



**CITY OF SOUTHPORT
BOARD OF ALDERMEN
REGULAR MEETING AGENDA
223 E. BAY STREET
August 5, 2024
9:00 AM**

Agenda

Please turn off all cell phones

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

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

ETHICS STATEMENT:

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

A. Call to Order

B. Invocation

C. Pledge of Allegiance

D. Public Comment

E. Approval of Agenda

F. Approval of the Consent Agenda

1. Budget Amendment #1: Automatic Transfer Switch *pgs 3-4*
2. City Dock Boat Slip Design Contract (*B. Jarvis, H. Hemphill*) *pgs 5-6*

G. Special Recognition

1. Introduction of New Employees
 - Community Relations Staff: (*Allayna Dail, Director*)
 - a. Jessie Labell, Assistant Director of Community Relations
 - Karen Martin, Building and Events Manager
 - Finance Department staff: (*Lance Flint, Director*)
 - b. Joey Kronenwetter, Deputy Finance Director

H. Special Presentations

1. Update on the Doshier Hospital Expansion (*Executive Director Lynda Stanley*)

I. Agenda

1. Tree Penalty Settlement Request (*Tina Monk*) ***pgs 7-12***
2. Code of Ordinance Amendments-Chapter 19. Utilities (*Tom Zilinek*) ***pgs 13-42***
3. Stormwater Ordinance Discussion (*Tom Zilinek*) ***pgs 43-63***
4. Historic Courthouse Abatement Bids (*Tom Zilinek and Tom Stanley*)***pgs 64-70***
5. Approval of the Cemetery Committee's Mission Statement (*Marc Spencer*) ***pgs 71-78***
6. Discussion about Future Meeting Dates and Possible Retreat ***pgs 79-82***

J. Manager's Report

K. Mayor's Comments

L. Board Comments

M. Adjourn



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: August 5, 2024

DEPARTMENT: Finance

PRESENTED BY: Lance Flint, Finance Director

ITEM SPONSORED BY: Finance

ITEM/TOPIC: Replacement of Transfer Switch at Fire Station

COST: \$100,970 (paid by insurance) **BUDGET LINE ITEM:** Capital Purchases

JUSTIFICATION: On July 11, 2024, the transfer switch connecting the backup generator to the electrical system in the main Fire Station failed as a result of a power outage event in Southport. This failure has eliminated the source of backup power to the Fire Station, which houses the Emergency Operations Center (EOC). The Fire Station and the EOC always require backup power, especially as hurricane season is imminent. An available transfer switch has been located, and an insurance claim for the full replacement cost has been submitted, which the insurance company has approved. Work must begin immediately to ensure that the EOC remains fully functional during hurricane season.

IMPACT IF NOT APPROVED: The City will be unable to proceed with replacing the transfer switch, leaving the Fire Station without a source of backup power.

DEPARTMENT HEAD COMMENTS: There will be no net impact on the budget, as the incremental insurance revenue will offset the additional expense.

CITY MANAGER COMMENTS action needed to keep the fire station operating, especially in times of natural or man-made disaster.

ATTACHMENTS: Budget Amendment

REQUESTED ACTION: Approve the Budget Amendment on the Consent Agenda

PROPOSED MOTION: Approve on Consent Agenda

**WHEN THE CONSENT AGENDA IS APPROVED, THIS BUDGET
AMENDMENT WILL BE APPROVED.**



FISCAL YEAR 2024-2025 BUDGET AMENDMENT #1

WHEREAS on July 11, 2024, a power outage caused the failure of the transfer switch connecting the City's main Fire Station backup generator to the building's electrical system, leaving the Fire Station without a source of emergency power; and

WHEREAS the Fire Station houses the City's Emergency Operations Center (EOC) and requires backup power; and

WHEREAS the cost of replacing the transfer switch will be covered by the Fire Department's insurance policy; and

WHEREAS neither the costs nor revenue related to replacing the transfer switch were not included in the approved 2024-2025 budget:

NOW THEREFORE BE IT ORDAINED, by the Board of Aldermen of the City of Southport, North Carolina, that the annual budget ordinance for fiscal year 2024-2025 shall be amended as follows:

Revenue	Increase
Insurance Recovery	\$100,970
23-00-3839-0200	

Expenditures	
Capital Outlay-Equipment	\$100,970
23-23-7300-5500	

Adopted by the Southport Board of Aldermen in regular session, August 5th, 2024.

Rich Alt
Mayor, City of Southport

Dorothy Dutton
Assistant City Manager & City Clerk



BOARD OF ALDERMEN AGENDA ITEM SUMMARY

DATE: August 5, 2024

DEPARTMENT: Parks and Recreation/Engineering

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

ITEM SPONSORED BY: Parks and Recreation/Engineering

ITEM/TOPIC: City Dock Boat Slip – Design

COST: \$15,000

BUDGET LINE ITEM: 23-23-7300-5800

JUSTIFICATION:

The city dock and boat slips were destroyed during hurricanes Matthew and Isaias. The main part of the city dock was reconstructed in 2022. FEMA provided funding for the reconstruction of the dock and is also committed to funding (reimbursement) the replacement of boat slips at the dock.

TI Coastal Services, Inc. has provided a proposal to lay out and design 10 +/- boat slips at the new city dock. The slips are intended for emergency and city use only and will be designed with water and power services. TI Coastal has been assisting the City with survey, design, permitting and other services related to the dredging of the adjacent United States Army Corps of Engineers (USACE) channel at the Southport Yacht Basin. The city dock boat slip design is included in the City's 6-year Capital Improvement Program and design funding was included in the approved FY2025 budget.

IMPACT IF NOT APPROVED: The boat slips will not be installed, thereby limiting the function and usefulness of the new city dock. Also, FEMA funding allocated to reconstruction of the boat slips will go unused.

DEPARTMENT HEAD COMMENTS: It is recommended that the City enter into an agreement with TI Coastal Services for the design of replacement boat slips at the city dock.

CITY MANAGER COMMENTS: Agreed; the City cannot allow its infrastructure to deteriorate, anywhere, anytime if it has the means to do so.

ATTACHMENTS: Proposal for boat slip design at the city dock.

REQUESTED ACTION: Accept the proposed Contract with TI Coastal Services for the design activities related to the boat slip reconstruction.

PROPOSED MOTION: Motion to authorize the signing of a Contract with TI Coastal Services to provide design services for boat slip reconstruction at the city dock at a cost of \$15,000.

WHEN THE CONSENT AGENDA IS APPROVED, THE CONTRACT WITH TI COASTAL WILL BE APPROVED AND \$15,000 WILL BE ALLOCATED FOR THE DESIGN OF THE CITY DOCK BOAT SLIPS.

TI Coastal Services, Inc
387-B North Green Meadows Drive
Wilmington, NC 28405
910.821.1358



January 29, 2024

Mr. Bob Jarvis
City of Southport Engineer
VIA E-MAIL: bjarvis@cityofsouthport.com

RE: Proposal Dock/Boat Slip Design – Southport Yacht Basin, City of Southport, NC

Dear Mr. Jarvis-

Thank you for the opportunity for TI Coastal to continue working with the City of Southport in the design and layout of City boat slips along the newly constructed public dock and pier system. As we understand this scope of work, Southport is looking for design options for approximately 10 boat slips for Emergency and City use. Ideally, these slips will be able to accommodate 30' vessels with 20' beam and include shore power and water service. Coupling this layout with our current dredge project design will provide the City with a comprehensive approach to the dock facilities and allow us to maximize the marina basin space, ensuring an optimized use of navigational space.

TI Coastal has worked with multiple other marinas in layout design in the past, including Hampstead Marina and Carolina Beach. Our engineering team consists of highly qualified coastal personnel with years of institutional knowledge to create an effective and affordable solution. If Southport is interested, TI Coastal maintains working relationships with several marine contractors and can offer fully in house design/build solutions. This may be the most economical decision as we can incorporate the contractor in all phases of the project and ensure that the final product is well within budgetary and design constraints.

Total cost for TI Coastal's services are lump sum and estimated to be **\$15,000** for the marina layout and design work. If this project moves forward to permitting, construction plans, bidding and construction management, we will provide additional cost estimates for those phases. Likewise, if the design/build option is desirable, we can discuss the total cost/budget for this option.

Thank you again for the opportunity to continue working with the City of Southport on this project. Please let me know if you have any questions or need further information regarding the process or pricing above.

Sincerely,

Jamie Pratt, Vice President
jcpratt@ticoastal.com

Approved by:

Date



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 08/05/2024

DEPARTMENT: Development Services

PRESENTED BY: Dorrie Dutton, Assistant City Manager/City Clerk, and property owner Tina Monk

ITEM SPONSORED BY: Resident Request

ITEM/TOPIC: Tree Penalty reduction

COST:

BUDGET LINE ITEM:

JUSTIFICATION: In October 2023, Ms. Monk was sent a Notice of Violation for clear-cutting her property on W. 9th Street, identified as parcel 237DF01412. The penalty is in the amount of \$11,910.00. Since that time, Ms. Monk has reached out to staff about visiting the property and recalculating the fine. Back in February, staff issued a letter to Ms. Monk stating the penalty stands. Because the fee has gone unpaid, in April 2024, Derek Mabe with Alliance Code Enforcement filed a lien on the property in the amount of \$11,936.00, which is the original penalty plus the cost of recording the lien. Ms. Monk is coming before you, seeking relief or removal of the lien because she hopes to sell the property.

IMPACT IF NOT APPROVED: Ms. Monk would be responsible for paying the entire penalty amount before the lien was removed from the property.

DEPARTMENT HEAD COMMENTS: This is a Board decision. Neither the City staff nor the City Manager has the authority to reduce or remove penalties.

CITY MANAGER COMMENTS: Staff are enforcing correctly the ordinance as stated.

ATTACHMENTS: 1. Copy of the original NOV; 2. Copy of Staff's determination letter; 3. Notice of Lien letter; 4. Picture of the property

REQUESTED ACTION: Discussion and determination

PROPOSED MOTION: I move that the Board of Aldermen reduce/remove/do not alter the violation penalty and/or lien filed for parcel 237DF01412.



COURTESY LETTER / 1ST NOTICE OF VIOLATION

Case Number: 202310028

Tina H Monk
2505 Conland PL
Cary, NC 27518
October 19, 2023

The City of Southport, NC Code Enforcement Inspector has reason to believe that your property may be in violation of the City Ordinance. This letter is to inform you that the structure and/or property located at **PID 237DF01412**, appears in violation of the City of Southport Minimum Housing/Nuisance Code of Ordinance. On **10/05/23**, the Code Enforcement Inspector observed the following violation(s): **Zoning Violation to wit: Lot that has been clear cut and graded prior to issuance of a zoning and building permit. As part of the permitting process, an applicant is required to gain approval to remove regulated trees. No alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit.**

3.18 TREE PROTECTION AND LANDSCAPE PRESERVATION

I. LOT CLEARING AND PREPARATION

1. No alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit. Some clearing of understory trees and shrubs may be required to prepare a site for survey, inspection by governmental agencies as part of any permitting process, or to stake the proposed building site.
2. On densely vegetated lots, a walking access trail not to exceed three (3) feet may be cleared for access purposes. Permission to clear any understory trees and shrubs less than three (3) inches DBH for said walking access trail shall be permitted following consultation with the UDO Administrator; however, clearing shall be kept to an absolute minimum.
3. Violations of the lot clearing, and preparation section shall constitute a minimum (1) one-year delay in the issuance of any city issued development approval.
4. In the event that a lot has been cleared without obtaining all proper permits from the city and the UDO Administrator is unable to determine the exact number of trees which have been removed in violation of this ordinance, a civil penalty shall be levied under this subsection as follows:

a) If the property is located within a residential district, the offender shall be subject to a civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the lot area cleared). In addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.

b) If the property is located within a nonresidential district, the offender shall be subject to a civil penalty in the amount of \$2.00 for each square foot of the total size of the lot that was cleared (not based on the area cleared). In addition, the offender shall be required to plant four (4) replacement canopy trees per 10,000 sf or fraction thereof.

c) In addition to the civil penalties set forth in subsections 4(a) and 4(b) above, the offender shall be subject to all enforcement provisions of Section 2.15.D of this Unified Development Ordinance.

As shown above in 3.18 I of the UDO, when a lot is cleared prior to obtaining all proper permits from the city, the offender shall be subject to civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the lot area cleared). In addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.

After reviewing aerial photography and using GIS to calculate the sf of the lot that was cleared, staff conservatively estimates that the civil penalty for the violation is \$11,910. All permits will be withheld until the violation is resolved.

As the owner/occupant of the property, **you have 30 days to correct the violations** or the City will take further steps to enforce the requirements of the Code of Ordinances, which may include levying civil penalties and seeking a court order from the Brunswick County Courts requiring you to correct the violation. If the City determines the any of the violations constitute a public nuisance, the city may also summarily abate the nuisance and bill you for the cost of abatement pursuant to the Southport Code of Ordinances.

To correct the violation, you must do the following: **Pay the entirety of the civil penalty and obtain necessary permits from the city.**

Please note that if any of the work described above requires Zoning, Building and/or Demolition Permits, they must be obtained from Southport Building Inspections office. All required inspections must be completed within the timeframe listed above.

If you have any questions, please do not hesitate to call me at (336) 569-9988 or email me at Mabe@AllianceCodeEnforcement.com.

Sincerely,

Derek Mabe

Derek Mabe

Code Enforcement Inspector



2/21/2024

Dear Ms. Monk,

First, thank you for contacting us and allowing Mo Meehan and me to tour your property. After reviewing the ordinance and the violation again, we have determined that Staff is not able to make any changes to the fine that was imposed.

Section 3.18 of the Unified Development Ordinance, titled Tree Protection and Landscape Preservation, clearly states that there shall be no alteration of any vegetation or trees in excess of three (3) DBH (diameter at breast height). Some clearing of understory trees and shrubs is allowed once an inspection has been done as part of the permitting process.

In the event any lot clearing takes place without a permit, and the UDO Administrator is unable to determine the exact number of trees that have been removed in violation, a civil penalty of \$1.00 for each square foot of the total size of the lot is imposed. Further, the property owner (offender) shall be required to plant two (2) replacement canopy trees for each 10,000 square feet of the property. There are no exceptions for access easements or driveways. I have included a copy of Section 3.18 for your review.

Parcel ID 237DF01412 is listed as 0.27 acres or 11,910 square feet. The total fine that is due is **\$11,910.00**. Staff does not have the authority to reduce or waive penalties. If you would like to ask the Board of Aldermen for relief, that typically happens at the regularly scheduled Board meetings. They are scheduled for the first Monday during the day and the second Thursday in the evening.

If you would like more information about that process, please let me know, and I will work with the City Manager to add this item to one of the agendas. If we do not hear anything from you by **March 8, 2024**, we will move forward with the Code Enforcement process, which includes issuing a Findings of Facts letter and placing a lien on the property (15) days after. If you would like to discuss payment arrangements or have any other questions, please let me know.

Respectfully,

Dorothy Dutton, Assistant City Manager

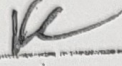
cc. Bonnie Therrien, City Manager
Mo Meehan, City Planner
Derek Mabe, Alliance Code Enforcement

FILED

2024 APR 11 A 11:07

BRUNSWICK CO., C.S.C.

BY



NOTICE OF LIEN



24M 241

The State of North Carolina
In the Superior Court
In the County of Brunswick
The City of Southport

vs.

Tina H Monk
PO Box 11402
Southport, NC 28461

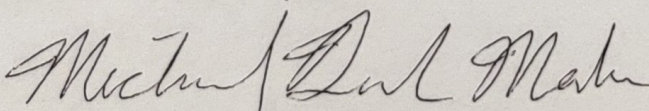
Case Number: 202310028

Date: April 11, 2024

Take notice that the City of Southport, a municipal corporation, hereby claims a statutory lien pursuant to North Carolina General Statute's 160A-193 and the City of Southport Code of Ordinance, against the above-named party or parties and upon the property of said owner or owners, hereinafter described, and said claimants show:

1. That the property of the above-named owner or owners upon which notice of lien is filed is in the City of Southport, Brunswick County, State of North Carolina, and is described as follows: **PID 237DF01412.**
2. That said lien is authorized, General Statutes 160A-193 of the General Statutes of North Carolina, as implemented by the Code of Ordinances of the City of Southport as set forth in the Code of Ordinances.
3. That pursuant to the above-cited code, a violation of **Zoning: Lot that has been clear cut and graded prior to issuance of a zoning and building permit.**
4. That the cost of penalty for which this notice of lien is filed \$11,910.00 is plus **\$26** filing fee. Total cost of lien removal is **\$11,936.00.**

Michael D Mabe
Code Enforcement Inspector







BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 8/5/2024

DEPARTMENT: Public Services

PRESENTED BY: Tom Zilinek, City Engineer

ITEM SPONSORED BY: Public Services Department

ITEM/TOPIC: Code of Ordinance Amendments-Chapter 19. Utilities

COST: N/A

BUDGET LINE ITEM: N/A

JUSTIFICATION: The merger of the City's Water Distribution and Sewer Collection Systems with Brunswick County required substantial changes to Chapter 19 – Utilities of the City's Code of Ordinances.

IMPACT IF NOT APPROVED: The City will not be in compliance with the Merger Agreement with Brunswick County for the Water Distribution System and Sewer Collection System.

DEPARTMENT HEAD COMMENTS: The merger of the City's Water Distribution and Sewer Collection Systems with Brunswick County rendered sections of Chapter 19 – Utilities of the City's Code of Ordinances invalid. Other sections need to be revised to reference Brunswick County and their requirements.

CITY MANAGER COMMENTS: This is required as part of the Water-Sewer Merger action.

ATTACHMENTS: Proposed Chapter 19 – Utilities of the City of Southport Code of Ordinances

REQUESTED ACTION: Approve proposed revisions to Chapter 19 – Utilities of the City of Southport Code of Ordinances.

PROPOSED MOTION: Motion to approve proposed revisions to Chapter 19 – Utilities of the City of Southport Code of Ordinances.



**CITY OF SOUTHPORT BOARD OF ALDERMEN
AN ORDINANCE AMENDING CHAPTER 19 OF THE SOUTHPORT CODE OF ORDINANCES
AS IT PERTAINS TO UTILITIES**

Chapter 19. UTILITIES

Article I. IN GENERAL

Sec. 19-1. Connection to county systems required.

Along all existing water lines or wastewater lines and all water lines or wastewater lines hereafter constructed and placed into operation, all owners of developed property in the City of Southport requesting a permit to construct a new structure for dwelling, commercial or industrial purposes shall be required to connect said owner's premises with the water line or wastewater line collection line, respectively, owned or operated by Brunswick County or on behalf of Brunswick County. Residential structures more than two hundred (200) feet from a main are not required to connect and home fronting high, pressure force mains are not deemed to have sewer service available. Brunswick County may fix the charges for these connections. These charges shall be set according to a fixed schedule of fees as approved by the Brunswick County Board of Commissioners. A fixed schedule of fees as approved shall be maintained in the office of the clerk to the board of commissioners and in the customer service utility billing office.

All owners of any improved property that would qualify for the issuance of a building permit for the construction of one (1) or more new residential dwelling units or new commercial establishments that is served by a water line or wastewater line or a combination thereof directly available to the property shall be required to connect to said system, either water or sewer, or both prior to the issuance of a building permit for a new structure. Improvements made to existing structures are exempted from the requirement to connect to said system prior to issuance of a building permit.

In circumstances where Brunswick County is required to abandon an existing well at a property due to NC DENR regulations associated with the construction of a new sewer main and potable water is available to that property, Brunswick County may allow connection to the water main by the property owner without payment of connection fees.

Sec. 19-2. Brunswick County Utility policy incorporated.

All utility customers of Brunswick County located within the City of Southport are subject to the ordinances and policies of Brunswick County regarding water and sewer service, including connection, usage, transmission and capital recovery fees, and said ordinances and policies, as may be amended from time to time, are hereby incorporated herein and made a part of this Code.

Sec. 19-1. Pertinent provisions part of contracts.

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the city furnishes sewer or water service to any person, or whereby the city makes any sewer or water

connections or performs any work of any kind in connection with the furnishing of sewer or water service.

(Code 1974, § 6.1)

~~Sec. 19-2. Where mains will be laid without assessment.~~

~~Water mains will not hereafter be laid in any streets of the city without assessment therefor except in those streets where the board of aldermen may order increased size water mains for additional water distribution or fire protection.~~

(Code 1974, § 6.2)

~~Sec. 19-3. Laterals to be laid only to inside of curb.~~

~~Water or sewer laterals laid as a part of any water or sewer main improvement shall be laid only to the inside of the curb unless in the resolution ordering the improvement the board of aldermen specifically directs otherwise.~~

(Code 1974, § 6.3)

~~Sec. 19-4. Extension of laterals.~~

~~After laterals are laid from water or sewer mains to the inside of the curb, no such lateral shall be extended to the property line until the owner or occupant of the property to be served thereby applies therefor.~~

(Code 1974, § 6.4)

~~Sec. 19-5. Connection to be made within thirty days after mains ready for use.~~

~~Within thirty (30) days after the time when any water main in any street is completed and ready for use, the owner of every abutting lot whereon water is supplied for any human use shall cause such lot to be connected with such water main; and within thirty (30) days after the time when any sewer main in any street is completed and ready for use, if a water main has also been installed in such street, the owner of any abutting lot having thereon improvements for human occupancy, shall cause a water closet and sink to be installed and to be connected with such sewer main, and shall cause all other sewer facilities within such improvements, if any, to be connected with such sewer main; provided, however, that the owner of the premises shall be notified in writing by the city of the installation of such water main or the installation of such sanitary sewer, and shall be allowed thirty (30) days after such written notice within which to make the required connection or connections.~~

(Code 1974, § 6.5)

~~Sec. 19-6. Connections to be made only by city.~~

~~The construction of laterals for the connection of the sewer or water pipes on any lot with sewer or water pipes in any street, and the necessary excavation therefor, shall be done only by the city.~~

(Code 1974, § 6.6)

~~Sec. 19-7. Connections to be made only upon application.~~

~~No connection shall be made to any sewer or water lateral except after the written application therefor has been approved by the director of public works.~~

~~(Code 1974, § 6.7)~~

~~Sec. 19-8. Applications for connections.~~

~~All applications for water from city water works system to private premises, or for the change of existing supply shall be made to the director of public works by the owner of the premises, or by the occupant in writing. Each application shall state the uses for which the water is wanted, and number and location of the fixtures, or as the case may be, the name of the plumber employed to install the fixtures in connection therewith; no connection shall be made or water used without express authority from the director in writing.~~

~~(Code 1974, § 6.8)~~

~~Sec. 19-9. Construction of connections.~~

~~Upon approval of any application for a sewer or water connection, it shall be the general practice that the city shall do the excavating, lay the pipe, install a meter where necessary, make the connection to the main, fill the excavation and replace the surface of the street. However, where extraordinary measures are necessary to accomplish a water or sewer tap, the cost to make the tap shall be based upon a time and materials basis plus an administrative fee of ten (10) percent of the cost shall be applied in lieu of the base tap fee. Extraordinary measures shall include but shall not be limited to: road boring or a road cut in state or municipal street rights of way beyond the capability of the city, request for the installation of service sizes specified beyond those normally installed by city forces, well pointing or dewatering of a site, the necessity for trench boxing of a site beyond the capability of the city, etc. In the event a work request cannot be accomplished by city forces due to manpower considerations, technical difficulties or other mitigating factors, the public services director, in his discretion, may elect to contract the requested work to a licensed water/sewer utility contractor. In such cases, a fee payable to the city equaling the estimated cost plus an administrative fee of ten (10) percent of the cost shall be deposited with the city prior to the commencement of work. In lieu of the city contracting the work, the public services director may allow the party requesting the work to contract individually to have the work accomplished. In such cases, the applicant shall provide documentation to the director that the contractor is a licensed and properly bonded utilities contractor. Upon being properly furnished this documentation, the city shall authorize the work in writing. All such work shall be subject to inspection and approval by the city during actual construction and prior to the line being placed into use.~~

~~(Code 1974, § 6.9; Ord. of 4-8-04, § 1)~~

~~Sec. 19-10. Sewer connections to be made where openings provided.~~

~~Every sewer connection made directly to a main shall be made at the wye provided for the lot to be served; but if no such wye has been provided for such lot, then such connection may be made directly to the main at any convenient point.~~

~~(Code 1974, § 6.10)~~

~~Sec. 19 11. Separate connections required.~~

~~Every house or building abutting any water or sewer main and requiring a water or sewer connection shall be separately and independently connected, except in those cases where laterals have already been laid in macadam or improved streets from such main without provision being made for such house or building, in which case the connection may be made to an existing lateral. If such house or building is on a macadam or improved street where laterals have not been laid, the connection may be made to any convenient lateral. When two (2) or more houses or units are connected with the same water lateral, a separate meter shall be provided for each such house or unit.~~

~~(Code 1974, § 6.11)~~

~~Sec. 19 12. Owner of property responsible for charges when occupied by two (2) or more tenants.~~

~~Where one property is occupied by two (2) or more distinct families, or where a business building is occupied by two (2) or more firms or persons, each family and each business, firm or person, shall be considered as separate and distinct premises, but a single charge shall be made against the owner of the property at the usual time, for the whole, and such charge must be paid by such owner. Default in the payment of any part of this charge will subject the premises to the same penalties as are provided in regard to other overdue charges. The payment of the whole charge by a tenant shall not invalidate or modify this rule.~~

~~(Code 1974, § 6.12)~~

~~Sec. 19 13. Connections and meters to remain property of city.~~

~~All meters, meter boxes, pipes and other equipment furnished and used by the city in installing any water or sewer connection shall be and remain the property of the city.~~

~~(Code 1974, § 6.13)~~

~~Sec. 19 14. Maintenance of meters.~~

~~All meters, except such as are required to be furnished by particular users of water, shall be kept in good repair and working order by the city and at the expense of the city. Meters furnished by particular users of water shall be kept in good repair and working order by the city, but the expense thereof shall be borne by such users.~~

~~(Code 1974, § 6.14)~~

~~Sec. 19 15. Connections from outside city.~~

~~No connection of any water or sewer line or system outside the city shall be made to any part of the city water or sewer system without special permission from the board of aldermen and on such terms as the board shall prescribe.~~

~~(Code 1974, § 6.15)~~

~~Sec. 19 16. Injury to sewers prohibited.~~

~~No person shall obstruct, break, remove or otherwise injure any portion of any manhole, flush-tanks, or other part of any public sanitary or storm sewer.~~

~~(Code 1974, § 6.16)~~

~~Sec. 19-17. Unauthorized use of water at fixed rates.~~

~~No service pipes supplying water at fixed rates shall be used to furnish water in any manner to any premises or for any purpose which such service pipes were not designed or approved by the city. In case of violation of this rule the director of public works may turn off the water from such service pipes.~~

~~(Code 1974, § 6.17)~~

~~Sec. 19-18. Distribution of bills; penalty for delinquent payments.~~

~~The city shall use the United States Postal Service to distribute utility bills. Any customer who fails to receive a billing is not relieved of any payment responsibility and shall contact the city to determine the amount of such billing. If payments are received past the close of business on the due date, unless postmarked on or before the due date, a penalty of two dollars (\$2.00) will be applied to any unpaid balance of one dollar (\$1.00) or more.~~

~~(Ord. of 1-11-90, § 6.82)~~

~~Sec. 19-19. Dishonored checks.~~

~~(a) When a customer's check is returned from the bank for any reason, he shall be notified, by mail, that the check was not honored and that his service will be disconnected unless he contacts city hall to make arrangements to pay the bill within forty-eight (48) hours from mailing of notification. There is a fifteen-dollar returned check fee for all returned checks.~~

~~(b) The city reserves the right to require a customer to pay utility bills in cash only when one (1) bad check has been received during a twelve-month period.~~

~~(Ord. of 6-14-90, § 6.80)~~

~~Sec. 19-20. Optional policy for commercial ownership or responsibility for utility bills of renter.~~

~~When an owner applies for deposit for his own business or assumes financial responsibility for utility bills of a rental customer, the deposit requirement may be met by such customer complying with any one (1) of the following alternatives:~~

~~(1) A cash deposit in the amount of one (1) month's utility billing plus one thousand dollars (\$1,000.00);~~

~~(2) A cash deposit in the amount of two (2) months' utility billing;~~

~~(3) A cash deposit in the amount of one (1) month's utility billing together with a surety bond in the amount of one thousand dollars (\$1,000.00) written by an insurance company authorized to do business in the state or an irrevocable letter of credit in the amount of one thousand dollars (\$1,000.00) from a state lending institution;~~

~~(4) A surety bond in the amount of one (1) month's utility billing plus one thousand dollars (\$1,000.00) written by an insurance company authorized to do business in the state;~~

~~(5) A surety bond in the amount of two (2) months' utility billing written by an insurance company authorized to do business in the state;~~

~~(6) An irrevocable letter of credit from a state lending institution in the amount of one (1) month's utility billing plus one thousand dollars (\$1,000.00); or~~

~~(7) An irrevocable letter of credit from a state lending institution in the amount of two (2) months' utility billing.~~

(Code 1974, § 6.74; Ord. of 10-8-87, § 6.74)

Secs. 19-21—19-50. Reserved.

ARTICLE II. WATER SUPPLY¹

~~Sec. 19-51. Basis for service.~~

~~Water shall be furnished to consumers at metered rates only.~~

(Code 1974, § 6.21)

~~Sec. 19-52. Water and sewer rates.~~

~~Water rates and water and sewer connection charges shall be determined from time to time by the board of aldermen and shall be kept on file in the office of the city clerk. It shall be unlawful for any person or persons, other than a person authorized by the city officials to cut on the city supply of water.~~

(Code 1974, § 6.22)

~~Sec. 19-53. Deposit to be made by tenants.~~

~~When any tenant of any premises makes application for water to be furnished such premises, he shall be required to make a deposit as hereinafter set out to guarantee the payment of water rent. If at the expiration of the time limited by this article for the payment of rent for any month or any quarter, the tenant has failed to pay his water rent due for such month or quarter, such portion of such deposit as may be necessary shall be applied to the payment of such water rent. Thereupon the water shall be cut off from such premises and shall not be turned on again until the balance of such deposit is increased to the original amount thereof. When such tenant has the water finally cut off, he shall, upon payment of all water rent due, be entitled to the return of his deposit, or any balance thereof; provided, that if such tenant vacates the premises without notifying the water department and having the water cut off, he shall forfeit any balance of such deposit remaining after the water rent due has been deducted therefrom. The amount of such required deposits shall be set from time to time by the board of aldermen and a schedule of such deposits is on file in the city clerk's office. The making of the deposit required by this section shall not operate to relieve any premises of liability for the payment of any water bill incurred thereon by any tenant of such premises, except to the extent of such deposit. Every landlord renting or leasing premises to tenants required by this section to make such deposit shall immediately notify the water department upon the vacation of the rented or leased premises by the tenant.~~

(Code 1974, § 6.23)

~~Sec. 19-54. When meters read and bills paid.~~

~~Meters shall be read monthly and bills therefor shall be payable on or before the tenth day of each month into the office of the city tax collector.~~

(Code 1974, § 6.24)

¹State law reference(s)—Authority to operate water system, G.S. 160A-312 et seq.

~~Sec. 19-55. Bills for water rents.~~

~~Bills for water rents shall be based on the actual reading of amounts of water used, except that when the amount of water used is not registered because of a defective meter, the bill rendered shall be for the average amount heretofore used by the premises served by such meter during the preceding three (3) quarters or months (as the quarterly or monthly rate is allowed), or during the portion of such period for which water rent records are available; or if water was not consumed by such premises through such meter during such preceding period, the bill rendered shall be for the average amount for other services of the same class in the city during the period covered by the bill. Bills shall be rendered separately for each service or connection. When more than one (1) family or other group is furnished water through a single meter, the bill therefor shall be furnished only to the person upon whose application such water was furnished. All bills shall be made out and mailed as early as practicable after the close of the month or quarter covered by such bills.~~

~~(Code 1974, § 6.25)~~

~~Sec. 19-56. Notice to be given delinquents.~~

~~When consumer becomes delinquent in the payment of water rent, there shall be served upon him a written notice to the effect that if the rent due is not paid on or before the date named in such notice, the water shall be cut off and will not be turned on again until the rent due has been paid, together with a cut on fee, which shall be fixed from time to time by the board of aldermen and kept on file in the office of the city clerk.~~

~~(Code 1974, § 6.26)~~

~~Sec. 19-57. Cutting off water.~~

~~If the water rent is not paid before the day following the date named in such notice, the water shall, without further notice, be immediately cut off.~~

~~(Code 1974, § 6.27)~~

~~Sec. 19-58. Cutting on water after discontinuance.~~

~~After water has been cut off as provided in section 9-57, it shall not be cut on again until all water rent due for the premises affected is paid, together with a cut on fee which shall be fixed from time to time by the board of aldermen and kept on file in the office of the city clerk.~~

~~(Code 1974, § 6.28)~~

~~Sec. 19-59. Water for consumers outside of city.~~

~~Water shall not be furnished to consumers outside of the city, except at such metered rates and upon such terms and conditions as may be approved in each case by the board of aldermen. All connections, and all meters, meter boxes and other equipment necessary for making such connections shall be paid for and shall be kept in repair by the consumer.~~

~~(Code 1974, § 6.29)~~

~~Sec. 19-60. City not liable for quality or quantity of water supplied.~~

~~The city shall not be liable to consumers for the quantity or quality of water furnished, or for any damage that may result to the consumers from shutting off water main or service, for all purposes whatsoever, even in cases where no notice is given, and all contracts, agreements or permits for the use of water from the city system, are made expressly subject to the provisions of this section.~~

~~(Code 1974, § 6.30)~~

~~Sec. 19-61. Users must keep their fixtures in repair.~~

~~All persons using or desiring to use water from the city waterworks, must have and keep their own waterpipes and all fixtures connected therewith, at all times, in good repair, and protected from frost; they must provide a stop and waste cock, properly located, and have the pipes so arranged that the water can be drawn from them whenever there is danger of freezing; the refusal or neglect of the owner of premises to equip the premises with service pipes, fixtures and attachments of approved character, quality and design, so as to conform to the standard adopted by the city, shall be sufficient ground for the refusal of the director of public works to connect the premises with the city water supply, or to turn on the water supply after such connection shall have been made.~~

~~(Code 1974, § 6.31)~~

~~Sec. 19-62. Supply pipes installed and maintained by city.~~

~~Supply pipes, including curb cocks, shall be put in only by city service pipes by a competent plumber. When service pipes are put in, extended, repaired, altered, or any connections or attachments are made thereto by a competent plumber, the work must be inspected and approved by the director of public works. Supply pipes are under the exclusive control of the city and no person other than an authorized employee of the city shall construct, repair or otherwise change or interfere with them in any manner.~~

~~(Code 1974, § 6.32)~~

~~Sec. 19-63. Only city or competent plumber to alter or repair service pipes.~~

~~No person, other than an employee of the city, or a competent plumber, shall alter, extend any service pipes, or any cocks or fixtures connected therewith, or place any additional fixtures thereon, designed to or capable of increasing the quantity of water used through each service pipe, without a permit in writing therefor, in each case. No person, except such as are especially authorized to do so in this article, shall turn off or turn on the water at any curb cock, and all plumbers shall first have written permission from the director of public works.~~

~~(Code 1974, § 6.33)~~

~~Sec. 19-64. Water to be used only through service pipes provided by city.~~

~~Water from the city waterworks system, shall be taken and used only through supply and service pipes, established by or laid under the supervision or approval of the city. No connection by which water may pass from one (1) property to another shall exist, even though the ownership of both properties may be the same.~~

~~(Code 1974, § 6.34)~~

Sec. 19-65. Street and yard sprinklers.

The street or yard sprinkler cannot be converted into hydrants, jets or fountains, or be altered to run to waste, but must be kept closed except when used for sprinkling.

(Code 1974, § 6.35)

Sec. 19-66. Fire hydrants.

Fire hydrants are provided for the purpose of extinguishing fire and are to be used only by the Brunswick County city and the City of Southport fire department of the same, or by such persons as may be specifically authorized by the director of public works Brunswick County.

(Code 1974, § 6.36)

Sec. 19-67. Unusual construction.

~~Owners of property desiring any unusual construction, alterations or attachments, connected with the water supply, must submit plans and specifications to the director of public works for inspection and approval or disapproval as to whether the same are permissible and the terms and conditions under which the same will be allowed.~~

(Code 1974, § 6.37)

Sec. 19-68. Waste of water.

~~Excessive or unnecessary use of water, or waste of water, whether caused by carelessness or by defective leaking, plumbing or fixtures, is forbidden; for disregard of or violation of this section, the water may be turned off by the city.~~

(Code 1974, § 6.38)

Sec. 19-69. Hose.

Hose used for sprinkling or washing purpose must not be used without a nozzle or a perforated sprinkler attached to the outer end thereof; and no nozzle more than one-quarter inch in diameter at the point of delivery, or no sprinkler whose capacity shall exceed that of a quarter of an inch nozzle shall be used.

(Code 1974, § 6.39)

Sec. 19-70. Discontinuance of service.

~~Any person proposing to discontinue the use of city water, shall give notice of such purpose to the director of public works and he will be charged for the use of the water until notice is given.~~

(Code 1974, § 6.40)

Secs. 19-71—19-90. Reserved.

ARTICLE III. SEWER USE²

Sec. 19-91. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

Act means the Federal Water Pollution Control Act Amendments of 1972, as amended.

Approving authority means the board of aldermen.

Authorized representative of industrial user means an individual who may be:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Billable excess biochemical oxygen demand (BOD₅) means a user's loading in pounds of BOD₅ calculated using the billable flow and concentration of BOD₅ in the wastewater in excess of three hundred (300) mg/l.

Billable excess chemical oxygen demand (COD) means the user's loading in pounds of COD calculated using the billable flow and concentration of COD in the wastewater in excess of six hundred (600) mg/l.

Billable excess total Kjeldahl nitrogen (TKN) means a user's loading in pounds of TKN calculated using the billable flow and concentration of TKN in the wastewater in excess of fifty (50) mg/l.

Billable excess total suspended solids (TSS) means a user's loading in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater in excess of three hundred (300) mg/l.

Billable flow means a user's recorded water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer-exempt metered data, times the local government approved percentage factor for wastewater entering the wastewater disposal system out of the metered water. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.

Biochemical oxygen demand (BOD₅) means the quantity of oxygen, expressed in milligrams per liter (mg/l) utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Celsius.

Building drain means that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial wastewater only and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins ten (10) feet outside the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial wastewater.

²State law reference(s)—Sanitary sewage systems, G.S. 130A-333 et seq.; metropolitan sewerage districts generally, G.S. 162A-64 et seq.

Categorical standards means National Categorical Pretreatment Standards or pretreatment standard.

Chemical oxygen demand (COD) means the total amount of oxygen required to oxidize all of the organic matter in a waste to carbon dioxide, water, and ammonia nitrogen by potassium dichromate under acid conditions as described in Standard Methods.

Classes of users means the division of POTW customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial or governmental.

Collection sewer means a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

Commercial user means a user engaged in the purchase or sale of goods or in a transaction or business or who otherwise renders a service.

Compatible pollutant means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the POTW NPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the NPDES permit.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Easement means an acquired legal right for the specific use of land owned by others.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of the agency.

Floatable oil means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the wastewater disposal system.

Garbage means the animal or vegetable wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

Health officer means any person designated by the local government to be responsible for maintaining sanitary conditions and reporting violations.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

Incompatible pollutant means all pollutants other than compatible pollutants as defined.

Indirect discharge means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the act (33 U.S.C. 1317), into the POTW (including holding tank waste).

Industrial user means a manufacturing or processing facility which is engaged in a production or profit making venture. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the act (33 U.S.C. 1342).

Infiltration means the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.

Infiltration/inflow means the total quantity of water from both infiltration and inflow without distinguishing the source.

Inflow means the water discharged into the public sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters or drainage.

Interceptor sewer means a sewer whose primary purpose is to transport wastewater to a treatment facility.

Interference means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirements of the POTW's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the act (33 U.S.C. 1345) or any criteria, guidelines, or regulation developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

National Categorical Pretreatment Standard or pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act (33 U.S.C. 1347) which applies to a specific category of industrial users.

National Pollutant Discharge Elimination Permit means a permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States.

National Prohibitive Discharge Standard or prohibitive discharge standard means any regulation developed under the authority of section 307(b) of the act and 40 CFR 403.5.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other surface water or groundwater.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A stabilized pH will be considered as pH which does not change beyond the specified limits when the waste is subjected to aeration. A pH value indicates the degree of acidity or alkalinity.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer which is owned and controlled by the city, and is separate from and does not include sewers owned by other governmental units.

Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the act (33 U.S.C. 1292) which is owned by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, POTW shall also include any sewers that convey wastewaters from persons outside the city who are, by contract or agreement with the local government users of the POTW.

Replacement costs means the capital expenditures for obtaining and installing equipment, accessories or appurtenances necessary during the service life of the POTW to maintain the capacity and performance for which such works were designed and constructed.

Sanitary sewer means a sewer which carries sanitary and/or industrial wastewaters from residences, commercial buildings, industrial plants and institutions. Sanitary sewers are separate and distinct from storm sewers and are not intended to carry surface runoff or groundwater.

Significant industrial user means any industrial user of the POTW who:

- (1) Has a discharge flow of twenty five thousand (25,000) gallons or more per average work day;
- (2) Has a flow greater than five (5) percent of the flow in the POTW;
- (3) Has in his wastes toxic substances as defined pursuant to section 307 of the act or state statutes and rules; or
- (4) Is found by the city, state division of environmental management (DEM), or the United States Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period duration longer than fifteen (15) minutes more than five (5) times the average twenty four hour concentration or flow during normal operation and shall adversely affect the wastewater disposal system so as to prevent attainment of effluent limitations or to substantially increase operation and maintenance requirements.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Standard Methods means the laboratory procedures set forth in the following sources: Standard Method for the Examination of Water and Wastewater, 14th Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; Methods for Chemical Analysis of Water and Wastes, 1971, prepared and published by the Analytical Quality Control Laboratory, United States Environmental Protection Agency; "Guidelines Establishing Test Procedures for the Analysis of Pollutants," enumerated in 40 CFR 136.1 et seq. (1975), as amended; and/or any other procedures recognized by the United States Environmental Protection Agency and the state division of environmental management.

Storm sewer means a sewer that carries only storm waters, surface runoff, street wash, and drainage, and to which sanitary and/or industrial wastewater is not intentionally admitted.

Superintendent means the director of public works or his authorized deputy, agent or representative.

Total Kjeldahl nitrogen (TKN) means the organic nitrogen and ammonia nitrogen content of a wastewater as determined by standard methods.

Total suspended solids (TSS) means total suspended matter that either floats on the surface of, or is in suspension with, water, wastewater or other liquids and is removable by laboratory filtration as prescribed in Standard Methods.

Toxic substances means any substances, whether gaseous, liquid or solid, which when discharged into the wastewater disposal system in sufficient quantities may tend to interfere with any wastewater treatment process, or to constitute a hazard to recreation in the receiving waters of the effluent from the POTW. These substances include but are not limited to those listed as toxic in regulations promulgated by the EPA under the provisions of CWA 307(a) or other acts.

Unpolluted water means water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient water quality standards if such water were discharged into navigable waters of the state.

Useful life means the anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater disposal system.

User means any person who contributes, causes or permits the contribution of wastewater into the POTW.

User charge system means the system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.

Wastewater means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.

~~(1)Sanitary wastewater~~ means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

~~(2)Industrial wastewater~~ means a combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.

Wastewater disposal system means the structures, equipment and processes owned and controlled by the city (unless specified otherwise) required to collect, transport and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

Waters of the state means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Cross-reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 19-92. Abbreviations.

The following abbreviations when used in this article shall have the designated meanings:

<i>BOD</i>	—	Biochemical oxygen demand.
<i>CFR</i>	—	Code of Federal Regulations.
<i>COD</i>	—	Chemical oxygen demand.
<i>CWA</i>	—	Clean Water Act.
<i>DEM</i>	-	Division of Environmental Management, Department of Natural Resources and Community Development of the State of North Carolina.
<i>EPA</i>	—	Environmental Protection Agency.
<i>l</i>	—	Liter.
<i>mg</i>	—	Milligrams.
<i>mg/l</i>	—	Milligrams per liter.
<i>NH₃-N</i>	—	Ammonia nitrogen.
<i>NPDES</i>	—	National Pollutant Discharge Elimination System.
<i>POTW</i>	-	Publicly owned treatment works.
<i>SIC</i>	—	Standard industrial classification.
<i>SWDA</i>	—	Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
<i>USC</i>	—	United States Code.
<i>TKN</i>	—	Total Kjeldahl nitrogen.

TSS	—	Total suspended solids.
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(Ord. of 4-14-88(2), § 1.3)

Sec. 19-93. Purpose and policy.

This article sets forth uniform requirements for direct and indirect discharges into the wastewater disposal system for the city and enables the local government to comply with all applicable state and federal laws required by the Clean Water Act of 1977 as amended and the General Pretreatment Regulations (40 CFR 403).

(Ord. of 4-14-88(2), § 1.1)

Sec. 19-94. Objectives.

(a) The objectives of this article are:

- (1) To prevent the discharge of pollutants into the wastewater disposal system which will interfere with the operation of the system or contaminate the resulting sludge.
- (2) To prevent the discharge of pollutants into the wastewater disposal system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
- (4) To provide for equitable distribution of the cost of the wastewater disposal system.

(b) This article provides for the regulation of direct and indirect discharges to the publicly owned treatment works (POTW) through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(Ord. of 4-14-88(2), § 1.1)

Sec. 19-95. Application of article.

- (a) This article shall apply to the city and to persons outside the city who are, by contract or agreement with the local government, users of the POTW. Except as otherwise provided herein, the director of public works shall administer, implement and enforce the provisions of this article.
- (b) This article shall apply to any person now using the city's existing sewage system as well as any future person tapping on to the city's sewage system.

(Ord. of 4-14-88(2), §§ 1.1, 12)

Sec. 19-96. Penalty for violation.

Violation of this article shall constitute an infraction punishable in accordance with section 1-6.

(Ord. of 4-14-88(2), § 14)

Sec. 19-97. Use of public sewers required.

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human excrement, garbage or objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article and with regulations of the state division of environmental management. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (c) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer ~~of the city~~ is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within sixty (60) days after date of official notice to do so, provided that such public sewer is within ~~one hundred fifty (150)~~ **two hundred (200)** feet of the property line and **Brunswick County** deems it reasonable and proper to connect consistent with system design. ~~Sewer user charges will commence within sixty (60) days of official notice of connection or sixty (60) days from the date of actual physical connection to the system, whichever comes first.~~

(Ord. of 4-14-88(2), § 2.1)

State law reference(s)—Municipal authority to regulate tie-ons to sewage systems, G.S. 160A-196.

Sec. 19-98. Steps for implementation of mandatory sewer hook up.

~~The following steps and procedures shall be applicable in order to facilitate mandatory sewer hook-up:~~

- ~~(1) After the current wastewater treatment plant additions are completed, written notification to all property owners within the city limits not currently on the sewer system will be mailed by first class mail to such owners of such property as listed on the county tax records.~~
- ~~(2) Such written notification shall indicate the various options available to the property owner in connection with hook up to the city sewer system.~~
- ~~(3) Public notice concerning the mandatory sewer connection policy will be published in the State Port Pilot after completion of the wastewater treatment plant.~~
- ~~(4) Those persons or owners not presently on the city sewer system who apply for sewer connection within sixty (60) days from the letter of notification shall be given until January 1, 1989, to pay the sewer tap and impact fee of one thousand two hundred dollars (\$1,200.00) without interest. After January 1, 1989, interest shall accrue at the rate of nine (9) percent per annum upon any unpaid balance.~~
- ~~(5) A six month grace period from July 1, 1988, will be given before customers will be charged a sewer use fee.~~
- ~~(6) Those owners and customers who have not applied for sewer service within sixty (60) days from the letter of notification shall have until January 1, 1989, to apply for such service with the following payment options (interest shall begin to accrue sixty (60) days from the letter of notification):~~

- a. ~~Twelve (12) monthly payments of \$_____ each, including interest at six (6) percent.~~
 - b. ~~Twenty four (24) monthly payments of \$_____ each, including interest at seven (7) percent.~~
 - c. ~~Thirty six (36) monthly payments of \$_____ each, including interest at eight (8) percent.~~
 - d. ~~Forty eight (48) monthly payments of \$_____ each, including interest at nine (9) percent.~~
 - e. ~~Sixty (60) monthly payments of \$_____ each, including interest at ten (10) percent.~~
 - f. ~~Longer payment periods may be approved by the board of aldermen upon a showing of hardship by the property owner.~~
- (7) ~~Those customers who do not affirmatively select an option set forth above by January 1, 1989, may be connected to the sewer system by city personnel and charged for this connection in addition to the sewer tap and impact fee. Such charges shall be due and payable upon connection and a lien will be placed on the owner's property in the event that payment is not made immediately.~~

(Ord. of 6-9-88, § 6.62)

Sec. 19-99. Private wastewater disposal.

- (a) Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with applicable state standards. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain written approval of the state acting through the county health department. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the department of public health and state division of environmental management. No septic tank or cesspool shall be permitted to discharge to any natural outlet. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.
- (b) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within sixty (60) days. ~~Under unusual and/or special circumstances the board of aldermen may extend the time of compliance or waive this provision.~~

(Ord. of 4-14-88(2), § 2.2)

Sec. 19-100. Building sewers and connections.

- (a) ~~Any person desiring to deposit or discharge, or who is now depositing or discharging any domestic, commercial or industrial waste into the sanitary sewers shall make application for the disposal of industrial, commercial or domestic waste to the city and the approving authority shall approve such application only when evidence is submitted by the applicant that the discharge into the sanitary sewer will comply with all of the regulations of this article.~~
- (b) ~~No person shall make any connection to the sanitary sewer system unless and until a permit therefor has been issued by the city. Permits shall be issued for connections only after the city or approving authority has determined the type of connection required, the type of waste to be placed in the system and, if required by the city, an approved plumbing system within the dwelling, building or structure desiring connection.~~
- (c) ~~All connections to the sanitary sewer system shall be made by authorized employees of the city in accordance with specifications for such connection that may be adopted by the city from time to time. If authorized by the board of aldermen, connections may be made by plumbers licensed to~~

~~perform plumbing work in the city. All construction shall be in conformity with the state plumbing and building codes, as amended. Any sewer connection made by an authorized licensed plumber shall be inspected by the approving authority after such work has been completed and prior to the time such connection is covered.~~

- (d) No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of infiltration/inflow to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (e) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the local government.
- (f) ~~It shall be the responsibility of the property owner to keep and maintain the building sewer connected to the public sewer in good repair. The owner shall be responsible for making necessary repairs, at his own expense, to the building sewer when notified in writing by the local government that repairs are necessary. Should the owner fail to repair the building sewer within thirty (30) days after receiving written notification by the repairs.~~
- (g) ~~Grease, oil and sand interceptors (grease traps) shall be provided by the owner when, in the opinion of the approving authority, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the approving authority and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the approving authority. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.~~
- (h) ~~When in the opinion of the approving authority the proposed flow may create a surge or unusual loading condition at the treatment facility, the user shall be required to construct and maintain as a portion of the pretreatment works a flow equalization tank or basin to provide a uniform flow over a period acceptable to the approving authority. In any case, users discharging more than thirty thousand (30,000) gpd into the sanitary sewer system must provide a flow equalization tank. Such tank shall have a capacity of at least eighty (80) percent of the normal volume of one (1) twenty-four hour production period.~~
- (i) ~~Any person discharging industrial wastes into the city sanitary sewer shall construct and maintain a suitable control manhole, downstream from any treatment, storage or other approved works, to facilitate observation, measurements and sampling of all wastes including domestic sewage, from commercial, business or private industry. The control manhole shall be constructed at a suitable and satisfactory location and built in a manner approved by the approving authority.~~
- (j) ~~Where a storage tank is not required, the control manhole shall be equipped with a permanent type volume measuring device such as a nozzle, weir or other suitable devices as may be approved by the approving authority. The manhole shall be installed by the person discharging the wastes at his expense and shall be maintained by him so as to be safe, accessible and in proper operating condition at all times.~~
- (k) ~~Plans for the construction of such storage tank, control manhole and controlling devices shall be approved by the approving authority prior to the beginning of construction.~~

- ~~(l) Any increase in sewage discharge from any plant or dwelling coming from growth or expansion of facilities must meet with the approval of the board of aldermen and be so notified.~~

~~(Ord. of 4-14-88(2), § 2.3)~~

Sec. 19-101. Prohibited discharges.

- (a) It shall be unlawful for any person to discharge or cause to be discharged any pollutant or wastewater which will interfere with the operation and/or performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not discharge the following substances to the POTW:
- (1) Any unpolluted waters such as infiltration/inflow to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the approving authority and DEM. Unpolluted industrial cooling water or process waters may be discharged on approval of the approving authority and DEM to a storm sewer or natural outlet. No untreated sanitary wastewater shall be discharged to any storm sewer or natural outlet.
 - (2) ~~Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Materials specifically prohibited from discharge into the POTW include gasoline, kerosene, naphtha, fuel oil and any other substance which the local government, the state or EPA has notified the user is a fire hazard or a hazard to the system.~~
 - ~~(3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: floatable oil, garbage with particles greater than one half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.~~
 - ~~(4) Any wastewater having a pH less than 6.0 or greater than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.~~
 - ~~(5) Any wastewater containing toxic substances in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard.~~
 - ~~(6) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.~~
 - ~~(7) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to fail to be in compliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant~~

~~to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.~~

- ~~(8) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.~~
- ~~(9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.~~
- ~~(10) Any wastewater, liquid or vapors having a temperature higher than one hundred fifty (150) degrees Fahrenheit.~~
- ~~(11) Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference.~~
- ~~(12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the local government in compliance with applicable state and/or federal regulations.~~
- ~~(13) Quantities of flow or concentrations, or both, which constitute a slug.~~
- ~~(b) When the approving authority determines that a user is discharging any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the approving authority shall:~~
 - ~~(1) Advise the user of the impact of the discharge and applicable penalties associated with the continuation of such discharge.~~
 - ~~(2) Develop effluent limitations for such user to correct the discharge.~~
- ~~(c) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any person whereby an industrial waste of unusual strength or character may be admitted into the sanitary sewers by the city after approved pretreatment.~~

~~(Ord. of 4-14-88(2), § 2.4)~~

~~Sec. 19-102. Specific pollutant limitations.~~

- ~~(a) No discharge shall contain pollutant concentrations exceeding the following prohibitive limits (maximum for any day based on composite samples):~~
 - ~~(1) 0.01 mg/l arsenic.~~
 - ~~(2) 1.5 mg/l antimony.~~
 - ~~(3) 0.1 mg/l cadmium.~~
 - ~~(4) 5.0 mg/l copper.~~
 - ~~(5) 20.0 mg/l iron.~~
 - ~~(6) 0.5 mg/l lead.~~
 - ~~(7) 0.01 mg/l mercury.~~
 - ~~(8) 5.0 mg/l nickel.~~
 - ~~(9) 0.5 mg/l hexavalent chromium.~~
 - ~~(10) 5.0 mg/l total chromium.~~
 - ~~(11) 0.1 mg/l selenium.~~

~~(12) 0.1 mg/l silver.~~

~~(13) 5.0 mg/l zinc.~~

~~(14) 10.0 mg/l total of above heavy metals (excluding iron).~~

~~(15) 1.0 mg/l cyanide.~~

~~(16) 5.0 mg/l phenolic compounds.~~

~~(17) 300 mg/l biochemical oxygen demand.~~

~~(18) 600 mg/l chemical oxygen demand.~~

~~(19) 75 mg/l oil and grease.~~

~~(20) 300 mg/l total suspended solids.~~

~~(21) 50 mg/l total Kjeldahl nitrogen.~~

~~(b) The local government may require payment to cover the costs of handling and treating the pollutants in excess of that enumerated above.~~

~~(Ord. of 4-14-88(2), § 2.5)~~

Sec. 19-103. Pretreatment of industrial wastes.

~~(a) All applicable industrial users of the POTW shall meet EPA pretreatment requirements if they are discharging incompatible or toxic pollutants. All applicable industrial users shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the local government shall be constructed, operated and maintained at the user's expense.~~

~~(b) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director of public works for review, and shall be acceptable to the local government before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.~~

~~(c) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA, the state or other approval authority upon request.~~

~~(Ord. of 4-14-88(2), § 3)~~

Sec. 19-104. Separate connections required.

Each separate dwelling, structure, business or other building shall have a separate connection to the system; provided, however, that apartments or other multi-use or occupancy buildings may have one (1) combined connection within the discretion of the approving authority.

(Ord. of 4-14-88(2), § 4)

Sec. 19-105. Outside connections.

~~Any person owning or controlling premises beyond the corporate limits of the city and desiring to install a plumbing system for the purpose of discharging domestic and/or industrial waste into the sanitary sewers of the city may do so upon approval and acceptance by the board of aldermen and any state agency involved. All costs associated with such connection shall be the responsibility of the property owner and shall be done under the supervision of the city.~~

~~(Ord. of 4-14-88(2), § 5)~~

Sec. 19-106. Powers and authority for inspection.

- ~~(a) The approving authority and other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this article.~~
- ~~(b) Authority is hereby granted to the board of aldermen to temporarily exclude any industrial waste, whether pretreated or not, from the sanitary sewers whenever, in their opinion, such action is necessary for the purpose of determining the effects of such wastes upon the sewers, sewage treatment works or sewage treatment plants.~~

~~(Ord. of 4-14-88(2), § 6)~~

Sec. 19-107. Measurement of flow.

- ~~(a) The volume of flow used in computing waste charges shall be based upon metered water consumption as shown in the records of meter reading maintained by the city.~~
- ~~(b) Where the person discharging industrial wastes into the sanitary sewers of the city procures any part or all of his water supply from sources other than the city, all or part of which is discharged into the sanitary sewer, the person discharging such waste shall install and maintain, at his expense, water meters of a type approved by the approving authority for the purpose of determining the proper volume of flow to be charged.~~

~~(Ord. of 4-14-88(2), § 7)~~

Sec. 19-108. Determination of character and concentration of wastes.

- ~~(a) The industrial or commercial waste of each person discharging same into the sanitary sewers shall be subject to periodic inspection and a determination of character and concentration of such wastes shall be made quarterly, or oftener as may be deemed necessary, by the approving authority or his authorized assistants.~~
- ~~(b) Samples shall be collected in such a manner as to be representative of the actual quality of the wastes. The laboratory methods used in the examination of such wastes shall be those set forth in standard methods, the most recent edition, or any other pertinent method, standards and procedures proposed, published, and as required by the Environmental Protection Agency.~~
- ~~(c) The determination of the character and concentration of the industrial or commercial wastes by the approving authority shall be binding as a basis for charges.~~
- ~~(d) Total costs incident to the supervision, inspection, sampling and analyzing of wastes shall be included in the charge made to persons discharging wastes into the city sanitary sewers.~~

~~(Ord. of 4-14-88(2), § 8)~~

~~Sec. 19 109. Maintenance and repair of connections/plugging of discontinued connections.~~

- (a) ~~Whenever any service to any building or premises becomes clogged, broken, out of order or in any condition detrimental to the use of the sewer service, the owner, agent or occupant having charge of such building or premises shall be held responsible for the immediate renewal or repair of such sewer service necessary to maintain an uninterrupted sanitary disposal system. Renewal or repair of sewer service from the main to the property line shall be made at the expense of the city, while renewal or repair of sewer service from the property line to source of discharge is the responsibility of the property owner. Such work shall be performed by authorized personnel only.~~
- (b) Upon the permanent discontinuance of the use of the city **public** sewage system at any premises, including discontinuance caused by abandonment of any premises, tearing down of any building or any other cause, the property owner shall cause the connection to the sewer main of the city to be plugged in a manner which will be strong enough to resist breakage and be watertight enough to prevent any leakage of any fluids. All such plugging shall be subject to inspection and approval by the plumbing inspector of the city provided that no permit fee, inspection fee or other fee shall be charged for such inspection. If the owner of the property fails to plug the sewer connection in a satisfactory manner within thirty (30) days of the time the owner is notified in writing by the plumbing inspector to plug the sewer service line, the city shall proceed to plug the service line and bill the owner for the costs. The cost may be collected by the city and a civil action filed in court. The collection of the costs in a civil action shall not prevent the filing of an action for a fine for violation of this article.

(Ord. of 4-14-88(2), § 9)

~~Sec. 19 110. Damaging or obstructing system.~~

~~It shall be unlawful for any person to damage, tamper with or otherwise do harm to the mains, pipes, manholes, apparatus or other parts of the sanitary sewer system, or to place or cause to be placed any object of any nature whatsoever into the system that blocks or obstructs or impedes the normal flow in the sewer system.~~

(Ord. of 4 14 88(2), § 10)

~~Sec. 19 111. Charges for connection, sewer service and treatment of industrial waste.~~

- (a) ~~All persons discharging waste and solids in large commercial quantities or on an industrial basis shall be rendered a monthly bill as a charge covering the entire costs to the city incurred for treatment. Such charge shall be evoked on the basis hereinafter provided but, if there is BOD over three hundred (300) parts per million, the charge shall be by special contract which shall take into consideration:~~
- (1) ~~All fixed charges and amortization cost of additional plant capacity required for treating such industrial wastes;~~
- (2) ~~A charge covering the cost incurred to the city in treating such wastes in the municipal sewage treatment plants.~~
- (b) ~~No person shall discharge or deposit waste materials of any nature into the city sewerage system unless all charges therefor are paid. There shall be no free use of the sewerage system by any person.~~

(Ord. of 4 14 88(2), § 11)

Sec. 19-112. Protection from damage.

~~No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the city used for the purpose of making test or examinations and left upon the premises of a person discharging wastes into the sewers.~~

~~(Ord. of 4-14-88(2), § 13)~~

Secs. 19-113—19-135. Reserved.

ARTICLE IV. WATER AND SEWER EXTENSION POLICY

Sec. 19-136. General policies.

~~The planning and extension of the water and sewer systems shall be accomplished in accordance with the following general policies:~~

- ~~(1) The city shall be responsible for the maintenance, operation and control of all water and sewer facilities when connected and dedicated to the city.~~
- ~~(2) Each developer of land whether subdivided or not shall be responsible for all costs associated with the extension of water and sewer service including rights-of-way costs.~~
- ~~(3) All water and sewer service extension costs in and to subdivisions shall be borne by the subdivider in accordance with the city's subdivision regulations.~~
- ~~(4) All water and sewer extension plans and installations shall meet the specifications of the city. The city shall be authorized to inspect at any time the installation of all water and sewer extensions which are to be connected to the city's facilities.~~
- ~~(5) All water and sewer lines and appurtenances connected to the city's facilities shall be dedicated to the city and accepted by the city upon meeting the city's requirements.~~

~~(Ord. of 10-9-86, § 6.81)~~

Sec. 19-137. Methods.

~~Inside the corporate limits, there are two (2) methods by which water and sewer extensions can be accomplished.~~

- ~~(1) *Petition by residents.*~~
 - ~~a. Water and/or sewer line extensions may be made upon receipt of a petition requesting such improvements. The petition shall be signed by at least fifty (50) percent in number of the owners of property who also own at least fifty (50) percent of the lineal feet of frontage of the lands abutting the proposed improvements. One hundred (100) percent of such improvements shall be financed by special assessment against benefited property pursuant to G.S. 160A-216 et seq.~~
 - ~~b. The city shall assess one hundred (100) percent of the full cost of the water and/or sewer improvements against the abutting property owners. The city shall be assessed just like any other property owner. The assessments shall be in addition to normal tap-on fees and usage fees which the city may have already adopted. The assessments may be made on the basis of any of the alternatives specified in G.S. 160A-218. The city may adopt from time to time a maximum assessment rate and acreage fee.~~

- ~~c. The city by action of the board of aldermen may amend, modify or repeal such maximum assessment rate and acreage fee at any time.~~
- ~~d. All petitions for improvements shall specify that the assessments plus interest shall be paid in three (3) installments as provided in G.S. 160A-216 et seq.~~

~~(2) On application by property owner.~~

- ~~a. Any property owner or developer desiring to have water or sanitary sewer services extended to and along any public street or other public way shall apply in writing to the city manager requesting such service. The application shall contain plans in sufficient detail in order to allow the city manager and the director of public works to determine the adequate size of the facilities necessary to the proposed extension.~~
- ~~b. Upon approval of the extension plans by the board of aldermen, the property owner or developer shall be responsible for providing one hundred (100) percent of the full cost of the water and/or sewer improvements including all approved pump stations, lift stations and fire hydrants between the owner's property and the city's water and/or sewer system.~~
- ~~c. If public right of way is not available, the property owner or developer shall obtain the necessary rights of way or easements.~~
- ~~d. All contracts for the installation of water and/or sewer lines and the construction and installation of the same shall be subject to the inspection and approval of the city.~~

~~(Ord. of 10-9-86, § 6.82; Ord. of 6-2-11, §§ 1, 2)~~

Sec. 19-138. Initiation of water and/or sewer projects outside corporate limits.

- ~~(a) It shall be the general policy of the city to permit extensions of water and sewer service outside the city's corporate limits only when those areas or developments simultaneously with the request for service petition the city for annexation (including non-contiguous annexation) where practical. Service shall not be considered prior to annexation.~~
- ~~(b) The application for service shall contain a valid petition from the applicant requesting annexation or, if annexation is not practical, a written statement setting forth the reasons why annexation would not be practical, or a written statement setting forth the request for waiver and documentation verifying that the standards set forth in subsection (c) below are met.~~
- ~~(c) The board of aldermen shall have the authority to waive the requirement of annexation when it determines that annexation would not be practical, legally possible or would not be in the best interest of the city. In addition, the board may waive the requirement of annexation for any industrial entity which (i) was in business prior to January 1, 2014, (ii) employs 200 or more employees, and (iii) is located within the city's sewer service area. In this event, the city manager shall prepare an extension agreement providing for service without annexation, which agreement must be approved by the board of aldermen in order to be effective.~~
- ~~(d) The application for service shall contain written statements agreeing to the city's water and sewer extension policy, particularly section 19-136. Furthermore, the applicant shall be responsible for one hundred (100) percent of the cost of the improvements, other related facilities and rights of way or easements necessary to construct the improvements.~~

~~(Ord. of 10-9-86, § 6.83; Ord. of 2-7-90(2), § 6.83; Ord. of 1-8-15(1))~~

~~Sec. 19 139. Extensions made by other governmental entity.~~

- ~~(a) In the event that the city shall permit an extension of its water and/or sewer lines at the request and expense of any other governmental unit, including the county, such extensions shall be at the sole expense of the party requesting the extensions. Expenses are to include, but not be limited to, all labor and materials, engineering fees, any and all sums required for rights of way and easements and any other costs incidental to the extension.~~
- ~~(b) Upon completion of the water and/or sewer lines, the improvements shall be dedicated to the city. Property served by such water and/or sewer line extensions shall pay to the governmental unit an assessment or payment in lieu of assessment as established by that governmental unit's extension policy.~~
- ~~(c) In any event, the fee collected shall not be less than the prevailing assessment or payment had the city installed the improvements.~~
- ~~(d) Payment extension agreements will be granted as follows:
 - ~~(1) No more than three (3) payment extensions agreements will be granted in a twelve-month period.~~
 - ~~(2) Only two (2) of the extension agreements may occur in consecutive months.~~
 - ~~(3) Each extension agreement may be granted for up to thirty (30) days, however, if a consecutive extension agreement is granted, the first extension agreement must be paid in full prior to granting the second extension agreement.~~~~

~~Sec. 19 140. Oversized improvements and reimbursement.~~

- ~~(a) When it is in the best interest of the citizens of the city that oversized water and/or sewer lines be extended from the existing municipal systems, the board of aldermen may agree to pay the difference between what it would cost to serve the area requesting service and the costs of oversized improvements which would enable future areas to be served if the lines could accommodate the increased volume. If any oversized facility is feasible, a reimbursement agreement shall be entered into between the city and each party installing such systems. Only those water and sewer lines, fire hydrants, lift stations and pumping stations as may be expressly referred to and covered by a written contract between the parties and the city shall be considered.~~
- ~~(b) The actual costs of installing all lines on property being connected and the cost of installing all lines between such property being developed and the existing lines of the city shall be borne by the owner, developer or party being so connected.~~
- ~~(c) Oversized improvement costs subject to reimbursement by the city shall be:
 - ~~(1) The actual cost of water lines eight (8) inches or larger and sewer lines ten (10) inches or larger and all approved fire hydrants, pumping stations and lift stations which have been required by the city, through negotiation, to be oversized, enlarged or expanded in order to accommodate both the development immediately proposed as well as potential future development. The total amount subject to reimbursement shall be limited only to the additional cost incurred by the developer for constructing the oversized, enlarged or expanded facilities.~~
 - ~~(2) The cost of lines within the property being developed which will serve other properties and are of a size in excess of six (6) inches for water and eight (8) inches for sewer but only to the extent of the extra cost incurred by installing lines larger than needed to serve the property itself.~~~~

- ~~(3) The proportionate cost of lines of any size to which direct service connections may be made by property other than those by the initial developer.~~
- ~~(d) All reimbursements for oversized improvement costs, as set out in subsections (c)(1) and (c)(2) above, shall be made from water and/or sewer acreage charges collected by the city from acreage fees initially or subsequently served by lines installed under a reimbursement agreement and from those only. Reimbursement costs due from acreage fees under an oversized improvements agreement shall be paid by the city to the developer within thirty (30) days following the end of each quarter from collections made during that quarter. All reimbursement for costs for subsection (c)(3) above shall be made only from appropriate assessment charges.~~
- ~~(e) Only the actual cost of the lines together with all necessary fire hydrants, pumping stations and lift stations shall be included in the calculations of costs subject to reimbursement. No interest on costs pending reimbursement shall be permitted.~~
- ~~(f) No reimbursement of any cost shall be made after ten (10) years from the date of acceptance by the city of the lines installed under an oversized improvement agreement.~~
- ~~g) Acreage charges collected from property served by lines installed under reimbursement agreements shall be applied so as to satisfy the claims under the different agreements in the order in which they were entered into.~~

~~(Ord. of 10-9-86, § 6.85; Ord. of 10-14-04, § 1)~~

~~Sec. 19-141. Lift stations and facilities and components other than gravity sewer lines.~~

- ~~(a) Whenever an extension of the city's sanitary sewer lines is made to serve new development, or connection is made to the system to serve existing development, gravity sewer lines shall be utilized unless it can be conclusively demonstrated to the city that (i) the topography is such that the property cannot be served by gravity sewer extensions, or (ii) the cost of service extension would be financially impracticable due to the number of customers to be served or because of topographical, engineering or other technical issues. Where lift stations or other alternative systems are permitted in accordance with the provisions of (a) (i) and (ii) above, the city reserves the right to require proper abandonment of such facilities and connection to a gravity line if and when a gravity sewer line of the city becomes available as provided under Article III, section 19-97(c) of this chapter.~~
- ~~(b) Subject to subdivision (f) of this section, where force main facilities and accompanying lift stations with the potential to serve multiple properties or lots are permitted by the city to be installed in accordance with (a) (i) and (ii) above, it shall be the general practice of the city to accept the dedication of such facilities upon satisfaction by the developer of all state and city standards or other applicable city requirements.~~
- ~~(c) The city will not accept ownership or responsibility for any type of collection system or any other collection system components beyond conventional gravity sewers, lift stations or force mains. While installation of alternative types of systems may be allowed under extenuating circumstances, including but not limited to those described in subsection (a)(i) and (ii) above, the ownership, operation and maintenance responsibilities of such systems shall be retained by a property owners association or similar entity.~~
- ~~(d) Where topography or distance of available gravity sewer lines necessitates the utilization of an individual pump station to allow connection to an existing lot, such stations shall be considered private and the costs of the installation and maintenance of such facilities shall be the sole responsibility of the individual property owner.~~
- ~~(e) Where practicable, existing lift stations of the city shall be expanded, enlarged or upgraded to accommodate new development in lieu of the siting and installation of new lift stations. City~~

~~participation in any expansion, enlargement or upgrade may be considered as provided under section 19-140(c)~~

- ~~(f) Notwithstanding the provisions of (a), (b), (c) and (d) above, the city reserves the absolute right to decline acceptance of the dedication of any lift station, force main facilities or components or other alternative collection system if it is determined that such acceptance would be detrimental to the integrity of the city system in consideration of overall system needs.~~

~~(Ord. of 10-14-04, § 2)~~

Secs. 19-142—19-165. Reserved.

NOW, THEREFORE, BE IT ORDAINED by the City of Southport Board of Aldermen that the proposed Code of Ordinances amendment of Chapter 19: Utilities is hereby adopted and shall become effective immediately. All provisions of any City ordinance or resolution in conflict with this Ordinance are hereby repealed.

The foregoing Ordinance, having been submitted to a vote, received the following vote, and was duly adopted this the 5th day of August 2024.

Ayes: _____

Noes: _____

Rich Alt, Mayor
City of Southport

Dorothy Dutton, City Clerk
Assistant City Manager



BOARD OF ALDERMEN AGENDA ITEM SUMMARY

DATE: 8/5/2024

DEPARTMENT: Public Services

PRESENTED BY: Tom Zilinek, City Engineer

ITEM SPONSORED BY: Public Services Department

ITEM/TOPIC: City of Southport Stormwater Management

COST: N/A

BUDGET LINE ITEM: N/A

JUSTIFICATION: This is a discussion on the need for updating the City's Stormwater Management Ordinance.

IMPACT IF NOT APPROVED: No approval is requested at this time. This is a presentation to start a discussion on Stormwater Management within the City.

DEPARTMENT HEAD COMMENTS: The City has had an increase in the number of stormwater and flooding issues. There is currently a storm sewer system mapping and modeling project that will be completed in the Fall. This project will identify and recommend improvements to current deficient areas. Another part of the overall City Stormwater Management is to control stormwater runoff from future development and redevelopment. This can be accomplished by updating the City's Stormwater Management Ordinance. This is the beginning of the discussion on how the City's Stormwater Management Ordinance could be updated.

CITY MANAGER COMMENTS: This action is important for the advancement of our overall stormwater management goals and improvements.

ATTACHMENTS: Stormwater Management PowerPoint

REQUESTED ACTION: Discussion only

PROPOSED MOTION: Discussion only



Stormwater Management

City of Southport

STORMWATER MANAGEMENT ORDINANCE

- The intent of a Stormwater Management Ordinance is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control.
- It is used as a planning and engineering tool to facilitate the necessary control of stormwater.
- This will protect, conserve and promote the orderly development of land within the City.



FINDINGS

1. Roadways, structures, other property, and water bodies within the City are at times subjected to flooding;
2. Flooding is a danger to the lives and property of the public and also to the natural resources of the City;
3. Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, and increased sediment transport and deposition;
4. Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, and rivers;
5. Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the City will adversely affect the City's water bodies;
6. Stormwater runoff, soil erosion, non-point source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;
7. Adopting the standards, criteria, and procedures in an Ordinance and implementing them will address many of the detrimental effects of stormwater runoff;
8. Adopting an Ordinance is necessary for the preservation of the public health, safety, welfare, and for the conservation of natural resources;

PURPOSE

- The quantity of stormwater is a problem.
- More water runs off impervious surfaces and at a much faster rate
- Developed areas can experience localized flooding which can destroy property and threaten lives
- Additional roof area will double the runoff volume compared to an unimproved sandy or grass area

An Ordinance will establish methods for managing the quantity and quality of stormwater leaving a site



OBJECTIVE OF ORDINANCE

1. To reduce the hazard to public health and safety caused by excessive stormwater runoff.
2. To regulate the contribution of pollutants to the storm drain system from construction site runoff.
3. To regulate the contribution of pollutants to the storm drain system from runoff from new development and re-development.
4. To prohibit illicit discharges into the storm drain system.
5. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with the ordinance



CREATE TWO CATEGORIES

1. Minor Development
2. Major Development

Applies to all lots. This includes non-conforming lots

MINOR DEVELOPMENT

Applies Primarily to Infill Housing and Additions

- This captures very small projects that collectively contribute an increase of stormwater runoff.
- The additional impervious coverage on any lot affects all the abutting properties and in many instances the properties abutting the abutting properties as well as City streets.

Requirement

- Infiltrate 2"/SF of new impervious with an overflow.

Example

- 2,400 SF House would require 400 CF storage.
- 10 x 20 addition would require 33 CF storage



METHODS

1. Rain Garden

- Landscaped shallow depression planted with native plants that captures, temporarily holds, and filters stormwater back into the ground.
- Can be combined with rain barrels.
- Cost - \$1,500 for 2,400 SF House

2. Dry Well

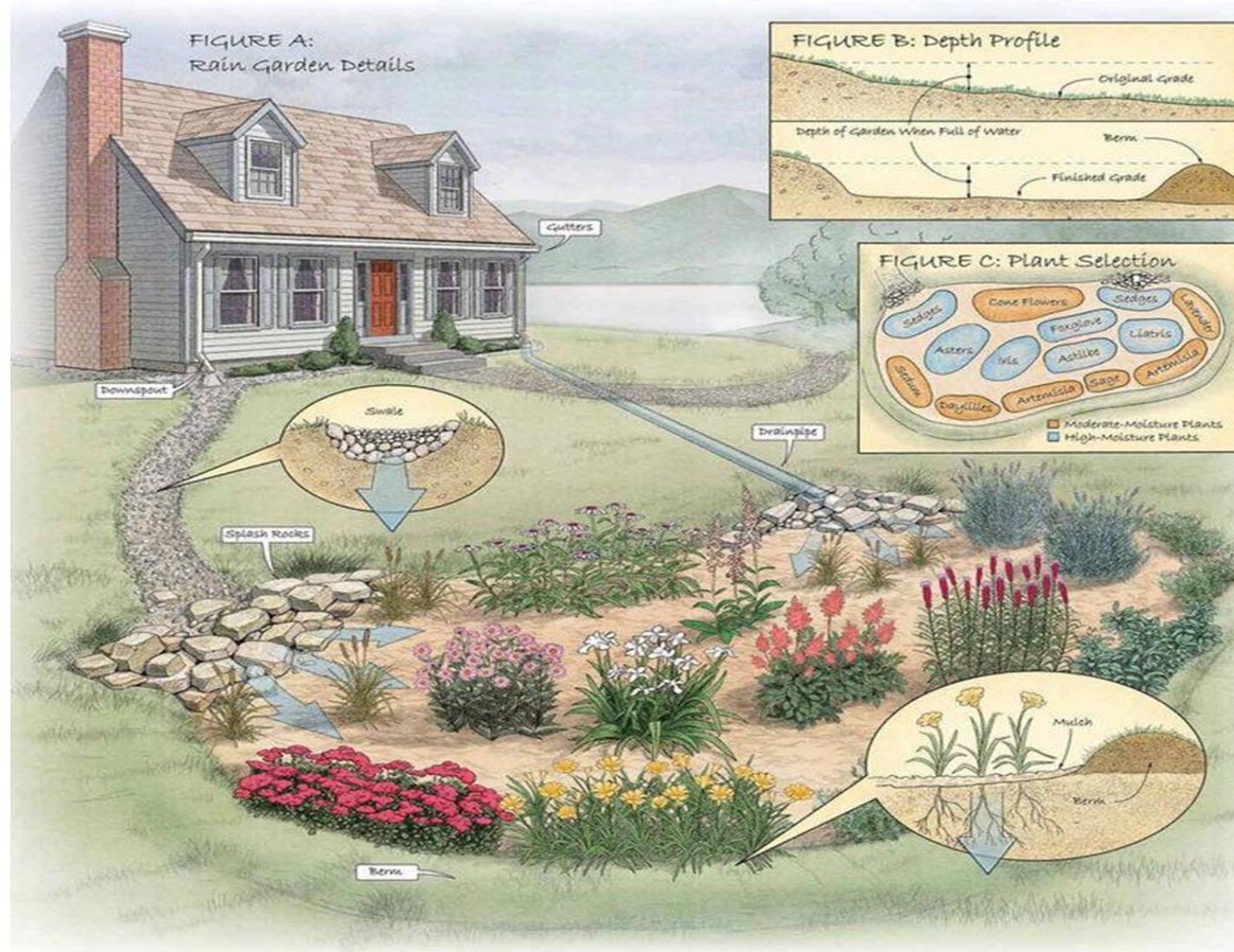
- Cost - \$4,000 for 2,400 SF House

Waivers

- Demonstrate that meeting the standards would result in an exceptional hardship
- Show the benefits to the public good would substantially outweigh any detriments



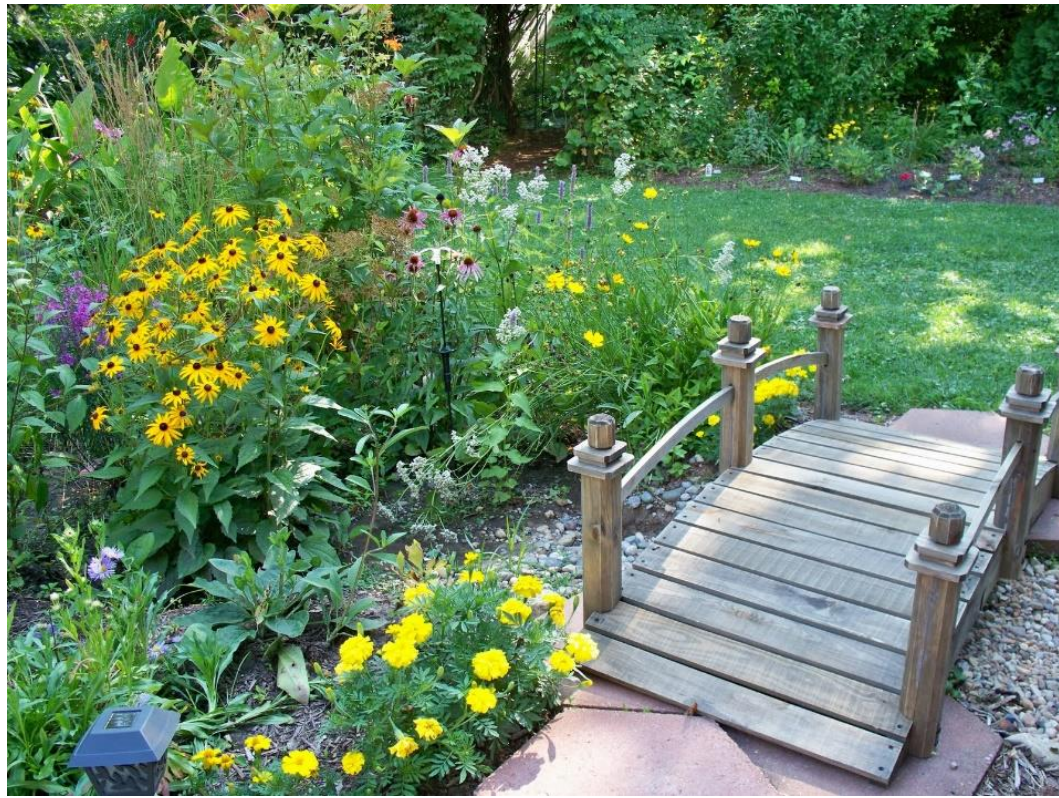
RAIN GARDENS



RAIN GARDENS



RAIN GARDENS



MAJOR DEVELOPMENT

Applies

- More than 10,000 SF of increase impervious
- Does not apply to an individual lot owner

Require

1. Water Quantity

- 2 year Peak Flow reduced by 50%
- 10 year Peak Flow reduced by 75%
- 100 year Peak Flow reduced by 100%

2. Water Quality

- 80% TSS Removal for water quality design storm (1.25 inches in 2 Hours)

Use

- GREEN Best Management Practices
- Groundwater Recharge



MAINTENANCE PERMIT

- Ordinance should require an annual maintenance permit.
- Permit is to ensure that the stormwater facility is functioning properly.
- Permit requires quarterly maintenance logs to be submitted. Does not need to be filled out by an engineer.

Individual Property owners exempt from maintenance permit – does not apply to individual drywells and rain gardens.

20___ Maintenance Log for Stormwater Management Facilities

Name of Facility: _____

Location/Address: _____

Southport ID #: _____

Submission for: (Select One)

- ☐ 1st Quarter
☐ 2nd Quarter
☐ 3rd Quarter
☐ 4th Quarter

DETENTION BASIN																											
Date: <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																											
Preventative Maintenance (X):Completed																											
Lawn/Vegetative Area:																											
	Cutting																										
	Maintenance																										
	Pest Control																										
Trash and Debris removal:																											
	Trash rack/outlets																										
	Channels																										
	Inlets																										
	Slopes/Ramps																										
Sediment Removal:																											
	Trash rack/Outlets																										
	Channels																										
	Inlets																										
	Slopes/Ramps																										
Mechanical Components:																											
	Fence Gates/Locks																										
	Other																										
Corrective Maintenance																											
Structural Repair																											
Fence Repair																											
Erosion Repair																											
Other																											
Comments:																											
(Indicate any repairs which were completed)																											

Inspection reports can be mailed, faxed to (910) xxx-xxxx, or emailed to stormwater@cityofsouthport.com

WAYS TO COMPLIMENT ORDINANCE

LAND DISTURBANCE ORDINANCE

Go hand in hand with the stormwater ordinance.

1. Preserve trees and woodlands from unjustifiable destruction
 2. Preserve soil from erosion and sedimentation
 3. Protect use and transfer of topsoil
- For the general well-being of residents especially those in the downstream areas

Exemptions

1. Gardening for home consumption
2. Construction of single family dwellings with accessory structures not causing land disturbance of more than 2,000 sf that are not part of a subdivision in the process of being developed



REQUIREMENTS

1. Grading plan with existing and proposed topography
2. Soil erosion and sediment control plan
3. Project Schedule
4. Environmental Impact Assessment may be required

FACTORS FOR APPROVAL

1. Retention of natural vegetation wherever practicable.
2. Disturbance over areas no larger than are reasonably necessary.
3. Seeding, sodding, mulching, or use of other stabilizing measures to protect exposed areas during construction and at other time of land disturbance.
4. Diversion, vegetative buffers, mulching, sodding, or other measures to check or to divert runoff and to gather sediment from runoff.
5. Retention of rainfall on site, to the extent practicable, to lessen the risk of flooding.
6. Control of increased runoff resulting from modified soil and surface conditions from the construction.
7. Retention of sediment on site to the maximum extent feasible.
8. Control of erosion and sedimentation over all aspects of a project and during all stages from beginning through completion.
9. Assurance of lasting stabilization of the soil after construction.



ADDITIONAL ITEMS TO LOOK AT

1. Impervious Coverage Limits
2. Floor Area Ratio Limits

NEXT STEPS

1. Present to Planning Board
2. Public Information Session
3. Ordinance Introduction





QUESTIONS?



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 8/5/2024

DEPARTMENT: Public Services

PRESENTED BY: Tom Zilinek, City Engineer

ITEM SPONSORED BY: Public Services Department

ITEM/TOPIC: Old City Hall Hazardous Material Abatement

COST: \$258,810.00

BUDGET LINE ITEM: 23-23-7300-5800

JUSTIFICATION: This will abate the environmental issues that currently exist in the Old City Hall building. Having this work completed is the first step in determining what is next for the building. It will also stabilize the building environmentally.

IMPACT IF NOT APPROVED: The environmental issues in the building will remain and most likely increase. This will lead to higher cost associated with making the building useful again.

DEPARTMENT HEAD COMMENTS: This is the awarding of three contracts. The first is to Rhino Demolition & Environmental in the amount of \$151,110.00 for the hazardous material abatement. The second is for HICAPS in the amount of \$29,500.00 for the construction phase management of the hazardous material abatement. The third is for HICAPS in the amount of \$78,200.00 for the air monitoring and testing by an industrial hygienist and final clearance report.

CITY MANAGER COMMENTS: This is the important next step to save this historic building, an icon for the City, and must occur, irrespective of the future vision for use of the building.

ATTACHMENTS: Bid award recommendation from HICAPS for the Hazardous Material Abatement for Old City Hall and proposal from HICAPS for the Construction Management and Air Monitoring/Testing of Old City Hall.

REQUESTED ACTION: Approve contracts for Rhino Environmental and HICAPS for the Hazardous Material Abatement of Old City Hall.

PROPOSED MOTIONS: (all three needed)

- 1.) Motion to award contract to Rhino Demolition & Environmental in the amount of \$151,110.00 for the hazardous material abatement of Old City Hall.
- 2.) Motion to award contract to HICAPS in the amount of \$29,500.00 for the construction phase management of the hazardous material abatement of Old City Hall.
- 3.) Motion to award contract to HICAPS in the amount of \$78,200.00 for the air monitoring and testing by an industrial hygienist and final clearance report for the hazardous material abatement of Old City Hall.



Mr. Tom Zilinek, P.E.
City Engineer
City of Southport
1029 North Howe Street
Southport, NC 28461

July 1, 2024

Subject: **Old City Hall Building**
Hazardous Material Abatement Bid Tabulation
Old City Hall Building
201 East Moore Street
Southport, NC 28461

Dear Mr. Zilinek,

As a follow-up to the recent Bids that were received for the hazardous material abatement of the Old City Hall Building, - the HICAPS Team respectfully submits this letter of recommendation. Also attached is the tabulation of bids received for consideration by the City of Southport Board of Alderman.

As you recall, the budget estimate that we provided to the Board of Alderman was as follows in Column B (Cost Estimate). Now that the bid day has occurred, we have captured projected costs more closely in Column C (Projected). The project is now projected to be under the provided cost estimate by \$223,890.

A - SCOPE	B - COST ESTIMATE	C - PROJECTED
ENV. BID DOCS	\$23,500	\$23,500
PROCUREMENT SERVICES	\$8,500	\$8,500
ABATEMENT MANAGEMENT	\$29,500	\$29,500
ENV. AIR MONITORING	\$78,200	\$78,200
ABATEMENT CONTRACTOR	\$375,000	\$151,110
STRUCTURAL ANALYSIS	\$30,000	\$30,000
HVAC REPAIRS	\$2,500	\$2,500
CONTINGENCY	\$100,000	\$100,000
TOTAL COST	\$647,200	\$423,310
UNDER BUDGET		\$223,890 Under Projected Budget

Four (4) bids were received on bid day. After reviewing the pricing and alternates, the lowest 3 responsive, responsible bids are outlined below:

- | | |
|-------------------------------------|-----------|
| 1. Rhino Demolition & Environmental | \$151,110 |
| 2. Eastern Environmental Inc. | \$166,500 |
| 3. Enpuricon | \$238,700 |

The fourth (4th) bid was received by DARI whose bid was the lowest of the submitting firms at \$150,000. However, DARI failed to submit the required bid bond / bid security and were therefore removed from consideration and declared non-responsive.

We recommend that you review and consider the attached bid tabulation and award the project to Rhino Demolition & Environmental for an effective start date of October 7, 2024.

If you have any questions, please do not hesitate to contact us.

Respectfully Submitted,

Dave Smith

Dave Smith, CCM, REFP

Vice President of Construction Management and Building Diagnostics

Copy: Mr. Tom Stanley
Mr. Jonathan Layton

Attached: Bid Tabulation Form

City of Southport
Hazardous Material Abatement - Old City Hall Building

Abatement Contractors	Base Price	Deduct if Work Commences in October 2024	Revised Base Price if Work Commences in October 2024	Removal of All ACM from Block Walls	Remove Loose ACM from Block Walls and Apply Encapsulant	5% Bid Surety	Addenda	Net Price with Adds / Deducts	Ranking	Notes
Rhino Demolition & Environmental	\$ 153,500.00	\$ 15,350.00	\$ 138,150.00	\$ 12,960.00	None	YES	2	\$ 151,110	1	
Eastern Environmental Inc.	\$ 128,700.00	\$ 10,200.00	\$ 118,500.00	\$ 48,000.00	\$ 20,000.00	YES	2	\$ 166,500	2	
Enpuricon	\$ 153,700.00	None	\$ 153,700.00	\$ 85,000.00	\$ 41,860.00	YES	2	\$ 238,700	3	
DARI	\$ 158,000.00	\$ 8,000.00	\$ 150,000.00	None	None	None	2	\$ 150,000	NR	Non-Responsive
										No Bid Bond

Notes:

1. Based on start date of October 7, 2024.
2. Based on 10 weeks duration for project.





Mr. Tom Zilinek, P.E.
City Engineer
City of Southport
1029 North Howe Street
Southport, NC 28461

July 16, 2024

Subject: Old City Hall Building
ABATEMENT (CONST. MANAGEMENT / AIR MONITORING / TESTING
201 East Moore Street
Southport, NC 28461

Dear Mr. Zilinek,

As a follow-up to the recent Board of Alderman Meeting - the HICAPS Team respectfully submits our letter of proposal for Additional Owner's Representation – Program Management Services to support your upcoming work at the Old City Hall Building.

This program will continue to support your on-going critical services:

HICAPS is a Service-Disabled-Veteran-Owned-Small-Business (SDVOSB). We are a private firm that has thrived in repeat business. This comes from putting the customer first and always making the customer know that we listen to their needs, and we seek to exceed their expectations.

It is our understanding that the tentative phasing from this point forward for your project will look like the below. This is very basic and simplified. Scopes would be expanded with detail as we move forward:

1. CONSTRUCTION MANAGEMENT PHASE / CLOSE OUT / STABILIZATION OF BUILDING
(Approximate Duration = 2.5 Months)

Scope of Services:

- Award the abatement contract.
- Hold a pre-abatement meeting.
- Manage the construction / abatement phase of the work.

Deliverables:

- Safely & successfully abate the project.
- Continually monitor the schedule, budget, scope, and quality of the project.

- Turn over a project that is fully approved for future work and properly acclimatized to prevent future issues with mold.

CONST. PHASE / CLOSE OUT / STABILIZATION OF BLDG. COSTS: \$29,500

2. AIR MONITORING / TESTING BY INDUSTRIAL HYGIENIST / COMPLIANCE

(To run concurrent with #2 above)

(Approximate Duration = 2.5 Months)

Scope of Services:

- Award the abatement contract.
- Hold a pre-abatement meeting.
- Safely & successfully abate the project.
- Continually monitor the schedule, budget, scope, and quality of the project.
- Turn over a project that is fully approved for future work and properly acclimatized to prevent future issues with mold.

Deliverables:

- Daily Air Monitoring & Oversight with Industrial Hygienist
- Asbestos Abatement Clearance Certification
- Post Remediation Verification & Clearance Certifications
- Mold Clearance Samples
- Final Clearance Report for Abatement.

AIR MONITORING / INDUSTRIAL HYGIENIST / COMPLIANCE COSTS: \$78,200

TOTAL OF 1 & 2 ABOVE (CONSTRUCTION MANAGEMENT / CLOSEOUT / STABILIZATION / MONITORING / TESTING): \$107,700

We look forward to your feedback and are excited about this great program.

Respectfully Submitted,

Dave Smith

Dave Smith, CCM, REFP

Vice President of Construction Management and Building Diagnostics

Copy: Mr. Tom Stanley,
Mr. Jonathan Layton

ACCEPTANCE OF PROPOSAL

If the terms of this proposal are acceptable, please sign, scan and email dave@hicaps.com.

Printed Name: _____

Firm Name: _____

Title: _____

Contact Number: _____ Contact Email: _____

Signature: _____ Date: _____



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 8/5/2024

DEPARTMENT: Administration

PRESENTED BY: Alderman Spencer

ITEM SPONSORED BY: Cemetery Committee

ITEM/TOPIC: Cemetery Committee Mission Statement and Requests

COST: TBD

BUDGET LINE ITEM: TBD

JUSTIFICATION: The Cemetery Committee has requested that the Board of Aldermen review and approve the suggested mission statement as presented at the July Board meeting. They are also requesting that the Board direct staff to remove the poor-condition Veteran's sign and start the process of replacing the road signs because of their condition. They request that the signs not be removed until the new signs are available. Next, the Cemetery Committee will start working on amending the Cemetery Ordinance so that some of the hazards can be remediated.

IMPACT IF NOT APPROVED: If the signs are not removed or replaced, they will continue to deteriorate, detracting from the cemetery's appearance.

DEPARTMENT HEAD COMMENTS: n/a

CITY MANAGER COMMENTS: these items recommended for approval to protect the cemetery.

ATTACHMENTS: 1.) Proposed Mission Statement 2.) Pictures of the signs to be removed/replaced 3.) Cemetery Chair's Summary and Action Information

REQUESTED ACTION: Board approval/support of proposed Mission Statement and discussion/direction about signage/road signs.

PROPOSED MOTION:

- 1.) Motion to approve the Cemetery Committee's Mission Statement as proposed on July 11, 2024.
- 2.) Motion to direct Staff to remove the veteran's sign at Northwoods Cemetery, as requested.
- 3.) Motion to begin the process of replacing the road signs at Northwoods Cemetery.

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.





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.



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 08/05/2024

DEPARTMENT: Administration

PRESENTED BY: Stuart Turille, Jr., City Manager and Dorrie Dutton, Asst City Manager/City Clerk

ITEM SPONSORED BY: Administration

ITEM/TOPIC: Meeting Schedule and Retreat

COST: n/a

BUDGET LINE ITEM: n/a

JUSTIFICATION: Many topics require special meetings. Also, the Board might consider a retreat date. The City Manager would like to have a retreat out of town, *but nearby*, to really focus on the Board's vision for Southport and determine some of the top priorities. There have been too many conflicting dates and perspectives on the need for these meetings, so further discussion is needed. So far, we have been able to schedule one meeting with the Center for the Creative Arts in Southport and a joint meeting to discuss Franklin Square Park. We have located a FREE place to hold the retreat, and it can be reserved once we have some possible dates. We also need to find a date/plan for the first meeting in September because it falls on Labor Day.

IMPACT IF NOT APPROVED: Staff will not be able to schedule the additional meetings, as promised to the public and various community groups. Additionally, without more focus and direction from the Board about priorities, it could be more difficult to move projects along.

DEPARTMENT HEAD COMMENTS: Staff is happy to schedule the meetings once the Board is on the same page about which meetings and what timeframe.

CITY MANAGER COMMENTS: 1. Inclusive Park Regional Managers meeting is set for August 6 at 10AM at the Indian Trail Hall. 2. The Old City Hall meetings and Franklin Square Park meeting will need to be confirmed with the ACM/Clerk. Due to Summer vacations, this will require flexibility of scheduling. 3. As to the Retreat, there are two options: 1. Have a Retreat in Town or 2. Discuss with a change of venue slightly out of City and nearby (We have a free place at BCC). There are pros and cons to both locations. Having it here is more convenient and available to citizens but takes on the air of a regular Board meeting. Having a change of venue often, in my experience, gives folks a chance to express more freely their concerns. A Retreat can be viewed as retreating away *from usual meetings* to have this *breathing space to think strategically, big picture and long-term*. I am simply offering this as an option, and will do what you request, although I do think it is important to have an earlier start on long-term goals, to finish the budget earlier this year, with early May as a target.

ATTACHMENTS: 1.) Calendar of meetings, events, and some Board member's availability.

REQUESTED ACTION: Decide which meetings to schedule and have some consensus on when the meetings should be scheduled.

PROPOSED MOTION: I make a motion to move forward with scheduling meetings for:

_____, _____, _____

And to schedule a Board retreat for _____. (Or motion to not schedule the retreat)

BOARD AVAILABILITY JULY-SEPTEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	JULY	2 Frank-no Karen-no	3 Karen-no	4 HOLIDAY	5 Karen-no	6
	1					
7	8 Karen-no	9 Frank-no Robert-no Karen-no	10 Robert-no Karen-no	11 Robert-no Karen-no Board Meeting	12 Robert-no	13 Robert-no
14 Robert-no	15 Robert-no Karen-no after 4:30	16 Frank-no Robert-no	17 Frank-no Robert-no Karen-no	18 Frank-no Robert-no Karen-no Planning Board	19 Frank-no Robert-no	20 Frank-no
21 Frank-no	22 Frank-no	23 Frank-no Board of Adjustment	24 Frank-no Karen-no	25 Frank-no	26	27
28	29 Frank-no in p.m.	30 Frank-no p.m. Karen-no	31 Karen-no before 1:00pm	AUGUST 1 Karen-no before 1pm	2 Karen-no	3 Karen-no

BOARD AVAILABILITY JULY-SEPTEMBER

4	5 Karen-no Board Meeting	6 Karen-no	7 Karen-no Frank-no	8 Karen-no Board Meeting	9	10
11	12 Marc-no	13 Marc-no Karen-no	14 Marc-no	15 Marc-no Karen-no Planning Board	16 Marc-no	17
18	19 Karen-yes	20 Frank-no Joint Meeting with Board of Aldermen and Parks and Rec Board 6pm-CB	21 Karen-yes	22 Dorrie-out Karen-yes	23 Karen-no Dorrie-out	24
25	26 Dorrie-out	27 Dorrie-out Board of Adjustment	28 Dorrie-out	29 Dorrie-out	30 Dorrie-out	31
September	2 LABOR DAY	3 Rich-no	4 Rich-no	5 Rich-no	6 Rich-no	7
1	Board Meeting					

BOARD AVAILABILITY JULY-SEPTEMBER

8	9 Rich-no	10 Marc-no Rich-no	11 Marc-no Rich-no	12 Marc-no Robert-no Rich-no Board Meeting	13 Marc-no Robert-no	14 Marc-no Robert-no
15 Marc-no Robert-no	16 Marc-no Robert-no	17 Marc-no Robert-no	18 Robert-no	19 Robert-no	20 Robert-no	21
22	23	24 Board of Adjustment	25	26	27	28
29	30 Karen-yes (playground)	October 1	2	3	4	5
6	7 Board Meeting	8	9	10 Board Meeting	11	12
13	14	15	16	17	18	19