyd to the Board of Aldermen dated June 30, 2020 included in its entirety:

BACKGROUND

Hoosier Daddy LLC has filed for Final Plat Approval of the Preserve at Fisher Landing. The Preliminary Plat was approved on January 10 of 2019. The Preserve at Fisher Landing is a Major Subdivision between W 9th and W. 11th street. This subdivision was developed using the Residential Cluster Development standards found in Article 15 of the UDO. In cluster developments conventional zoning standards are relaxed in order to provide an alternative development option that promotes more efficient use of land resources, to better preserve the site, and to provide desirable and useable open space .

This subdivision consists of 48 single family lots on a total of 15 acres. The average lot size is 7813 sf. The open space requirement is 1:1 per lots less than 10,000 sf. The total requirement is 2.46 acres. This property provides 2.46 acres of open space with 1.23 of that being contiguous. The setbacks will be 15' in the front, 12' in the rear, 6' in the side. They are also including a 25' periphery boundary.

Prior to the recording of a Final Plat, there must either be infrastructure already in place or there must be performance guarantees (such as a bond or letter of credit.) According to the Public Works Director David Fox, the developer has completed the required wastewater infrastructure, water infrastructure, and road infrastructure to our construction standards. The Public Works Department has received as-builts as well as certifications from the Engineer in charge of the project. The City also required asphalt core testing for the roads and tests for the water and sewer. The Public Works Department has all of these on file. There is not sidewalk infrastructure yet, but the developer will be submitting a performance guarantee equal to \$63,350 (125% the cost of the infrastructure.)

REQUEST

Motion to approve the Final Plat for the Preserve at Fisher Landing.

STAFF RECOMMENDATION

Staff recommends that the Board of Aldermen approve the Final Plat for the Preserve at Fisher Landing with the condition that the performance guarantee for the sidewalk infrastructure be executed prior to the recording of the plat. The Final Plat matches the Preliminary Plat and is in compliance with our Subdivision regulations.

Alderman Lombardi moved, with a second by Alderman Allen to approve the *Preserve at Fisher Landing* Final Plat. Unanimous vote; motion carried.

13. *Preserve at Fisher Landing* Deed of Dedication & Acceptance of Water and Sewer Infrastructure

Memorandum from Planner Lloyd to the Board of Aldermen dated June 30, 2020 included in its entirety:

BACKGROUND

The developer of the Preserve at Fisher Landing is asking that the City accept and take over maintenance of the water, sewer, and road infrastructure. The stormwater infrastructure will still be private and maintained by the HOA. According to the Public Works Director David Fox, the developer has completed the required wastewater infrastructure, water infrastructure, and road infrastructure to our construction standards. The sidewalk is to be constructed as houses are built to prevent damage. The Public Works Department has received as-builts as well as certifications from the Engineer in

charge of the project. The City also required asphalt core testing for the roads and additional tests for the water and sewer. The Public Works Department has all of these on file.

REQUEST

Motion to accept the wastewater, water, and road infrastructure.

Noting that the streets would be damaged during construction, Alderman Lombardi questioned acceptance of the street infrastructure before the project was built out. Planner Lloyd indicated that the City is under no obligation to accept the streets prior to the industry standard of 60% built out. He emphasized that the developer would have to bring the streets up to standards prior to the City accepting them.

Alderman Mosteller moved, with a second by Alderman Sharkey to accept water and sewer infrastructure at the *Preserve at Fisher Landing*. Unanimous vote; motion carried.

14. Villas at Fisher Landing Deed of Dedication & Acceptance of Water and Sewer Infrastructure

Planner Lloyd reported that the approval of the Final Plat for the *Villas at Fisher Landing* was done on an administrative level and the developer is now asking for acceptance by the City of the water and sewer infrastructure. The memorandum from Planner Lloyd to the Board of Aldermen dated June 30, 2020 is included in its entirety:

BACKGROUND

The developer of the Fisher Landing Villas on 11th Street is asking that the City accept and take over maintenance of the water and sewer infrastructure. The stormwater infrastructure will still be private and maintained by the HOA. According to the Public Works Director David Fox, the developer has completed the required wastewater infrastructure and water infrastructure to City construction standards. The Public Works Department has received as-builts as well as certifications from the Engineer in charge of the project as well as tests from third parties. The Public Works Department has all of these on file. The road infrastructure will be privately maintained for this project.

REQUEST

Motion to accept the wastewater and water infrastructure.

Alderman Allen moved, with a second by Alderman Sharkey to accept dedication of the water and sewer infrastructure in the *Villas at Fisher Landing*. Unanimous vote; motion carried.

Dorothy Dutton

From: Brady Herman <bherman@broughlawfirm.com>
Sent: Wednesday, May 1, 2024 4:51 PM
To: Dorothy Dutton
Cc: Maureen Meehan; Al Benshoff
Subject: RE: Preserve at Fisher Landing

Good afternoon Dorrie,

I am CC'ing my colleague Al Benshoff as he has been assisting me through the City's options with this. To answer your question, using the bond money for the HOA to do the work would most likely be more problematic than the options you listed as it is not entirely clear in the law if the City can assign its rights to the bond money or otherwise has the authority to do so (and I'd imagine, although don't know for sure, that the surety most likely would not consent to that).

Thus, while neither option is great, doing nothing or calling the bond and City build the sidewalks seems to be where we are at.

Another question Al had was did the City ever accept the offer of dedication? The plat labels the streets "public" so if the Council did accept the offer the ROW's belong to the City.

If the offer of dedication was not accepted then the ROW's belong to Hoosier Daddy, LLC or a successor in interest. Do you all know if Hoosier Daddy, LLC is still the current owner of the ROW's? If the ROW's do not belong to the City, then the City may need to obtain easements or other property rights to build the sidewalks.

Brady N. Herman



1526 E. Franklin St., Suite 200
PO Box 2388
Chapel Hill, NC 27514
T (919) 929-3905
M (919) 630-2578
F (919) 942-5742
Email: bherman@broughlawfirm.com
Web site: broughlawfirm.com

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From: Dorothy Dutton <Ddutton@cityofsouthport.com>
Sent: Wednesday, May 1, 2024 1:17 PM

To: Brady Herman <bherman@broughlawfirm.com>
Cc: Maureen Meehan <mmeehan@cityofsouthport.com>
Subject: Preserve at Fisher Landing

[EXTERNAL Sender]

Good afternoon, Brady.

I know Mo has contacted you about the bond/sidewalks for the Preserve at Fisher Landing. The two options you proposed was to 1. Do nothing and let the HOA hash it out, or 2. Call the bond and complete the sidewalks as best we can with the funding allotted.

Just out of curiosity, can we call the bond but then transfer the money to the HOA so that we are left out of bidding/managing the sidewalk work? At least that would be a chunk to help the HOA and the City wouldn't have to pay out for the rest of the cost.

Thoughts?

Thank you!



Dorothy (Dorrie) Dutton
Assistant City Manager.
Phone: (910) 457-7900 ext. 1010
Mobile : (910) 269-3662
Email: ddutton@cityofsouthport.com
1029 N.Howe Street
Southport. NC 29461
www.cityofsouthport.com

Dorothy Dutton

From: Brady Herman <bherman@broughlawfirm.com>
Sent: Tuesday, June 25, 2024 5:15 PM
To: Dorothy Dutton
Subject: [EXTERNAL] RE: Preserve at Fisher Landing

Dorrie,

Thanks for passes this question by me. I did help Travis with a Cades Cove issue, but the only matter I was involved with was whether that HOA could install gates in the subdivision that wasn't part of the original approval. The issue of penalties against the original developer was not something I looked into, from what I recall. And I think to your point, generally we cannot impose criminal penalties for any zoning violations.

But to answer your question with Hoosier Daddy, since they have already sold all lots in the Landings subdivision and have transferred the common elements/space to the HOA, I think really the City's only option of legal recourse against HD is to call the bond for their default of the improvement agreement.

If the City decides to do all of the work, they may be able to bring suit against Hoosier Daddy for breach of contract to recover any costs incurred over the bond amount to complete the sidewalks. The real risk in this option is there are no guarantees that the City would see a dime from Hoosier Daddy if we got a judgment in our favor in court. They could dissolve or have zero assets. If the HOA pays for the remaining work over the bond amount, it would be on them on whether to go after HD for their costs.

Just as an FYI procedurally, if the BOA does decide to go down the bond route, I believe the City would first have to give Hoosier Daddy formal notice that the City will pursue cashing the bond. From what I recall from my research, this appears to be required by insurance companies prior to releasing the money, but may be good to double check with them if we get to that point.

I have also copied Al since he is helping me with this and may have some additional thoughts with the City's options.

Brady N. Herman



1526 E. Franklin St., Suite 200
PO Box 2388
Chapel Hill, NC 27514
T (919) 929-3905
M (919) 630-2578
F (919) 942-5742
Email: bherman@broughlawfirm.com
Web site: broughlawfirm.com

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BOARD OF ALDERMEN AGENDA ITEM SUMMARY

DATE: 07/01/24

DEPARTMENT: Board of Aldermen

PRESENTED BY: Board of Aldermen

ITEM SPONSORED BY: Board of Aldermen

ITEM/TOPIC: Real Estate Bid Proposals

COST: Unknown at this time

BUDGET LINE ITEM: Contract Line Item for Board of Aldermen
(10-00-4100-4400)

JUSTIFICATION: In the past, the Board of Aldermen requested that a Request for Proposals (RFP) be published to determine if it is feasible to hire a realtor to represent the City when researching, purchasing, or selling real estate. We received one proposal. The Board decided to wait until a new City Manager is hired so that they can receive input from Mr. Turille on whether this is needed or now. If the decision is to move ahead, we will reissue the Request for Proposal.

IMPACT IF NOT APPROVED: The City Manager will continue to serve in that role.

DEPARTMENT HEAD COMMENTS: Not Applicable

CITY MANAGER COMMENTS: This is a Board of Aldermen decision.

ATTACHMENTS: 1) Copy of Request for Proposal

REQUESTED ACTION: Decision on whether to advertise the Request for Proposal to hire a Real Estate company to represent the City's interests in property sale and purchase.

PROPOSED MOTION: Motion to move forward with the advertising for a Realtor to represent the City in the sale and purchase of property.

REQUEST FOR PROPOSAL

DATE ISSUED: February 1, 2024

CITY OF SOUTHPORT

REQUEST FOR PROPOSAL

FOR:

Real Estate Services

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

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.
- 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. 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 23rd, 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.



Planning Board Minutes
Community Building 223 E. Bay Street
June 20, 2024
6:00 P.M

Members Present: Sue Hodgins, Will Hewett, Fred Fiss, Scott Jones, Kevin Locklin, and Donnie Joyner.

Members Absent: Roy Pender and Dick Sloan

Staff Present: Mo Meehan, City Planner
Tanya Shannon, Deputy Clerk
ChyAnn Ketchum, Director of Communications/PIO

Board of Aldermen Liaisons: Rebecca Kelley and Frank Lai (absent)

- A. Chair Sue Hodgins called the meeting to order at 6:00 p.m.
Mr. Locklin was appointed as a full member in the absence of Mr. Roy Pender.
- B. Mr. Donnie Joyner gave the Invocation.
- C. Chair Hodgins led the Pledge of Allegiance.
- D. Mr. Fred Fiss was sworn in as a full city position on the Planning Board.
Special Recognition for Mr. Joyner's dedication to service on the Board. 2012-2024.
- E. **Approval of the Minutes**
Mr. Joyner motioned to approve the May 16, 2024, Minutes and seconded by Vice-Chair Hewett.
Unanimous Vote; Motion carried.
- F. **Approval of the Agenda**
Vice-Chair Hewett motioned to approve the agenda, which Mr. Fiss seconded. **Unanimous Vote; Motion Carried.**
- G. **Public Comment:** None
- H. **Old Business:**
- 1. **Section 3.19 Sign Text Amendment**

Ms. Meehan provided an overview of the proposed amendment. During the regular meeting on May 16, the staff presented an updated draft of text amendments for Section 3.19 Signs. After review and discussion, the following two standards were approved:

- 1) Electronic Message Center signs are only allowed on municipal property.
- 2) Inflatable signs are prohibited in the CBD and BD zoning districts.

There was a specific question about the use of neon or neon-like open signs for businesses that did not reach a consensus. The text was unanimously sent back to the review committee for further consideration.

Per direction from the Planning Board, the review committee reconvened on June 13, and the following additions have been made to the draft update to Section 3.19 Signs:

3.19.F.6 – EMC signs are only allowed on municipal property.

3.19.F.7 – Inflatable signs are prohibited in the CBD and BD zoning districts.

3.19.H.1.c)—After considering lighting and the goals of this ordinance update, illuminated signs are limited to 6 SF. This does not apply to municipal or safety and health uses, such as a hospital.

3.19.H.1.i) – allow one (1) 11” x 24” neon or neon-looking open sign per nonresidential use.

Staff found that the proposed amendments to Section 3.19 Signs are consistent with the 2014 CAMA land use plan and recommend that the Planning Board recommend approval to the Board of Aldermen.

Mr. Locklin made a Motion to adopt the Consistency Statement that recommended approval of the Section 3.19 Sign Text Amendment and forward to the Board of Aldermen and seconded by Mr. Fiss.
Unanimous Vote; Motion Carried.

Chair Hodglin read the Statement of Consistency that recommended approval.

I. New Business:

1. Section 3.17 Landscaping and Buffers and Section 3.14 Parking Text Amendments-ROW Updates.

Ms. Meehan explained that The Board of Aldermen adopted an amendment to Section 16.8 Obstruction of Public Rights of Way of the Code of Ordinances at their regular meeting on May 9, 2024. The unified development ordinance (UDO) also includes the same prohibition of obstructions of rights of ways in Section 3.17, Landscaping and Buffers. This amendment will update the relevant sections of the UDO to be consistent with the Code of Ordinances.

Section 3.17 D. Landscaping on Public Property. (draft changes)

It shall be unlawful for any person to place or cause to be placed on any public street, road, alley, sidewalk, or other public right-of-way within the city, any wall, fence, gate, brick, stone, wood, rock, vegetation, or other structure, material, or substance above the horizontal plane of the existing ground. The installation of turf grasses on grade is allowed within the right-of-way. In addition, it shall be unlawful for any person to take any action whatsoever within any public right-of-way which creates a hazardous condition or safety hazard or which otherwise interferes with or obstructs in any manner the passage of persons or vehicles upon or within said public rights-of-way or which obstructs, interferes with or hinders lawful parking within any public right-of-way.

Section 3.14 C. Minimum Off-Street Parking Requirements: (draft changes)

- 2) *In residually zoned areas without off-street parking requirements, property owners shall be permitted to improve up to two (2) parking spaces within the right-of-way in front of their property. Dimensional standards of these parking spaces shall follow the provisions for driveways as described in the Unified Development Ordinance (Section 3.12.B.1).*

a. Surfacing materials for these parking spaces shall be limited to one of the following: turf grass, brick, pavers, number 57 stone with wood borders no more than 2 inches above grade, or concrete. Allowable impervious surfacing materials (brick, pavers, or concrete) may only be used in an area that is a minimum of 50 feet from a City Tree. Parking spaces constructed by a property owner within the right-of-way shall remain open for public parking and shall not be reserved for the property whose owner constructed the spaces.

b. Such parking shall require the review and written approval of the Development Services Director, Public Services Director, and Fire Marshal. The City reserves the right to remove these parking areas for any reason in accordance with Section 16-10. Parking services existing prior to the adoption date of this ordinance shall be permitted to remain so long as the encroachments do not create a hazardous condition or safety hazard to the public.

c. Vegetation or other protective measures shall be permitted to be placed within ten (10) feet of the base of a City Tree by a neighboring property owner, or by the City, for the purpose of limiting damage to the tree by nearby parked vehicles. Such action shall require review and written approval by the Development Services Director, the Public Services Director, and the Fire Marshal.

The amendment to the Code of Ordinances allows the installation of turf grasses on grade and provides guidance on parking space improvements for residential properties without off-street parking requirements. The updates for the UDO include the updated language in Section 3.17, Allowable Landscaping on Public Property, and Section 3.14 Parking.

The staff has reviewed the amendments and finds that they are consistent with the 2014 CAMA Land Use plan. They recommend that the Planning Board send an approval recommendation to the Board of Aldermen.

Vice Chair Hewett made a Motion to adopt the Consistency Statement, which recommends approval to the Board of Aldermen for Section 3.17 D. Landscaping and Buffers, as well as Section 3.14 C:2 Parking Text Amendments-ROW. Mr. Fiss seconded the motion. **Unanimous Vote; Motion Carried.**

Vice Chair Hewett read the Consistency Statement and recommended approval.

Mr. Fiss questioned who would be enforcing the changes. Ms. Meehan said Code Enforcement.

2. Major Site Plan Modification-Walmart Expansion

Ms. Meehan provided an overview of the applicant's request presented by Aaron Schilling. He is seeking a revision to the previously approved Commercial Project - Major Site Plan for expanding and relocating Walmart's online shopping pickup station. The specific request is to increase the size of the existing building by 5,664 square feet on the northwestern building wall, repave and restripe the parking lot, and add parking lot landscaping. The project is situated within the Tidewater Plaza at 1675 N Howe Street, which falls within the incorporated city limits of the City of Southport. The property is zoned HC, Highway Commercial.

The current Walmart store is 149,640 square feet and operates online order pickup with 20 stalls. The applicant has requested to expand the online order pickup area to 5,644 square feet, including staging areas, shelving, and walk-in coolers, without increasing retail floor space or pickup volume. The proposed expansion is not expected to impact store entrance access or traffic flow. The request for expansion is considered a major revision due to increased development density. The Planning and Zoning Board has been asked to approve this modification.

Chair Hodgkin requested a Motion to approve the Major Site Plan Modification for the Walmart Expansion due to the absence of questions or comments. The motion was made by Mr. Joyner and seconded by Vice Chair Hewett. **Unanimous Vote; Motion Carried.**

3. Major Site Plan Review-Southport Branch Meetinghouse

Ms. Meehan gave an overview and stated that the owner and applicant of the Church of Latter-day Saints is requesting approval of a Major Site Plan for the construction and operation of a church in the HC, Highway Commercial Zoning District. The property is located on the northwestern lot of Winafred Street, approximately 300 feet north of the intersection of Eason Street and Winafred Street and directly south of the Rivermist community. The property is located within the incorporated city limits.

The Planning Staff presented this proposal to the Technical Review Committee at their February 20, 2024, meeting. She noted that for clarity and transparency, most of the comments received from other Departments or outside agencies are of a nature that they are to be addressed following the issuance of zoning approval through the course of the building plan and permit review and issuance.

Planning Staff are submitting this proposal for the Planning Board's review in accordance with the standards and processes laid out within the UDO. The application is deemed complete and in compliance with the UDO by the Planning Staff and is eligible to be approved by the Planning Board in an administrative or "by-right" process. Therefore, the Staff recommends approval of the request as presented.

Mr. Fiss inquired about the submission timeline for the stormwater plan. Ms. Meehan explained that several stormwater plans are attached to the main plan, but the City Engineer has not thoroughly reviewed them. She noted that the City Engineer requires fully detailed water/sewer and stormwater plans indicating the existing connections. Ms. Meehan also clarified that, as per Appendix A, the stormwater plan can be submitted to the City Engineer after the preliminary site plan is approved. This allows any necessary changes to be made during the preliminary phase before the final site plan is submitted.

Mr. Fiss discussed the submitted tree and landscape plan. Mr. Fiss noted the reduction of left-side parking in the future and expressed concern about the removal of a nine-inch live oak. Mr. McCloud explained the need for tree removal due to future parking area requirements and emphasized their dedication to preserving trees.

Chair Hodgkin requested a Motion to approve the Major Site Plan application for the Southport Branch Meeting House, as there were no other questions or comments. Vice Chair Hewett moved, and Mr. Joyner seconded the motion. ***Unanimous Vote; Motion Carried.***

4. Section 4.14C Amount of Land Dedication Text Amendment- Open Space Calculation

In their regular meeting on June 13, 2024, the Board of Aldermen voted to propose a text amendment to the open space requirements for subdivisions to the Planning Board. The purpose of this amendment is to increase the multiplier for conventional subdivision open space requirements. Currently, the multiplier is set at .02 per dwelling unit or lot, regardless of the zoning district, and this results in less than an acre of open space for any subdivision with fewer than 50 homes.

Staff request that the Planning Board evaluate the advantages and disadvantages of increasing the multiplier for subdivision open space requirements, specifically for R-10 and R-20 zoning districts. It has been suggested that using a different multiplier for R-10 and R-20 calculations would ensure an equitable dedication of open space requirements. Staff have proposed a multiplier of .05 for R-10 zoning and a multiplier of .1 for R-20 zoning districts. An attached multiplier chart presents the existing open space requirements and various scenarios for increased multipliers.

Additionally, staff have suggested revising the criteria that trigger open space requirements for subdivisions. Presently, open space is required for subdivisions with 20 or more lots. Staff recommend revising this to 10 lots.

Chair Hodgkin asked if there were examples of how this would have been applied or recently approved. She asked what could be seen in these changes and if there were any visuals available. Ms. Meehan used Oakton Development as an example and said that there are 45 lots in the R-10 conventional subdivision, and they were required to have 0.9 acres of land. She said they did provide more. However, if it increased to 0.05, then it would have been required to have 2 acres of open space. She explained that the 0.05 multiplier is at 45 lots, bringing it up to 2.3 acres of open space.

Chair Hodgkin expressed her support for the idea of limiting the number of subdivision designations to 10 lots. The discussion also touched on the possibility of reducing the number of lots further, with consideration for whether the calculations should be triggered by the number of lots or the acreage. There was even a question of whether it could be reduced to 5 lots. Ms. Meehan commented that she didn't foresee any issues with this but noted that it would involve a small parcel of land.

Mr. Locklin made a Motion to reduce the criteria that trigger open space requirements for open space for subdivision to be 5 lots. Second by Mr. Fiss. ***Unanimous Vote; Motion Carried.***

Vice Chair Hewett read the Consistency Statement and recommended approval to the Board of Aldermen.

J. Other Business:

- K.** Chair Hodgkin provided an update on House Bill 1064, stating that it passed the House today. She also mentioned that the information regarding the ETJ for Southport is now House Bill 911, which has passed the Senate and will now go back to the House of Representatives for voting. Ms. Hodgkin encouraged everyone to continue to contact their legislators and express their disfavor, emphasizing that this bill could jeopardize the protection of the areas surrounding Southport. She expressed concern that Southport does not yet know what the zoning will be for the area falling under the jurisdiction of the County. MS. Hodgkin also expressed disappointment that the city has not provided transparency to the citizens regarding this matter.

L. Announcements:

Mr. Joyner expressed his gratitude to the Board for their kindness and well wishes and expressed his happiness at having served the City.

Chair Hodgkin wished everyone a safe and Happy 4th of July.

There were no further business items or discussions. Mr. Joyner made a motion to adjourn the meeting, which Vice Chair Hewett seconded. ***Unanimous Vote; Motion Carried.***

Adjourn—7:11 p.m.

Chair, Sue Hodgkin

Deputy Clerk, Tanya Shannon

City of Southport ABC Board Minutes

Date: May, 8 2024, Minutes taken by: Harold Todd Dunn

Location: Southport ABC Store

Quorum determined: Meeting called to order by Chairman Davis at: 2:00PM

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 – Mr Lai

Absent – None

Guests: None

Open Comment and Discussion – None

Approval of 4/3/24 Minutes: Minutes amended, approved by Angela and seconded by Jim

1. Old Business

- A. Discussed Assistant Manager – Discussed her accepting position and progress
- B. Discussed Evaluations & Raises For Virginia– Discussed and approved to give Virginia her raise of 4.25 %

2. New Business

- A. Discussed and approved to get new shirts for employees
- B. Discussed Buying vs Leasing Printers- Going to get some prices and information on maintenance
- C. Discussed getting more window tinting for front windows – Going to get some prices
- D. Discussed Future Bourbon Release
- E. Approved purchasing new PC for Assistant Manager
- F. Discussed and moving next Board Meeting to June 19th
- G. Discussed BSL possibly getting new store and how we wanted to approach it

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: June 19th 2024 at 2:00 PM at Southport ABC Store

APPROVED BY AND DATE

MAY 2024 SALES DATA COMPARISON AND SAVINGS

SALES TYPE	2023 Sales	2024 SALES	DIFFERENCE	% CHANGE
RETAIL	\$ 457,717.65	\$ 421,533.90	\$ (36,183.75)	-7.91
MXB SALES	\$ 243,710.76	\$ 221,076.53	\$ (22,634.23)	-9.29
TOTAL	\$ 701,428.41	\$ 642,610.43	\$ (58,817.98)	-8.39
Customers	10378	9448	-930	-8.96
		\$ -		
Bottles Sold	32,816	31,102	(1,714)	-5.22
		0		
SPA SAVINGS		\$ -		
		\$ -		
Credit Cards	\$ -	\$ 388,240.19		
TOTAL SALES INC. TAX	\$ -	\$ 451,049.92		
	2019 Sales	2024 Sales	Difference	
Retail 2019	\$ 259,446.20	\$ 421,533.90	162,087.70	62.47
MXB 2019	\$ 120,802.53	\$ 221,076.53	100,274.00	83.01
	\$ 380,248.73	\$ 642,610.43	262,361.70	69.00
SALES TYPE	2020 SALES	2024 SALES	DIFFERENCE	% CHANGE
RETAIL	\$ 354,583.45	\$ 421,533.90	\$ 66,950.45	18.88
MXB SALES	\$ 88,279.69	\$ 221,076.53	\$ 132,796.84	150.43
TOTAL	\$ 442,863.14	\$ 642,610.43	\$ 199,747.29	45.10
SALES TYPE	2021 Sales	2024 SALES	DIFFERENCE	% CHANGE
RETAIL	\$ 258,668.50	\$ 421,533.90	\$ 162,865.40	62.96
MXB SALES	\$ 186,523.50	\$ 221,076.53	\$ 34,553.03	18.52
TOTAL	\$ 445,192.00	\$ 642,610.43	\$ 197,418.43	44.34
SALES TYPE	2022 Sales	2024 SALES	DIFFERENCE	% CHANGE
RETAIL	\$ 365,206.55	\$ 421,533.90	\$ 56,327.35	15.42
MXB SALES	\$ 195,763.14	\$ 221,076.53	\$ 25,313.39	12.93
TOTAL	\$ 560,969.69	\$ 642,610.43	\$ 81,640.74	14.55

City of Southport Beautification Committee Minutes

Date: April 15, 2024 Minutes taken by: Karen Pasquale

Location: Indian Trail Meeting Hall

Quorum determined: Meeting called to order by Lynne Geiman at: 5:00pm

In Attendance: Ken and Lynne Geiman, Robert Thatcher, Joe Fikentscher, Scott Bushman, Karen Pasquale, Karen Brennan, Karen Mosteller, Larry Ashley

Absent: Allayna Dail

Guests: None

Public Comment: None

Approval of March 18, 2024 Minutes: Minutes amended, approved and seconded.

1. Committee Reports

a. Native Plant Pollinator Garden (NPPG): Lynne

- Lynne says that the garden looks great.
- On 4/5/24, she went to the “meet and greet” at the garden and it was a wonderful turnout.

b. Communication Report: Larry

- Nothing to report.

c. Planting/Garden/Steward Program: Lynne

- The planting committee went to All in Bloom for breeze grasses and creeping lantana for Kingsley Park.
- There is still no one available to water the planters at the Southport Committee Building at this time.
- The planting committee planted annuals at the 2 urns at the front of the Visitor Center.

d. Financial Report: Lynne

- Lynne will meet with Allayna regarding the city’s discrepancy of our “balance” and what the city says is SBC’s current balance.

2. Old Business

a. April Workday – 4/6/24: Lynne

- We had 25 volunteers.
- At the Ferry Roundabout, 10 cubic yards of mulch were spread. The city found the water leak which was fixed and the boat was power washed.
- At the Waterfront Park, 16 bags of mulch were spread.
- Garrison Lawn was weeded.
- At the Visitor center, Rick Joe, Scott and Ken stained the chairs.
- At the Pollinator Garden, Karen M. and Randy Jones weeded around the Sundial.

b. Updates: Lynne

- No update on the cement waterfront map.
- Yacht Basin boat will be painted soon.
- Garrison Lawn caps have been painted.
- The Waterfront benches were power washed and the stain come off.
- Nothing to report on the QR code.

3. New Business

a. May Student Volunteers: Lynne

- On May 14th, Tuesday afternoon, we will have 18 students arrive from the Wood County Christian Academy in Williamstown, WV, to volunteer in our town.
- They will be painting the fence that surrounds the Southport Water Tower.
- Allayna ordered tee-shirts for the students and Lynne will get vinyl aprons for them to wear.
- Lynne will call WECT to see if they would like to come out and film a segment of the volunteering event.
- Allayna will ask the State Pilot to attend.
- Allayna will get a work order to have the fence power washed and weeds cut back before the students arrive.

b. Garrison Lawn Post Project: Lynne

- The lantern light is broken and is in need of repair.
- The area of concern is 60x60 feet around the lamppost.
- SBC has the bricks which should be re-aligned not on the grass but on cement.
- SBC will layer the bricks higher to prevent dog urine from getting on the plants and flowers.
- We ask for the city to pay for the repair and new electrical of the lamppost, and SBC will pay for the mortar, concrete, dirt and plants.

c. Arbor Day, 4/26 and Nature Fest, 4/27: Lynne

- The events will be held at Taylor Field.
- SBC will share a table with NPPG.

d. May 5, 2024 Workday: Lynne

- Mulching around the Waterfront Park.
- Staining of the Waterfront benches.

e. Brick Placement at the Visitor Center – Historical Society: Lynne

- The Historical Society received 85 bricks to be laid down in front of the Visitor Center.
- The city has to get the sand.

f. Beautification Applicants: Lynne

- Karen B., Joe and Larry have to re-apply.

g. Cemetery Representative: Lynne

- A committee was formed by the city.
- We need one board member from SBC to be on the Cemetery Committee.
- SBC nominated Lynne. Joe motioned and Rob seconded. All were unanimous.
- Start date will be 7/1/24.

h. Future Projects: Lynne

- The removal of the stones and replacement with concrete at the spot of Oliver's parking lot is under consideration by the city per Allayna. She will keep us informed.
- Lynne will speak with Allayna about the possibility of getting painters from Franklin Square Gallery to compete to paint a picture on the concrete for decoration if this project is completed.
- JC Building flower bed needs a total renovation. Per Lynne, Allayna will speak with Heather to see if the money for this renovation can come from the city's budget.

4. Any Other Business or Committee Comments:

- Scott asks if we can clean the Visitor Center sign.
- At the city dock, people are cutting across the grass and the grass at that location is eroding and has become unsightly. SBC asks if we can lay stepping stones to prevent further erosion?

5. Staff Liaison Comments:

- Allayna is absent.

6. Board Liaison Comments: Karen M.

- No comment.

4. Adjourned: 6:07pm

Next meeting: May 20, 2024



Cemetery Committee Meeting
Indian Trail Meeting Hall, 113 E. Moore Street
June 26, 2024, 2:00 P.M.
Agenda

A. Call to Order

B. Welcome

- a. Public Comment

C. Old Business

- a. Approve Minutes
- b. Update on Expiring Terms
- c. Update on Legal Questions
- d. Review and Approve for Submission
 - i. Mission & Vision Statement
 - ii. Smithville Burying Grounds Hazards Report
 - iii. Southport Forestry Committee – Smithville Burying Ground Tree Survey
 - iv. Northwoods Signage Report
- e. Memorial Day Flag Placement Update

D. New Business

- a. Scheduled Meeting with Aldermen & Mayor – 7/11.
- b. Discussion of Smithville Burying Ground Footstone Damage

- c. Discussion of current Cemetery Ordinance
- d. Discussion of Cemetery Software
- e. Development of Cemetery Landscape Plan
- f. Development of Smithville Burying Ground Gravestone Assessment
Plan

E. Other Business

- a. Member's Comments
- b. Board of Aldermen Liaison's Comments

F. Adjourn



**Board of Adjustment Minutes
Indian Trail Meeting Hall
113 W. Moore St.
May 28, 2024 at 4:30 p.m.**

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

Others Present: John Sipe, Pauline Ketchum, Viviana Paredes (an owner), the Homeowner's Association President for the Preserve at Fishers Landing

- A. Call to order by Chairman Pete Haislip at 4:28 p.m.
- B. Chairman Haislip led the Pledge of Allegiance.
- C. Chairman Haislip reviewed the quasi-judicial process with the public.

D. New Business

1. Special Use Permit: Two-Family Dwelling (Duplex)

Chairman Haislip swore in City Planner Mo Meehan. Ms. Meehan explained that the owners of the property are requesting a Special Use Permit for a two-family dwelling or a duplex on 9th Street. The property is zoned R-10 but is 0.23 acres. R-10 zoning allows two-family dwellings with a Special Use Permit. Each unit in the duplex will have two bedrooms and 2.5 baths, and a total of 1660 square feet. The duplex will be two stories and the dwellings share a wall on the interior and have a shared outdoor space in the rear. Staff found the application complete. Harley Lemons asked if any of the adjacent properties had called to complain about the proposed duplex. Ms. Meehan stated that some had called, but no one complained. Mr. Sipe, the owner's representative, was sworn in. He said the owners are retired from the military. They want to live on one side and allow family to use the other side. This will not be a short-term rental-property owners know they are not allowed.

Tuck Masker asked about how long they have owned the property, which was about three years. They purchased it with the idea that a duplex was possible with the SUP process. Public Services Director Tom Stanley helped them figure out utilities. The utilities will be connected towards the front right side. The building is mostly engineered except for the common wall, which will be wood framed construction.

Josh Cline McGee asked about impervious surface and said the calculations on one of the sheets was not right. Ms. Meehan confirmed that for independent residential outside of subdivisions there is no maximum impervious.

Ms. Ketchum, one of the proposed neighbors asked about whether there would be enough parking available-two for each unit. Mr. Sipe stated that there would be. And Deena _____, representing the Preserve HOA, asked if they intended to but an access point through 11th Street, at the rear of the property. Ms. Meehan said that they would not be allowed because that would be using the HOA's private property.

The public hearing closed at 4:55 p.m.

The Board began talking through the appropriate motions.

- a). **Amy Aycock made a motion that the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved. The motion was seconded by Tuck Masker and Jason Robbins. All ayes. Motion carried.**
- b). **Amy Aycock made a motion that the use meets all required conditions and specifications because it meets all of the requirements in the UDO. Jason Robbins seconded the motion. All ayes. Motion carried.**
- c). **Amy Aycock made a motion that the use will not adversely affect the use or any physical attribute of adjoining or abutting property or that the use is a public necessity because it is still a residential use and all zoning standards have been met. Tuck Masker seconded the motion. All ayes. Motion carried.**
- d). **Tuck Masker made a motion that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which is it to be located and in general conformity with the City of Southport Comprehensive Plan. Jason Robbins seconded the motion. All ayes. Motion carried.**
- e). **Tuck Masker made a motion recommending approval of the special use permit for a two-family dwelling with the condition that no one side of the duplex could be rented separately from the other side-the same language the Board uses for accessory dwellings. Josh Cline McGee seconded the motion. There was some discussion about whether the condition was necessary. A vote was counted, but the motion failed 2-3. Jason Robbins made a motion to recommend approval of the special use permit application for a two-family dwelling with no conditions. Amy Aycock seconded. Tuck Masker, Amy Aycock, Jason Robbins and Pete Haislip all voted aye. Harley Lemons and Josh Cline McGee voted no. Motion carried.**

Harley Lemons asked about whether the Chair is able to vote. City Clerk/Assistant Manager stated that the Chair was able to vote, but not to make the motion. Mr. Lemons asked her to provide clarification on the topic for the next meeting.

E. Approval of Minutes

Jason Robbins made a motion to approve the minutes from the March 26, 2024 Board of Adjustment Meeting. Tuck Masker seconded the motion. All ayes. Motion carried.

F. Adjourn

Jason Robbins made a motion to adjourn. Amy Aycock seconded the motion. All ayes. Motion carried. Chairman Haislip adjourned the meeting at 5:15 p.m.

Pete Haislip, Chair
Board of Adjustment

Dorothy Dutton
Asst City Manager/City Clerk