CITY OF SOUTHPORT
BOARD OF ALDERMEN
SPECIAL MEETING AGENDA

223 E. BAY STREET
August 20, 2024
6:00 PM

Agenda

Please turn off all cell phones

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

ETHICS STATEMENT:

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

A. Call to Order

B. Invocation

C. Pledge of Allegiance

D. Public Comment

E. Approval of Agenda

F. Approval of the Consent Agenda pgs 3-33

1. Minutes of the Regular Board of Aldermen Meeting June 13, 2024
2. Minutes of the Special Budget Meeting June 17, 2024
3. Minutes of the Special Budget Meeting June 21, 2024
4. Minutes of the Special Board of Aldermen Meeting June 26, 2024
5. Minutes of the Regular Board of Aldermen Meeting July 11, 2024
6. Closed Session Minutes June 13, 2024 (Sealed)
7. Set a Public Hearing: Section 3.19 Signs
8. Set a Public Hearing: Section 3.19.C.18 Political Signs

G. Public Hearings

1. Public Hearing: UDO Amendment Section 4.14 Open Space (Mo Meehan) pgs 34-38
2. Public Hearing: UDO Amendment Sections 3.17 & 3.14 Right of Ways (Mo Meehan) pgs 39-46

H. Agenda

1. Discussion of Relinquishment of ETJ-Impacts (Stuart Turille, Jr. and Mo Meehan) pg 47
2. Discussion of Tree Clearing at Oakton (Mo Meehan) pgs 48-56
3. Update on Bed and Breakfast Events Permit (Mo Meehan) pgs 57-62
4. Clarification on Right-of-Way Ordinance Enforcement (Mo Meehan) pgs 63-71
5. Boards and Committees Ordinances Discussion and Direction pgs 72-74 (Noah Saldo)

I. Committee Reports

J. Manager's Report

K. Mayor's Report

L. Board Comments

M. Closed Session NCGS 143-318.11

1. (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge, or removal shall be taken in an open meeting.
2. (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure.
3. (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

N. Adjourn

BOARD OF ALDERMEN **REGULAR MEETING MINUTES**
COMMUNITY BUILDING
JUNE 13, 2024

PRESENT: Mayor Alt, Mayor Pro-tem Kelley
Aldermen Mosteller, Davis, Carroll, Lai, and Spencer

ABSENT: None

STAFF PRESENT:

Bonnie Therrien, City Manager	Dorothy Dutton, Asst City Manager/City Clerk
Mo Meehan, City Planner	Heather Hemphill, Parks and Rec Director
Allayna Dail, Interim Comm. Relations Director	Todd Coring, Police Chief
Lance Flint, Finance Director	ChyAnn Ketchum, Public Information Officer

OTHERS PRESENT:

Sue Hodgin	Jake Petrosky, Stewart Consulting
Judith Jeffries	Susan Diertere
Peggy Popelars	Becky Bowles
Janine Browning	Elaine McBride
Pam Rainey	Keren Boyan
Jeanne Brown-Busch	Sue Hodgin
Linda Pukenas	Caroline Hankins

Many other citizens and interested parties.

A.) Call to Order
Mayor Alt called the meeting to order at 6:00 p.m.

B.) Invocation
Alderman Lowe Davis announced that Cary Evans, the new pastor at Southport Presbyterian Church, would be providing the invocation.

C.) Pledge of Allegiance
Mayor Alt led everyone in reciting the Pledge of Allegiance.

D.) Special Recognition
Mayor Alt announced that the South Brunswick High School was unable to attend the meeting, so that proclamation would be scheduled for another meeting.
Police Chief Coring announced that Eric Mahoney was selected as Officer of the Year. Eric is an officer on the night shift. He was honored at a luncheon earlier in the month. He was chosen by his peers for his dedication and service to the City of Southport.

Mayor Alt read the Ethics Statement.
Alderman Mosteller stated that she would like to recuse herself from the consideration of applicants for the Parks and Recreation Committee because her partner is an applicant.

E.) Public Comment

Judith Jeffries, the resident at 1409 S. Shore Drive, said she thinks that the inclusive playground is important to the City and County. The facility should be funded by the County and have reasonable parking. Shade is necessary. She was also concerned about the location of the part and the dog park. Excited dogs and children do not mix well.

Susan Diertere, a resident at 1453 S. Shore Drive, said that children with disabilities can be unpredictable and dogs are often unpredictable. She asks the Board truly and respectfully, to consider relocating the park; the children deserve better.

Peggy Popelars, representing Downtown Southport Inc., said she was speaking on behalf of the organization. Frank Popelars passed some information out to the Board. She said that DSI and the City have had a good relationship since 2007. She reviewed the monetary contributions that have been made to projects in the City. Since September 2023, they have noticed a shift in attitude towards the organization. Members of DSI were criticized publicly at Board meetings, on social media, and some even received mean voicemails. They have complied with requests to release their financial statements. In December 2023, Franklin Square Park was closed because of heightened concern for the trees and public safety. As a result, DSI stated they would be suspending all activities for a year. They were not able to find another location to host the summer markets, and the members of DSI needed a reprieve from the negativity. They would like the City and the public to remember what DSI has accomplished all these past seventeen (17) years.

Becky Bowles, a resident of W. St. George Street, said that she is requesting that Taylor Field remain a field. If the playground is truly for all of Brunswick County, why is it being located in a small town with little parking?

Janine Browning, resident of E. 8th Street, also wanted to speak about the proposed playground. She said there are better places to put the playground, but she does support one being built. She said it would be nice to have a softball or kickball field, and it might attract younger families.

Elaine McBride, who resides just two blocks from Taylor Field, said that she wanted to protect the open space because there is not a lot of it in town. When families want to go play ball, they have a place to go. The facility is already lovely, and the trail is great to work out on. She added that plenty of people use the park the way it is, and she thinks the playground will detract from the peace of the park.

Pam Rainey, resident at 301 N. Atlantic Avenue, stated that she has lived here for twenty years. She has an active golden retriever, and they love going to the dog park. It is interesting to see how the park is being used-very organically. That demonstrates the value of having the park. She suggested that the deed restrictions be considered when making a decision about the playground.

Keren Boyan, a resident at 310 N. Atlantic Avenue, said the playground was a great idea but the wrong location. The County has the space, but no funding. What if the public wrote grant applications to help fund the park with the County? She said that a late afternoon or evening workshop is requested. The original plan for Taylor Field was trails, picnic shelter, restrooms, open space and the dog park. There was no consideration for the topography of the park, it can reach up to 115 degrees in the center of the park, when the temperature is (88) degrees. She added that Lowe White or Caviness Park would be a better location.

Jeanne Brown-Busch, a resident on Burrington Avenue, stated the same sentiment, that the inclusive playground should be built in the County, not in the City of Southport.

Sue Hodgin, resident of 608 Cottage Point Way, made the following comments which were requested to be included verbatim:

I come to you tonight to as a Citizen of Southport, not as a member of any Club, Association or Board with which I may be affiliated.
I want to address our City administration and my fellow citizens of Southport regarding House Bill 1064 that was introduced in early May, and successfully cleared the House floor and made its way to the Senate on June 11th. This bill came about as the result of ONE citizen's complaint to his legislator about his property rights, and fines that were imposed for clearing lots – cutting trees - without obtaining a Tree Permit.

Now let's be clear -- Tree Permits have been in place and required for both in- City and ETJ home construction since Southport's Tree Ordinance first went into effect in 2018, right thru its most recent updates in 2022. Area builders are NOT unaware of pertinent ordinances and the availability of City Staff to guide them and property owners through longstanding requirements.

In a recent Southport meeting, I heard a resident ask a City employee if any applicant had ever been denied a Tree Permit, and the answer was 'no'. Staff stated that the Permit's intent is not to keep someone from cutting trees for home-construction, but so that the City can work with the applicant to maximize the good that comes from our Tree Ordinance. So, it appears that this owner/builder simply decided to turn away from requirements to which the rest of us are held and – having never talked with City Staff - then complained to his legislator-friends when accountability came a-calling.
It's been determined, I hear, that one of the fines issued was an administrative error, with clearing done some time ago. Rightly or wrongly done, it was done; there were no fresh cuts or evidence of recent clearing. So that fine was voided. There still remains a fine, which is now being appealed through established processes.

Now.... getting back to the legislation ... I am bothered that there have been no updates, no City transparency to the citizens regarding it after its introduction – we only got a statement that 'we're hoping for good results'. We've had some in leadership say they have legislators on speed-dial, that they could get to them immediately: where were those speed-dials when all this moved down the tracks? City residents should've gotten more information to encourage full understanding and involvement.

If you haven't been involved in legislative matters before -- or in NC most specifically -

- then you may not understand that by the time a bill reaches a committee agenda, concerted effort has already been made for the perfunctory execution of a vote. The House's Local Government Committee meeting that was held on June 11th was no different. If you weren't in the room or attending virtually (as I was), you don't get to go back and view it; Committee meetings for our General Assembly are only livestreamed, not recorded. There were a couple Committee members who questioned whether the General Assembly should be getting in the business of a municipality; that, I contend, IS government overreach. The Committee Chair allowed a tit-for-tat exchange between our mayor and County Commissioner Pat Sykes. She was supportive of this legislation, though the majority of our County Commissioners had earlier rethought and rescinded their initial support, urging instead much-warranted discussion; you didn't hear that from Ms. Sykes this week in Raleigh -- she sounded as if she were speaking for them all (and perhaps, in all truthfulness, she was).
(Corrected info post-comment: the Commissioners, after additional discussion, took a 3-2 vote to SUPPORT legislation to eliminate ETJs throughout Brunswick County.)

There were incorrect and exaggerated statements made by Commissioner Sykes regarding her neighborhood's 'taxation and regulation without representation'. It was quite strong a statement for conservative-minded legislators to hear, even though it had misleading nomenclature. True, the ETJ residents do not vote for our elected officials – by their choice. That choice also evades any obligation to City taxes, while they do in fact benefit just like in-city dwellers from the city to which they are adjacent. Enjoying its local restaurants, shopping, streets for riding/walking, events and other available services should not be taken lightly or discounted when inconvenient, or when a brush-up occurs.

It is also very true (but was not brought out by Ms. Sykes) that several of our boards and committees here in Southport DO have ETJ representation. On the Planning Board, we have 3 ETJ seats... at least for right now. And I want to state too that WE depend on the involvement, insight, and togetherness that our ETJ members bring. On the Planning Board – as I'm sure is the same on the other boards and committees here in town -- we consider our ETJ members part of US -- part of our city. Obviously, a large number of the ETJ residents considered themselves otherwise as Rep. Miller and Ms. Sykes were successfully delivered a petition that (as Rep Miller stated) 'got 301 signatures' in support of removing any and all oversight or PROTECTION of the ETJ by Southport.

Ms. Sykes referred to clearing of property behind her own home for a development – 'hardly a tree's been left standing', she said. She conveniently neglected to mention that the development to which she referred was approved BEFORE the adoption of Southport's Tree Ordinance.

The benefit of the ETJ is that from a planning and land use perspective, we can have one vision for the Southport area -- cohesiveness of planning, cohesiveness of the built environment. Southport is going through a Comp Plan revision right now, and the ETJ has not been left out of that visioning. Brunswick County just did one, and there was ZERO vision for Southport's ETJ in it ... there will be no plan to follow.

I believe that 1064 came about as a plan with an overall larger overall purpose, conveniently camped onto an issue for ONE individual. And I don't believe that the majority of ETJ residents understand the ramifications of the action forwarded in 1064.

Here inside our City limits, we have encapsulated properties that are actually zoned ETJ, inside our City limits -- those could be drastically changed with this legislation. Think about the changes that could potentially take place just between Dosher Hospital and Famous Subs. As well, the larger ETJ area outside our City limits will become empowered -- if this bill passes the Senate and becomes law -- to be developed by County standards. With no Tree Ordinance, no protections in place, the no-holds-barred Wild Wild West could come to the ETJ.

I have attended several Brunswick County Planning Board meetings and also heard one County Commissioner say his 'two main drives are tourism and development'. I have watched County Administration say 'yes' to almost every development – from 50 to 7,000 proposed units -- with zero tree protection in place. Already, County agricultural and forestry ordinance allows burn-off and timbering; and after those activities, any owner's next 'natural' occurrence is a sell-off to a developer.

Now I will say that after public outcry and the County's lightbulb finally coming on that trees and open space are a necessity for our health, well-being and resiliency against environmental forces, it drafted a Tree Ordinance and requested its approval during this Session of the General Assembly, as it's required to do – only to have the request slow-walked and left in the dust of the General Assembly's crossover deadlines. Does that tell everyone the likelihood of this General Assembly, this County being ready for the powerful sway (and contributions!) of developers, home builders and rolling on down to investors??

I wrote my own letter to both Representative Miller and Senator Rabon in late May. I hope you all did too. A Facebook activist group is still urging everyone to contact Representative Charlie Miller. There is no further need for that. 1064 has now made it to the Senate floor and passed its first reading already. It now resides with the Senate Rules Committee, chaired by our own Senator Bill Rabon. You can email him at bill.rabon@ncleg.gov or call him at 919-733-5963.

In closing, I'd say that when politicians – from either a State, County OR our own Local level show themselves okay with putting the needs of one (or a few) over the needs of the whole, let them. When they become okay with showing you who they really are, rather than what you perceive them to be, let them...then learn from their actions. It was Winston Churchill who said, 'I no longer listen to what people SAY, I just watch what they DO. Behavior never lies.' Thank you.

Linda Pukenas, resident owner of 119 N. Lord Street, said that she loved hearing Ms. Hodgin's comments. She appreciates everyone who is sitting at the table and understands that it is not an easy task. She believes the playground should go with the County but does appreciate all of

Heather Hemphill's work. We should not develop a strategic plan and then change it every time there is a new Board. She said that over the past six months she has felt a cloud over Southport. We all volunteer because we love Southport, and we are all blessed to be here. We need to value our volunteers and community.

Carolyn Hankins, a resident of Old Baker Avenue, said she was present to express her opposition to rezoning the property on NC87. She said that people are always in a rush to go nowhere. The rezoning concerns her because she is afraid larger businesses will move into that area, too. She asked the Board for their consideration.

After a motion by Alderman Davis, and seconded by Mayor Pro tem Kelley, the Public Comment period was closed at 6:58 p.m.

F.) Approval of Agenda

Alderman Davis made a motion to postpone the playground discussion to another meeting later in the month. Alderman Mosteller seconded. Aldermen Lai, Spencer, Davis, Carroll, and Mosteller voted ayes. Mayor Pro-tem Kelley voted nay. Motion carried 5-1.

Mayor Alt said there would be a five-minute break. The meeting was called back to order at 7:06 p.m.

G.) Agenda

1. The first item was an update on the comprehensive plan. City Planner Mo Meehan introduced Jake Petrosky with Stewart Consulting. Mr. Petrosky said that they have been focusing on updating the timeline and public engagement portions of the project. The consultants will work on analyzing the recommendations later in the summer, and then there will be another round of public engagement. The comp plan aims to guide and provide a vision for Southport for the next 10-20 years. It functions as the City Plan and while it won't automatically update the existing regulations, it should help shape all of the UDO updates and map amendments. This comp plan also meets the CAMA requirements for coastal communities. So far, there have been main themes identified: affordability, parking, walkability, growth management, environmental concerns, historic preservation, and downtown/yacht basin improvements. There have been 411 surveys completed so far, but the City is underrepresented in the younger demographic. There was some discussion about where the survey is located, and how to get some younger people engaged. Alderman Spencer added that families give us more stability in our job markets. Even some people who grew up here can't afford to stay because there are no jobs. Alderman Kelley said she was glad to see that the studies that have already been done, are being used for this project. Mayor Alt mentioned different housing options and the City's plan to start enforcing our own stormwater. Alderman Kelley also said that there are a lot of kids in Southport. Alderman Lai said that Southport is an aging community. Younger families will not be able to find a place to live.

2. Finance Director Lance Flint explained the next item was a Resolution in Support of Installment Financing. The purchase was already approved by the Board. Staff requested financing options from eight (8) different companies and received only three back. Staff, along with our Bond counsel structured the financing so that the first payment will be due in July 2025, and then there will be payments every six (6) months. We can also prepay without penalty. ***Alderman Carroll made a motion to approve the Resolution in Support of***

Installment Financing as presented. Alderman Lai seconded. All ayes. Motion carried.

3. Mayor Alt opened the Public hearing at 7:58 p.m. after a motion by Alderman Spencer and seconded by Mayor Pro-tem Kelley. City Planner Mo Meehan explained that the public hearing was for the proposed text amendment to setback exceptions. This text amendment was sponsored by an applicant and after the first public hearing, it was sent back to the Planning Board for more changes. Alderman Carroll said he recommends the Board votes on this tonight and stops kicking it down the road. Alderman Davis suggested that perhaps the public doesn't understand what the text amendment would allow. Alderman Mosteller said that the existing ordinance allows more encroachments that the proposed language. Mayor Pro-tem Kelley made a motion to close the public hearing. Alderman Carroll seconded the motion. City Planner Mo Meehan agreed that this ordinance is more restrictive. Mayor Pro-tem Mosteller stated that the Board has heard this several times before, and no one has come to speak at the public hearing. ***Alderman Mosteller made a motion to approve the Land Use Consistency Statement and proposed Ordinance, as presented. Alderman Spencer seconded it. All ayes except for Alderman Davis. Motion carried.***

4. City Planner Mo Meehan explained the next item was the consideration of a Planned Unit Development, Turtle Bay on NC Hwy 87. The property is a 54-acre tract that is currently split zoned Highway Commercial and R-20. The proposed density is 1.8 units per acre and meets the density and open space requirements. There is also a proposed multi-use path. Mayor Pro-tem Kelley asked if the PUD was going to be a gated community, and Ms. Meehan said it was. She also explained that while buffers are not required because it abuts residential properties, but the developers are planning on a 25-foot periphery boundary. There were concerns about Old Baker Road, which is a graveled prescriptive easement. Those that live on that road, have the legal right to access the road in perpetuity. The developers plan to leave forty (40) feet between the lots and the road. They will landscape and plant additional trees.

Alderman Davis asked about the proposed entrances on NC 87. She said it was a busy area and it will only get worse. She asked if the developers considered using Sandy Lane instead. Jackson Starling said they considered traffic flow from the inside and outside. They hired Davenport Lawrence to do the traffic study. There will be a center turn lane and a right turn lane, so it doesn't interfere with moving traffic. The second entrance/exit was mandated by emergency services and will have a siren-operated gate. Also, there would be substantial impacts to the wetlands if they used Sandy Lane.

Alderman Mosteller said that the proposed PUD has less than 2 units an acre. They are asking for a downzoning from HC to PUD. This will only help the traffic situation, and there are 10.5 acres of open space in addition to the wetlands. ***Alderman Mosteller made a motion to approve the proposed map amendment from HC/R-20 to PUD along with the Master Plan and the Land Use Consistency Statement as included in the Board packet. Mayor Pro-tem Kelley seconded.*** Several Board members agreed that this was the lesser of the two evils between Highway commercial development and residential. ***Mayor Pro-tem Kelley, Aldermen Lai, Spencer, Mosteller all voted aye. Alderman Davis and Carroll voted no. Motion carried.***

5. City Planner Mo Meehan explained the next item was an annexation request for the same 54.09-acre parcel known as Turtle Bay. ***Alderman Spencer made a motion to approve the annexation request and ordinance as presented. Alderman Mosteller seconded. All ayes. Motion carried.***

6. Assistant City Manager Dorrie Dutton, and City Planner Mo Meehan reviewed the proposed UDO amendments that were requested by the Board of Aldermen. The Staff

recommendation was to wait until the Comprehensive plan was complete. Mayor Alt said that he wanted to form an ad hoc committee to focus on the amendments and bring them back to the full Board at a later time. ***Alderman Carroll made a motion to approve the creation of an ad hoc committee and Alderman Mosteller seconded the motion. All ayes. Motion carried.***

7. City Planner Mo Meehan, and Assistant City Manager Dorrie Dutton described the two sections of the UDO that need to be updated after the Code of Ordinance Amendment for the Right of Way. ***Alderman Mosteller made a motion to forward the proposed amendments to the Planning Board for Consideration. Alderman Carroll seconded. All ayes. Motion carried.***

8. Assistant City Manager Dorrie Dutton explained that she was not going to go through the whole alleyway presentation again but summarized the information. She said that the Staff recommendation was to allow people to use the alleyways, but not for any permanent structures-only for access, or landscaping. The City would retain ownership and be able to access the alleys as needed. There was discussion about requiring surveys from property owners who wish to open the alleyway. ***Alderman Carroll made a motion to approve Staff's recommendation to allow the public to use the alleyways adjacent to their properties, with the caveat that they Use 57 stone and 4 x 4 wooden borders, not to exceed two inches above the plane and a survey must be provided at the time of application. Alderman Mosteller seconded the motion. All ayes. Motion carried.***

9. ***Alderman Davis made a motion that each Board/Committee appointment be done separately for each individual. Mayor Pro-tem Kelley seconded. All ayes. Motion carried.*** Alderman Lai reviewed the applications for the Planning Board. He said that the interview committee was unanimous in their recommendation. Alderman Lai made a motion that Fred Fiss be reappointed to the Planning Board, Chris Jones will become a full ETJ member, and Scott Jones would be the ETJ alternate. Alderman Mosteller seconded. All ayes.

Alderman Mosteller said that three applicants were interviewed for the Forestry Committee. ***She thanked all the applicants, and made the motion to appoint Ms. Roxie Smith, Mr. Gerald Donaldson, and Mr. Mark Gooding. Mayor Pro-tem Kelley seconded the motion. All ayes. Motion carried.***

Alderman Mosteller thanked all the applicants for the Beautification Committee. ***She made a motion to appoint the individuals recommended by the interview committee: Lawrence Ashley, Karen Brennan, Joe Fikentscher, and a new member Ms. Lora McHattie. Alderman Lai seconded. All ayes. Motion carried.***

Alderman Davis said that she serves as the liaison to the Parks and Recreation Committee. ***The interview committee was unanimous on two returning applicants-Stephanie Jackson and Emma Thomas. Alderman Carroll seconded. All ayes. Motion carried.*** Alderman Davis said that the third board position had two recommendations. Keren Boyan and Vickie Potter were the two applicants considered. Ms. Boyan was the only one who could answer all of the questions. ***Alderman Davis made a motion to appoint Keren Boyan. Alderman Carroll seconded. All ayes except for Alderman Spencer. Motion carried.***

Alderman Carroll stated that the Historic Preservation Commission had two vacancies. ***He made a motion to reappoint Bonner Herring and Joann Wesson. Mayor Pro-tem Kelely seconded. All ayes. Motion carried.***

Alderman Spencer said that the Cemetery Committee is made up of many individuals who represent other Boards and Committees. There were two vacancies on the Committee. Mr. Miller has a lot of local knowledge, owns a funeral home and knows many regulations and policies pertaining to maintaining a cemetery. ***Alderman Spencer made the recommendation to appoint Mr. David Miller to the Cemetery Committee. Mayor Pro-tem Kelley seconded.*** Alderman Mosteller mentioned Tom Lombardi and said she had hoped the Board would honor his years of service. Mayor Alt asked if it was fair to say that David Miller has contacts in funeral business and could make recommendations for best practices? Attorney Herman added that it would probably be a benefit to have his expertise. ***All ayes except for Alderman Mosteller. Motion carried.***

11. Alderman Spencer said that he had met with the Cemetery Committee a week ago and they were looking for more direction about what their focus should be. Alderman Mosteller said the committee was formed to protect and maintain the historic character, seasonal flowers, citizen engagement, a review and recommendation of ordinances, grounds maintenance items, identify potential funding, and to work with other City committees to achieve goals. Alderman Spencer said he would have them review the ordinances.

12. Bonnie Therrien said that her contract ends at the end of June, so the Board has to really get moving on the search for a replacement. The Board asked Ms. Therrien to help by advertising along the east coast, and with ICMA. There would be a panel of staff for the interview, an outside panel made up of retired City Managers, and then the Board of Aldermen. ***Alderman Mosteller said that it sounded like Ms. Therrien had a good handle on what we need to move forward, and she wants to empower her to move forward, as she made a motion. Mayor Pro-tem Kelley seconded the motion. All ayes. Motion carried.***

H.) Mayor Alt reminded the Board that the Committee/Board reports are included in the packet.

I.) Manager's Report

Assistant City Manager Dorrie Dutton read some information regarding public utilities and customer billing. She also read through a list of employee anniversaries.

J.) Mayor's Comments

Mayor Alt just stated that they had gotten through a lot of business that evening.

K.) Board Comments

There were no Board comments from Alderman Mosteller or Alderman Carroll. Alderman Davis suggested a lot of Public Relations outreach about the utility billing. Mayor Pro-tem Mosteller suggested that anyone who missed the Public Comment period, they go back and watch Sue Hodgin's comments. She said that the legislation can be extremely detrimental to the City and to the residents of the ETJ. Alderman Spencer mentioned that short-term vacation rentals would now be allowed in the ETJ. He said the legislation was doomed from the beginning, but Mayor Alt did a great job of trying to prevent the legislation's approval. Alderman Lai agreed that it would be wise to pay attention to what Ms. Hodgin said. Alderman Carroll asked Ms. Hodgin to send her comments to the Clerk so they can be included in the minutes. Alderman Davis added that the Board has not been sitting on their hands, they have had many Closed Session meetings, and the Mayor has met with the County Commissioners.

L.) Closed Session

Mayor Alt said he would accept a motion to go into Closed Session per NCGS 143-318.11(a)(3). ***Mayor Pro-tem Kelley made the motion, which was seconded by Alderman Carroll. The Board moved into Closed Session at 9:30 p.m. All ayes.***

M.) A motion was made by Mayor Pro-tem Mosteller to come out of Closed Session, which was seconded by Alderman Lai. The Closed Session was closed at 10:15 p.m. All ayes. Motion carried.

The Regular meeting was resumed. ***Alderman Mosteller made a motion to adjourn the Regular Board meeting at 10:16 p.m. The motion was seconded by Alderman Spencer. All ayes. Motion carried.***

Rich Alt, Mayor
City of Southport

Noah Saldo, City Clerk

Board of Aldermen Minutes
Budget Public Hearing
Community Building, 223 E. Bay St.
June 17, 2024
6:00 P.M.

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

Absent: None

Staff: Manager Bonnie Therrien, Assistant City Manager Dorothy Dutton, ChyAnn Ketchum POI/Communications, Public Services Director Tom Stanley, Fire Chief Charles Drew, Police Chief Todd Coring, Finance Director Lance Flint, Planning Director Mo Meehan, and Parks and Rec. Director Heather Hemphill.

A. Mayor Rich Alt called the meeting to order at 6:00 P.M.

B. Alderman Davis gave the Invocation.

C. Mayor Alt led the Pledge of Allegiance.

D. Approval of Agenda

Alderman Kelley made a Motion to approve the Agenda and second by Alderman Lai. ***Unanimous Vote; Motion Carried.***

E. **Agenda**

1. Utility Merger and Contract with Brunswick County

Manager Therrien gave a brief overview. In summary, all of our Water/Sewer assets, including the $8.2 million Fund Balance, will be turned over to the County in July. For any remaining capital projects, the City will go to the bid stage and advertise, and then the County will award the projects and take ownership of finishing the work. The Local Government Commission did approve of the County taking over our State grants and loans, and the State has also agreed to this.

Motion to approve the Contract Agreement with Brunswick County for the merger of the Water and Sewer Division with the County was made by Alderman Davis and second by Alderman Carroll. ***Unanimous Vote; Motion Carried.***

2. Setting a Date to Adopt the FY 2024-2025 Budget.

The Board unanimously decided to set the date for adopting the FY 24-25 Budget on June 26th at 6:00 p.m. at the Community Building.

3. Proposed FY 2024-2025 Budget

Manager Therrien reviewed the proposed budget and explained that the current tax rate is 0.275 per $100. The proposed budget includes an increase of 6.1 cents in the tax rate, with 1 cent allocated towards capital, 1.3 cents for hiring 3 additional firefighters, and the remaining 3.8 cents used to partially offset the $1.2 million water/sewer gap. Although taxes will increase by 6.1 cents, it's important to note that with the Water/Sewer Merger, water and sewer rates have decreased by an average of $775 per year. This means that taxpayers will still save money with a 6.1 cent tax increase. Manager Therrien mentioned that the rates are higher due to the need to pay for all capital projects ourselves. She also emphasized that the Board has always been aware of the existence of a gap but believes that the benefits outweigh the gap. It was also highlighted that if the merger doesn't occur, rates will go back up. Ms. Therrien thanked Mr. Flint, Ms. Dutton, and all the Department Heads for their hard work in preparing the budget.

F. Public Hearing

Mayor Alt called the hearing to order.

1. Ms. Sue Hodgin expressed gratitude for the opportunity to listen to the details and commended the city staff for their exceptional efforts. She emphasized the need for financial resources to sustain the city's operations and stressed the importance of supporting the proposed budget. She also highlighted the significant contribution of volunteers and suggested collaborating with DSI at a roundtable discussion to address Southport's needs collectively. She noted the Mayor expressed interest in creating a full-time Community Relations position and urged elected officials to consider their stipends. She also criticized negative comments on social media about staff benefits and recommended allocating dedicated resources for a nonprofit to preserve a building and revitalize the partnership with nonprofits.
2. Mr. Devon Varnam from Southport Baptist Church has mentioned that fire inspections, which used to happen every three years, are now taking place annually. The church is being charged an operational fee of $1,958. Every church in Southport falls under the city's fire department, and they feel burdened by excessive fees to support the city's citizens. They believe that if the church were located outside the city limits, they would have to pay fewer fees. The churches in Southport are finding it difficult to afford these additional expenses and are struggling to fulfill their mission. Despite this, they continue to serve the public and urge the city to collaborate with them as they work to support the city and its people.
3. Mr. Paul Gross clarified that his statements are personal and do not represent his former employees. He raised concerns about the impact of certain increases and the effect it will have on vulnerable employees, the need to review fund balance policy, and the responsibility for providing emergency services. He also questioned the use of Southport taxpayer money to compete with private-sector EV charging stations and boat slips, mentioned a $10k donation to the elementary school, and proposed reducing the recommended COLA from 3.5% to 3.3%. Additionally, he highlighted the need for clarity in the police budget regarding vehicle supplies. He raised concerns about the city's neglected infrastructure, suggesting a bond might be necessary in the future. He acknowledged that the Aldermen have difficult decisions to make.
4. Mr. Mike Fawkes, the Chair of the Building and Grounds Department at Southport Baptist Church, was shocked at the amount of the fire inspection fees when he received the bill. He contacted the Fire Chief to seek an explanation and explain the situation. He mentioned that the Church does not have $2,000 in its budget to cover this increase in fees. He pointed out that collections have already called twice for payment. He expressed his disappointment that these financial burdens have to fall on the churches that provide many services to the citizens and the most vulnerable. He also noted that surrounding municipalities do not charge fire inspection fees for churches or rest homes.
5. Ms. Maria Horton expressed gratitude to the Board and Staff for presenting the budget effectively. She raised concerns about high capital costs, noting 87 full-time employees, 18 part-time employees, and three part-time employees serving 4,720 residents. Additionally, she expressed concerns about HB 1064 and the potential impact on the city's jurisdiction. Describing Southport as a welfare-type city, she emphasized the need for a serious examination of the city's financial sustainability and highlighted the challenges of limited development.
6. Mr. David Miller opposes cutting Emergency Medical Services from the budget. He has been a resident of Southport for over 48 years and believes that the city's residents expect a certain level of service. He emphasizes that emergencies occur suddenly, and every minute is crucial in life-or-death situations.
7. Ms. Jeanne Brown-Busch commented that part-time employees should not be unappreciated and replaced by full-time employees, especially in the case of a Community Building Facilitator. She disagrees with hiring a fourth full-time employee to generate more revenue for the Community Building.

8. Mr. Ronald Thompson objected to the City's proposed high inspection fees for churches, believing it's unfair to charge fees to organizations doing charitable work. He emphasized the significance of churches' essential services and suggested the City exempt churches from these fees, urging the Board to support these institutions.
9. Mr. Steven Dosher believes there is too much government intrusion in the city, resulting in excessive fees. He is questioning the allocation of these fees and believes that the city needs to work together more effectively. He also emphasizes that churches play a vital role in the community and should not be burdened with excessive fees that would hinder their ability to support the community's needs.
10. Ms. Bonnie Bray is requesting that the Board adopt incremental tax increases instead of the proposed 6.1 cent increase. She also noted that "Up Your Arts" has fulfilled all the required terms since 2019. The new organization has repeatedly asked to meet with the Board to discuss arrangements. She said the city could work with the group to achieve a common goal. She feels that a year without an increase is manageable.
11. Mr. Adam Steadman suggested hiring a consultant to consolidate positions and expressed the need for further improvements. He also highlighted the need to rescue the Palmetto Palm and offered his contact information for assistance. Additionally, he questioned why more information was not provided by Community Relations on saving the tree, especially given the hiring of an Arborist for $6,000.
12. Ms. Dutton read comments submitted by Mr. Siegried De Smedt, who is concerned about the increase in taxes, and he said that some Board members have noted to expect more increases over the next several years to balance the budget. In his opinion, it is too late to push the reset button and create a balanced budget based on aggressive operating cost reductions, spending more time on repurposing City properties and seeking more input on how to generate increased revenues instead of imposing high tax increases to the citizens.
13. Ms. Pat Kirkman voiced her support for the proposed budget, recognizing the necessity of a 6.1% tax increase this year. She also suggested spreading the entire $1.2M water/sewer balance over three years and expressed appreciation for maintaining Southport's uniqueness and preserving the Old City Courthouse.

There were no further comments. A motion was made by Alderman Carroll to close the Public Hearing and second by Alderman Kelley. ***Unanimous Vote; Motion Carried.***

Mayor Alt provided a summary of the discussions and concerns raised by the citizens. He explained that several issues are still under review and require further questions to be answered. He emphasized that there are no plans to eliminate citizen groups and their participation in events and planning. The discussion regarding the exemption of fire inspection fees for churches and the entire fire fee schedule and process will require further review.

Fire Chief Drew explained that the fire fees were doubled based on square footage during last year's budget process and voted on by the Rate Committee. He mentioned his good relationship with Pastor Varnam and expressed the need for contact information for church inspections at the county. Chief Drew highlighted the need for transparency and responsiveness to concerns and stated that the fees were comparable to statewide standards. He also mentioned the possibility of waiving fees for churches while clarifying that they would still need annual inspections. Additionally, he noted that churches are tax-exempt from the fire fees.

Alderman Davis questioned why churches are classified as commercial buildings. Chief Drew explained that churches need to be inspected for safety because they are used for various activities, such as preschool and community events like Art School Holly Days. The classification is based on guidelines set by the NC State Fire Code, depending on the building's occupancy and use as an assembly, institutional, or educational space.

Alderman Mosteller mentioned that no one had approached her about needing EMS services in the city. She has spoken to many citizens who appreciate the quick response from the City EMS, which has saved lives. It was noted that the County EMS would take longer to arrive in emergencies. She also had some questions about the city's role in mutual aid. Chief Drew explained that if the County doesn't run out of trucks and they need assistance, the City will not send everything to help. The crew will split up so that the City can keep certified ambulances in the City. He said they would send just a QRV for standby. He said there is always a paramedic who remains in the City.

G. Board Comments

Alderman Lai commends the presence of life-saving emergency services in the City. He is grateful for the rapid response of the EMS during a life-threatening situation and emphasizes the importance of quick assistance.

Alderman Spencer stated that the City is currently undergoing a reorganizational phase. During this transition, it is important to do what is right and what is best for the City. He expressed frustration with individuals who do not live in the city or pay city taxes but still try to influence Southport's decisions. Alderman Spencer emphasized the need for tourists and visitors to contribute to the services provided by the City. Additionally, he stressed the importance of treating everyone equally when it comes to fees.

Alderman Kelley mentioned that the board is working hard to meet the city's needs during this transitional period. She pointed out that the ETJ (Extraterritorial Jurisdiction) does not pay ad valorem taxes. She expressed concern about removing it, as it could lead to a significant loss for the city. She urged everyone to contact Senator Rabon to request that the ETJ remain part of the City to protect the corridor from becoming overwhelmed.

Alderman Davis discussed potential ways to raise revenue without increasing taxes. She mentioned the possibility of a meal tax but noted that state permission would be required. The city has already requested permission and is awaiting a response. She also expressed appreciation for the staff and citizen participation.

Alderman Carroll explained that the $10,000 donation to Southport Elementary School comes from ABC revenue. He emphasized the importance of addressing fund depletion promptly. He clarified that while it's nice to receive money-saving recommendations, many expenses are necessary for the City's health and safety services. He also pointed out that misinformation is spreading and clarified the ratio of full-time employees to residents.

Alderman Mosteller revisited the topic of the meal tax and discussed the challenges of generating additional revenue within the limitations of the State Statute. For instance, the City proposed a 2% increase in the occupancy tax, which has been submitted to the legislators along with other requests that could benefit the City's revenue. They are currently awaiting a response. Additionally, she touched upon the Community Building and the Community Relations Department, noting that it essentially sustains itself financially. She emphasized the importance of the community coming together to make decisions about the services and benefits that citizens desire.

There was no further business or discussion. A motion was made by Alderman Mosteller to adjourn and seconded by Alderman Kelley. ***Unanimous Vote; Motion Carried.***

Adjourn—8:43 pm

Richard Alt

Mayor

Noah Saldo

City Clerk

Board of Aldermen Minutes
Budget Meeting
Community Building, 223 E. Bay St.
June 21, 2024
9:00 A.M.

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

Absent: None

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

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

B. Alderman Davis gave the Invocation.

C. Mayor Alt led the Pledge of Allegiance.

D. Approval of Agenda

Mayor Alt requested amending the agenda by moving agenda item four up to number two and adding agenda item five to discuss the Canon Foundation. Aldermen Carroll moved this, and Alderman Lai seconded it. ***Unanimous Vote; Motion Carried.***

E. **Agenda**

1. Center for the Creative Arts in Southport

Mr. Mark Bachara presented plans for the Old City Hall, including a dual-purpose room, kitchen, lounge, coffee shop, and classrooms. The organization seeks funding from the City, considering endowment grants, tax credits, and partnerships. They plan to negotiate a lease agreement or public-private partnership to benefit the city's residents and civic needs. They emphasize the positive impact of arts on physical and mental health and stress that their plans will benefit the city without burdening taxpayers.

The Board discussed whether they would have priority in the "performance room." Mr. Bachara mentioned that this could be negotiated. Alderman Spencer noted that emergency and special meetings occur frequently and sometimes with little notice. Alderman Carroll suggested blocking at least five monthly meetings to make the meeting hall available if needed. The debate is that the board room also hosts events and concerts that generate a lot of revenue, and if the room is not required, then it would be a loss of funds. Alderman Carroll stated that staff has to set up at two locations for board meetings and break down after the meetings. The goal is to find a permanent solution to the location of meetings where audio/video and council chambers are ready and available with minimal setup. Alderman Mosteller proposed the Board to collaborate and brainstorm ways to create use that would benefit both sides. Alderman Lai questioned about how long it would take to renovate the building. Mr. Bachara said it would be a monumental project and it would take a lot of time. Alderman Carroll estimated that even if they had 4 million dollars to start, it would take at least 3-4 years to remedy what's existing and restructure.

Alderman Mosteller proposed arranging a series of meetings with the Creative Arts non-profit Organization once the new City Manager begins their role. The purpose of these meetings would be to generate ideas, work together on establishing a partnership, and gather public input. Seconded by Alderman Lai. Yay: Alderman Mosteller, Carroll, Kelley, and Lai. Nay: Alderman Davis and Spencer. ***4-2 Motion Carried.***

2. FY2024-FY2025 Budget Deliberations

The deliberations began with each board discussing their concerns. Alderman Lai began by questioning the need to hire a full-time person for the Community Building to cover gaps and weekends and whether the use of volunteers was necessary. Community Relations Director Ms. Dail came to the podium and said having volunteers cover the position was not something she was asked to consider. She provided a chart as well as an explanation of how the positions and duties would work. Alderman Davis noted that volunteers are hard to coordinate, and it is difficult to always rely on them.

Ms. Therrien emphasized that final decisions must be made today before being presented to the public. She explained that if we go to the CIP page, we can reduce taxes by a penny and still have enough funds to cover the projects, even after taking out the general fund surplus. There were four bids for the courthouse abatement, which came in lower than expected. However, the HVAC system is completely gone and will need to be entirely replaced. Ms. Therrien suggested it could be reduced to $400K. Mayor Alt mentioned it wouldn't impact taxes even if we went for the $700K. Alderman Carroll disagreed, expressing concerns about significant capital needs. Ms. Therrien pointed out that assigning the capital project funds may be necessary, or the money could go back into the general fund. Mayor Alt expressed that the $700K may be needed to replace the HVAC system.

Alderman Lai asked whether the Community Building needed another full-time employee or if volunteers could fulfill the role. Community Relations Director Allayna Dail mentioned that she had not been asked to consider this option. She provided a chart and explained how the positions and duties would function. Alderman Davis pointed out the challenges of coordinating and relying on volunteers.

Mayor Alt said that there are too many unanswered questions. He said $200K was tossed around a lot on profits from Community Relations, and then there was a figure of $54K. Finance Director Flint noted a $94K profit, but if the two divisions were taken together, there would be a loss of $12,000.

Manager Therrien suggested postponing the decision until the beginning of the year and bringing it back to the Board for further discussion. Alderman Davis motioned to table the decision regarding a new full-time position in the Community Relations Department until January 2025, seconded by Alderman Lai. ***Unanimous Vote; Motion Carried***.

Alderman Lai questioned whether the ETJ was lost and how this would affect staffing. Manager Therrien said that the positions that may be affected have been discussed with the employees in Code Enforcement, Planning, Permitting, and Inspections. Alderman Spencer stated that these positions should remain in place until a final decision is made and then see how things plan out.

Alderman Lai stated that the fund balance contains a substantial amount but questioned whether some could be removed. It was the consensus to leave the fund balance as it is.

Alderman Kelley has raised concerns about the fund balance policy, questioning why we maintain a much higher balance than the policy requires. Manager Therrien explained that according to the Government Finance Officers Association (GFOA), a national policy necessitates having a fund balance policy with a minimum requirement. These funds are only intended for one-time expenses and cannot be used for recurring costs.

Alderman Lai asked if we could cross-train new hires to perform additional duties. Ms. Therrien replied that Chief Drew is already cross-training with Fire and EMS, but this would not resolve the minimum staffing issues. Chief Drew recommends staying with the original hiring of 3 new firefighters and three new EMS. Adleman Lai motioned to take the recommendation of Fire Chief Drew and hire 3 EMTS and 3 Firefighters. Second by Alderman Spencer. ***Unanimous Vote; Motion Carried.***

There was a discussion on MERIT Pay/COLA policies and processes. Some guidelines and options are needed. The consensus was to work with the new City Manager to create better guidelines.

Alderman Kelley motioned to lower COLA to 3.2%, which was seconded by Alderman Davis.

Alderman Carroll said that there were no funds in the budget for the job study, merits, or colas.

Alderman Carroll motioned to leave Merit and COLA for employees as is currently written in the budget, which Alderman Lai seconded. Yay: Alderman Lai and Carroll. Nay: Alderman Kelley and Davis. ***Motion Carried 3-2.***

Alderman Lai was excused from the meeting due to a prior engagement.

Alderman Davis questioned how many new vehicles would be added. Mr. Flint said that no vehicles were planned for purchase in 2025. She questioned if the staff was driving vehicles home and what the justification for doing so would be. Mayor Alt said that the Fire and Police Chief do take city vehicles home for quick responses.

In discussing new positions, Alderman Spencer would like to freeze all new hires. Alderman Mosteller said that a Planning Director is very important and desperately needed. Mayor Alt suggested keeping the positions as they are now and letting the new City Manager determine what positions are needed and what are not. HR Director Fortuna said the Director of Development Services, City Clerk, and Custodian positions are still posted and budgeted for.

Alderman Carroll proposed that the Director of Development Services, City Clerk, and Custodian positions remain in the budget, allowing the new City Manager to decide which positions to fill. Second by Alderman Mosteller. Yay: Alderman Carroll, Mosteller, and Kelley. Nay: Alderman Spencer and Davis. ***Motion carried 3-2.***

Discussion on the Code Enforcement Officers. One is a part-time contracted Code Officer, and the other is a full-time city employee. A motion was made by Alderman Mosteller to keep both positions. Alderman Carroll seconded. Yay: Alderman Carroll and Mosteller. Nay: Alderman Spencer, Kelley, and Davis. ***Motion failed 3-2.***

Alderman Davis proposed to retain the contracted Code Enforcement Officer as a full-time position and to reduce the full-time Code Enforcement employee through a Reduction in Force (RIF). Second by Alderman Kelley, Yay; Alderman Davis and Kelley. Nay: Alderman Mosteller, Carroll, and Spencer***. Motion Failed 2-3.***

Alderman Spencer moved to keep both positions for Code Enforcement, seconded by Alderman Carroll. Yay, Alderman Spencer, Carroll, and Mosteller. Nay; Alderman Davis and Kelley. ***Motion Carried 3-2.***

Discussion about the Senior Center on Fodale Ave: Alderman Davis believes that having two senior centers in the city is unnecessary. Ms. Hemphill mentioned that the total cost for operations is $9,000 and suggested increasing fees. She also expressed uncertainty about whether the Brunswick County Senior Center intends to stay at its current location. Following the discussion, ***Alderman Davis made a motion to eliminate the senior programs and demolish the building, but the motion failed due to lack of a second.***

Alderman Davis would like to use $75,000 to improve the City Gym interior. Alderman Davis made a motion to take $75.000 from the Capital Fund for interior repairs for the City Gym. Second by Aldermen Kelley. Yay, Alderman Davis and Kelley. Nay: Alderman Mosteller, Carroll, and Spencer. ***Motion failed 2-3***

Manager Therrien questioned whether the Board had decided to eliminate one cent from the budget that would go towards the Capital Fund.

Alderman Davis motioned to reduce one cent that was for the Capital Fund and reduce the General Fund surplus. ***Unanimous Vote; Motion Carried.***

Discussion on the EV Charging Stations. Alderman Davis said that there are private companies that handle this specifically. Alderman Davis motioned to remove the EV Charging Stations from the Electrical Fund. Second by Alderman Kelley. ***Unanimous Vote; Motion Carried.***

A Motion was made by Alderman Mosteller to enter into a Closed Session and second by Alderman Kelley. ***Unanimous Vote; Motion Carried —11:31 A.M.***

Closed Session NCGS 143-318.11 (a)(3)

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

A motion was made by Alderman Kelley to return to the open session, and a second was made by Alderman Spencer. ***Unanimous Vote; Motion Carried. — 11:56 P.M.***

Recess for 30 minutes.

3. Filming Fees in Southport

Ms. Dail presented the fee changes per the Rate Committee. There were some questions and concerns about the filming license fees, and Alderman Kelley would like to see comparisons to other comparable cities like Carolina Beach. The consensus was to discuss them at another meeting. Alderman Kelley motioned to schedule a workshop with the business owners to add input and discuss the rates for filming**.** Second by Alderman Spencer. ***Unanimous Vote; Motion Carried.***

Alderman Kelley motioned to update the filming fees to the projected fees on the schedule as presented. Second by Alderman Mosteller. ***Unanimous Vote; Motion Carried.***

4. A Motion was made by Alderman Mosteller to set a date for the Discussion about the Inclusive Playground for June 26, 2024. Second by Alderman Spencer. ***Unanimous Vote; Motion Carried.***

5. Canon Foundation

Mayor Alt provided a brief explanation, mentioning that there had been discussions about applying for funding from the Canon Foundation for the Weather Tower Project. The City applied for the Canon Foundation grant but unfortunately did not receive the grant. However, there are currently $5,000 in discretionary funds. The Administrator working with Southport has allocated $5,000 to the project.

A Motion was made by Alderman Kelley to move forward with the Canon Foundation application to receive the $5,000 discretionary funds for the Southport Weather Tower Project. Second By Alderman Mosteller, ***Unanimous Vote; Motion Carried.***

F. Mayor's Comments/ Board Comments

The Mayor and the Board expressed their appreciation for the hard work the City Manager and staff put into the FY 24-25 Budget. They were grateful for the public's input and are committed to transparency and fiscal responsibility.

There was no further discussion; Alderman Kelley made a motion to adjourn, which was seconded by Alderman Mosteller. ***Unanimous Vote; Motion Carried. Adjourn —12:55 p.m.***

Richard Alt
Mayor

Noah Saldo

City Clerk

Board of Aldermen Minutes
FY 2024-2025 Budget Adoption
Community Building, 223 E. Bay St.
June 26, 2024
6:00 P.M.

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

Absent: None

Staff: Manager Bonnie Therrien, Assistant City Manager Dorothy Dutton, ChyAnn Ketchum POI/Communications, Public Services Director Tom Stanley, Fire Chief Charles Drew, Police Chief Todd Coring, Finance Director Lance Flint, Planning Director Mo Meehan, and Parks and Rec. Director Heather Hemphill.

A. Mayor Rich Alt called the meeting to order at 6:00 P.M.

B. Alderman Davis gave the Invocation.

C. Mayor Alt led the Pledge of Allegiance.

D. Approval of Agenda

Alderman Davis moved to approve the agenda with the amendment to include agenda item 3 for a vote on the Motor Vehicle Tax, which was seconded by Alderman Kelley. ***Unanimous Vote; Motion Carried.***

E. **Agenda**

1) Discussion and Adoption of the FY 2024-2025 Budget and Budget Ordinance

Alderman Davis moved to amend the FY 2024-2025 Budget Ordinance to reduce the tax rate to 3.5 cents by removing $145,000 from the fund balance and adding it to revenues. Second by Alderman Kelley.

Alderman Carroll feels that this is just kicking the can down the road. He recommended Alderman Spencer's recommendation to use $200,000 of the 1.2M of the funds and then have a smaller tax increase over the next 6 years. Alderman Davis disagreed and said this is like a savings account, and the funds have not been appropriated. Finance Director Flint stated that using $145,000 would bring it down to roughly 81%. Alderman Davis emphasized the necessity of maintaining a fund balance of 55% to cover operating expenses for 5-6 months in emergency situations. She explained that it serves as a cushion and does not affect the capital improvement plan. However, Alderman Carroll disagreed, claiming it involves using one-time money for ongoing expenses. Alderman Kelley holds a different perspective and considers it a one-time use. She said placing trust in the City Manager's ability to guide with efficiencies moving forward.

Alderman Mosteller emphasized that we are talking about $25 per year per house on a house value of around $225,000. While this amount can greatly impact what we can achieve in the city, it is relatively minimal for property owners. She urged the board to consider the surplus amount that remains after satisfying current needs or uses. She emphasized that we do not currently have a surplus and we need to prioritize the general fund. Alderman Mosteller also stressed that it is not the right time to use our reserves. While she appreciates Lowe's efforts to reduce taxes for individuals, she supports keeping the proposed plan in place.

Alderman Davis mentioned that there are residents in town who would never be able to afford to buy their homes again due to property value increases. These residents now face higher property taxes, which may seem insignificant to some but is a significant burden for others. Additionally, the town is preparing to impose a vehicle tax on them.

Alderman Kelley reiterated that we have a new City Manager starting, someone we trust to lead our City going forward. With this new perspective, we hope to consolidate and reduce expenses.

Alderman Lai carefully reviewed the numbers multiple times. He feels it may just be postponing dealing with the issues now. We have a new City Manager starting soon, so hopefully, they will see some opportunities for change.

Alderman Mosteller acknowledged that this is a transition year, and we expected to face these challenges. Alderman Spencer's suggestion to stretch the funds was a great one.

Alderman Spencer noted that we immediately passed the utility savings to the customers. While we still have needs to address, there is a net benefit in that. There's also a benefit to giving the utilities to the County, although it's not a quick fix. Things are moving fast. Not only are we losing our utilities, but we are likely losing our ETJ as well. This means we won't have as much revenue or expenses.

No further discussion. Motion restated: ***Alderman Davis moved to amend the FY 2024-2025 Budget Ordinance to reduce the tax rate to 3.5 cents by removing $145,000 from the fund balance and adding it to revenues. Second by Alderman Kelley. Aye, Alderman Davis, Kelley, and Lai. Nay: Alderman Mosteller, Carroll, and Spencer. Motion tied 3-3. Mayor Alt broke the tie with an Aye (in favor of the motion.) Motion Carried 4-3.***

Alderman Carroll motioned to amend the 2024-2025 Fiscal Budget, stating that the usual $10,000 donation given to Southport Elementary School should be redirected to the Southport Elementary PTA. Second by Alderman Kelley. ***Unanimous Vote; Motion Carried.***

Alderman Carroll briefly explained the decision to redirect the donated funds from ABC revenues to the PTA. It was recently discovered that the funds donated to Southport Elementary School were being handled by the County, and it is uncertain where those funds ended up. By donating directly to the PTA, we can ensure that the funds remain within Southport Elementary School.

Alderman Davis moved to adopt the amended FY 2024-2025 Budget Ordinance, which Alderman Lai seconded.

Alderman Kelley stated that she believes other items in this budget could have been cut, based on our inquiries, but were not. She thinks these items should be reconsidered for next year. "It is the citizens' money, not our money," she emphasized.

All ayes. Motion carried.

2) <u>Set the Date for the Inclusive Playground Public Meeting/Hearing</u>

Alderman Carroll moved to withdraw and terminate any grant applications or funding that identify Taylor Field as a site for the installation of an Inclusive Playground, with the understanding that going forward, the Board and Staff will work with regional partners, sister communities, and the public to build an inclusive playground. It was seconded by Alderman Lai.

Alderman Davis mentioned that the public has expressed concerns about the location of the inclusive playground. She emphasized the need for more information, including whether the county would be a more suitable location and whether they are open to the idea. She also pointed out that while people from all over the county support the concept, they feel a different location would be more appropriate.

Alderman Carroll clarified that his motion was to "delay the process and not decide on the exact location of the park until further review and discussion." Alderman Mosteller said that the new City Manager will start on July 2nd, and she would like to work with him on making a plan that includes public meetings with the regional partners and sister communities for the Inclusive Playground.

Ms. Therrien requested clarification on the motion to retract the state grant and return the ElectriCities grant, as well as donations received from banks and other companies. She believes it is only fair to inform them of the situation. In addition, she mentioned that the Lions Club has an event scheduled in August, with all proceeds intended to be donated to the Inclusive Playground. Ms. Therrien inquired whether the Board intends to direct them to donate to something else. Mayor Alt responded by stating that he would discuss the situation with the Lions Club. He suggested allowing them to choose whether to donate regardless and hold the funds in a separate account or to redirect their donation.

Aye: Alderman Carroll, Mosteller, Davis, Kelley, and Lai. Nay: Alderman Spencer. Motion Carried 5-1.

3) <u>Motor Vehicle Tax</u>

Alderman Kelly motioned that the collection of municipal vehicle tax of $30 per vehicle tax hereby approved that the Manager/ City Clerk direct the North Carolina Department of Revenue to collect this tax on vehicles registered within the city limits of Southport and to remit the collected revenue to the city. Second by Alderman Spencer. Unanimous Vote; Motion Carried.

F. Mayor's Comments

Mayor Alt confirmed that the North Carolina legislation has passed, removing the ETJ from Southport. He emphasized the importance of moving forward. Mayor Alt also acknowledged Ms. Therrien's final meeting as the City Manager and commended her for her guidance and accomplishments in leading the city.

G. Board Comments

Alderman Mosteller expressed dismay at the City's loss of the ETJ and the impact it will have on the City's advisory boards, zoning regulations, permits, and safeguards of the City's ordinance for protection. She emphasized her disappointment with the decision.

Alderman Carroll thanked Ms. Therrien for her service to the City and expressed his commitment to advocating for the Inclusive Playground. He believes in the project and the staff who have dedicated a significant amount of time and effort to grant applications and design. He assured that even after a decision is made, the Board will persist in finding the best solutions for the playground.

Alderman Davis agreed that everyone likes the concept of the All-Inclusive Playground. She said she continues to discuss the options toward the best location for it. She thanked Ms. Therrien for her leadership, patience, and knowledge.

Alderman Kelly thanked Ms. Therrien for her support and guidance, especially in assisting and sharing knowledge as a new Board Member. Ms. Kelly also reminded everyone that the Fourth of July Festival Activities will begin this weekend.

Alderman Spencer mentioned that the city will be experiencing significant changes now that the water and sewer merger with the county has been completed. He also brought attention to the implications of the loss of the ETJ. He believes that many people understand that taxes will need to be raised to support the necessary level of services and resources that the city will require.

Alderman Lai thanked Ms. Therrien for all of her work and encouragement. He expressed his concern for the loss of the ETJ and how this will affect the City. He stated that everyone wants an All-Inclusive Playground. However, there needs to be a thorough discussion on where the park should be located. He said that if Taylor Field seems to be the best location, then that is where it should be.

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

A motion to enter into a Closed Session was made by Alderman Mosteller and second by Alderman Kelley. ***Unanimous Vote; Motion Carried. —6:44 p.m.***

A motion to return to Open Session was made by Alderman Mosteller and second by Alderman Carroll. ***Unanimous Vote; Motion Carried. —7:19 p.m.***

A motion was made to Adjourn by Alderman Carroll and second by Alderman Mosteller. ***Unanimous Vote; Motion Carried.***

Adjourned—7:19 p.m.

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Richard Alt
Mayor

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Noah Saldo
City Clerk

Board of Aldermen Minutes
Community Building, 223 E. Bay St.
July 11, 2024
6:00 P.M.

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

Absent: None

Staff: Bonnie Therrien, Manager Stuart Turille, Jr., Assistant City Manager/Clerk Dorothy Dutton, ChyAnn Ketchum POI/Communications, Public Services Director Tom Stanley, Fire Chief Charles Drew, Police Chief Todd Coring, Finance Director Lance Flint, City Attorney Brady Herman, Planning Director Mo Meehan, Parks and Rec. Director Heather Hemphill, City Engineer Bob Jarvis

A. Mayor Rich Alt called the meeting to order at 6:00 P.M.

B. Reverend Taylor Mills from Trinity United Methodist Church gave the Invocation.

C. Mayor Alt led the Pledge of Allegiance.

D. Administering the Oath of Office to Mr. Stuart Turille, Jr., City Manager, by Mayor Alt.

E. **~~Special Recognition~~**

Brunswick High School Softball Team Special Recognition was postponed until further notice.

F. **Presentation**

Duke Energy Presentation by Ms. Pam Hardy.

G. **Public Comment**

1) Randy Jones, 701 N. Howe St., President of the 2024 North Carolina Fourth of July Festival, along with Lucinda Arnold, Senior Vice Chair, who will be the 2025 President, expressed gratitude to the City of Southport as the presenting sponsor. Mr. Jones said the festival could not have been done without their support and thanked the Department Heads, Staff, and volunteers for making it a great success.

2) Dina Rousset, 1116 Spincast Rd., the Preserve in Fisher Landing HOA, requested the Board's help regarding sidewalk and landscape improvements. She asked the Board to formally notify the developer of default on a $66,000 bond. Ms. Rousset also requested the City to manage sidewalk construction and take over the Development's Streets. If the bond's requirements for the sidewalks are not fulfilled, they requested the City to forgo the sidewalks and still accept the streets.

3) Penelope North, residing at 411 Trout Lily Lane, is concerned about the clear-cutting in Southport. She has observed numerous lots that have been cleared and would like clarification on how this has occurred. She is worried about Phase 2 of her development in the Cottages at Prices Creek and is concerned about the excessive amount of tree removal and how this will affect her property.

4) John Dicks, who lives at 1151 Spincast Rd. in Fisher Landing, has been a resident of this development since 2022. He is concerned about the cost of installing the sidewalks and the burden being put on the community's residents. He urged the Board to take action on the developer and to follow through on the $66,000 bond.

5) Lora Sharkey, 432 Cades Trail, is against leasing Old City Hall/Courthouse to a non-profit or for any use other than a functional government facility. She mentioned the need for a Comprehensive Plan for all City Properties. Lora suggested that if the City is no longer interested in repairing and using it for the functioning of Government Services such as Police, Board Chambers, Offices, etc., then the Board should consider selling it and purchasing properties that can be used exclusively for Municipal purposes.

6) Cynthia Sinsay, a resident of the Preserve at Fisher Landing, has gathered 63 signatures from 47 homes in opposition to the installation of sidewalks. Her main concern is the potential damage to her landscaping if the sidewalks are installed. She is puzzled about issuing the Certificate of Occupancy before everything, including the sidewalks, was completed. Cynthia feels that the developers were not transparent and questions how this could have happened with the City supposedly issuing permits and doing inspections before the house was deemed final.

7) Kim Moss, of 1057 Downrigger at Fisher Landing, is concerned about the expense and construction of the sidewalks, which she was never told were required. She mentioned that many residents were unaware that sidewalks were part of the community plan. Everyone has already completed stormwater, irrigation, and landscaping. She kindly requested that the city waive the requirement for sidewalks and accept the streets in Fisher Landing instead.

8) Jim Connell, who lives at 1016 Downrigger Trail, expressed his concerns about the situation in Fisher Landing. He believes that the residents have been misled. According to him, the driveways are very small, and even small cars barely fit in without the bumper sticking out. He is worried that sidewalks will further encroach into the driveway space. Additionally, he feels that the sidewalks are entirely unnecessary. Jim requests the Board not to impose the expense of sidewalks on the citizens, as the community does not want them, and the developer never informed anyone about their installation.

9) Sue Hodgin of 608 Cottage Point Way, a resident of Southport, stated that her comments are her own and do not represent any official board, commission, or committee. She expressed her concerns about HB 911, a local bill that was ratified in late June without any documented City public education efforts, community meetings or solicitation of citizenry involvement. Ms. Hodgin suggested that the City's letter regarding the legislation should have been published on the City website for transparency. She also questioned why only the Mayor, and not the entire Board of Aldermen, was published to have been involved in any compromise offered, since they are tasked with voting in decisions or actions for the City. She called for transparency from elected officials and requested the release of Closed Session minutes related to the bill. She mentioned a petition still underway to repeal the bill and stated that noble as its intent is, her firm belief is that it won't happen, with many municipalities involved in the bill. Ms. Hodgin proposed that the City staff collaborate with County Planning staff to find the best possible solution and avoid further division both in the city and with County and State officials.

10) David Geary, residing at 1125 Spincast Rd., stated that the sidewalks in the Preserve at Fisher Landing will not affect him because they won't be on his side of the street. His concern is the 5ft width of the sidewalks, as ADA compliance guidelines specify a minimum width of 3ft. He requested the Board to consider constructing the sidewalks with a width of 3ft while still ensuring ADA compliance.

11) Ginny Prunty of 5906 Dutchman Creek Rd. reported that the County board had sent a letter to the General Assembly requesting the ability to preserve heritage trees and prohibit clear-cutting on parcels larger than 25 acres. However, no action has been taken in either house. Representative Charlie Miller mentioned that the issue is under consideration. Ginny emphasized that bills are being passed rapidly and urged the Board of Aldermen to remain engaged and vigilant in encouraging the County Commissioners to pressure the State Representatives.

12) Frank Boate, who lives at 1033 Downrigger, submitted comments that Ms. Dutton read. He shared his concerns about the installation of sidewalks in the neighborhood. He was unaware of the plans and worried about safety and economics. He has requested the City to take responsibility for the sidewalk project and the roads within the Preserve at Fisher Landing.

13) Nick Catrambone of 1005 Downrigger submitted comments that Ms. Dutton read. He has requested that the City enforce the rules and regulations established for developers and builders to build and develop the community, specifically regarding the installation of sidewalks. He believes the City should ensure that the sidewalks are installed without any financial impact on the residents.

Alderman Mosteller motioned to close Public Comment, which Alderman Kelley seconded. ***Unanimous Vote; Motion Carried.***

H. Approval of Agenda

Alderman Mosteller made a motion to approve the agenda, seconded by Alderman Kelley. ***Unanimous Vote; Motion Carried.***

I. Approval of the Consent Agenda

Alderman Mosteller motioned to approve the Consent Agenda and schedule all three Public Hearings on the Consent Agenda for August 8th, which was seconded by Alderman Kelley. ***Unanimous Vote; Motion Carried.***

1. Minutes of the Special Budget Workshop Meeting May 14, 2024
2. Minutes of the Special Budget Workshop Meeting May 17, 2024
3. Minutes of the Regular Board of Aldermen Meeting June 5, 2024
4. Minutes of the Closed Session Meeting June 5, 2024 (sealed envelope)
5. Minutes of the Special Budget Meeting June 5, 2024
6. Minutes of the Special Budget Workshop Meeting June 6, 2024
7. Set a Public Hearing: Section 3.19 Signs
8. Set a Public Hearing: Section 3.17 Landscaping and Buffers and Section 3.14 Parking
9. Set a Public Hearing: Section 4.14.C. Amount of Land Dedication-Open Space Calculation.

J. Agenda

1. Cemetery Committee Updates (Larry Ashley, Cemetery Committee Chair)

Mr. Larry Ashley, Chairman of the Cemetery Committee, presented the committee's recent activities and objectives. The committee is currently updating the Cemetery Ordinance and records to confirm the locations of all Veterans' graves. They have also sought legal clarification from the City Attorney regarding the legalities of individual gravesites. Safety hazards at The Smithville Cemetery, including old fencing, copings, galvanized piping, and potentially hazardous trees, were brought to attention. Mr. Ashley also proposed updating the signage identifying Veterans and suggested the potential expansion of Northwoods, including the introduction of cremation lots or columbariums.

The Committee discussed the revision of the Cemetery Ordinance, including updating regulations, records, fees, and surveys. Furthermore, they are considering amending the Cemetery Ordinance to allow for the appointment of replacement members when positions become vacant.

Alderman Mosteller praised the Committee for their work on the "Cemetery Ordinance" and recommended continuing the effort. She also suggested incorporating the Mission Statement and discussing signage with Ms. Dail and the Historic Preservation Commission. Alderman Kelley noted the importance of being careful when dealing with gravesites to avoid offending and suggested marking veterans' graves with coins. Mayor Alt voiced support for preserving and protecting the cemeteries.

2. Adoption of the Capital Improvement Plan and Project Updates. (Bob Jarvis)

City Engineer Mr. Bob Jarvis gave an overview of the Plan. He explained that the City is in its second year of preparing for a six-year Capital Improvement Program (CIP). The CIP includes project summaries with descriptions, estimated costs, financing methods, and implementation schedules. Staff meetings have been held to ensure an accurate reflection of capital needs. The board is being asked to formally adopt the CIP to demonstrate the city's commitment to responsibly preserving its capital assets and facilitating grant funding and bond rating. It's important to note that adopting the CIP does not mean approving future spending, but it provides a guide for future projects and spending, helping with annual budget planning and long-term financing needs. He stated that a CIP helps with grant funding and bonding.

Alderman Mosteller motioned to adopt the FY 2025-2030 Capital Improvement Plan but to remove the All-Inclusive Playground Project. Alderman Davis seconded.

Alderman Kelley inquired about the projects' prioritization. Mr. Jarvis responded that the departments have only identified the projects and not prioritized them. Mayor Alt mentioned that there have been discussions with the City Manager about organizing workshops for the Board to prioritize the projects. He also stated that he would work on scheduling the workshops and provide the dates at the next meeting. ***Unanimous Vote; Motion Carried.***

Project Updates

Mr. Jarvis stated that the board receives a monthly project report, which is also updated and included on the website every month. He provided a list of some of the projects and offered an overview. He said the projects are overseen and managed by the department heads and other staff. Mr. Jarvis then listed the projects and provided an overview of each one.

Ms. Therrien provided an update on the Weather Tower Project, stating that $77,200 is still needed, with $70,070 already raised. City Manager Turille will collaborate with County Managers to discuss the All-Inclusive Playground. The Steering Committee reviewed the Comprehensive Master Plan draft vision statements, and the Parking Study draft report will be addressed in August. Other topics included FEMA reimbursements, stormwater mapping, Franklin Square Park, and the Underground Electric Project. Mr. Turille will conduct weekly project meetings and set up project timelines.

3. Shoreline Stabilization Project Proposal (Bob Jarvis)

Mr. Jarvis gave an overview of the project's progress. Developing a project phasing scheme is necessary due to the current amount of funding available for the design, permitting, and construction of the proposed improvements. Funding for the project was provided through a $5M grant from the State Emergency Response and Disaster Relief Fund that will expire on June 30, 2026.

Olsen Associates has prepared Task Order 04 for the next phase, which includes providing engineering and environmental permitting services to help the City obtain state and federal environmental permits for shoreline restoration and stabilization. Specific tasks involve developing design plans and documentation, submitting the permit application, conducting biological assessments, analyzing sand fill samples, and addressing regulatory agency comments.

According to the scope of work, Alderman Mosteller pointed out that the preferred plan requires private property owners along the project shoreline to sign easements with the City. These easements indicate their agreement with the public activity within their riparian area. The City needs these easements in place before applying for the CAMA major permit. If the easements are not secured, the project plan will have to be modified accordingly. She mentioned the need to contact property owners promptly to collaborate on implementing the best design for a successful outcome.

Alderman Mosteller made a motion to authorize Olsen Associates' Task 04 to continue work on design development, coordination, and permitting for the Shoreline Stabilization Project. Alderman Kelley seconded the motion. ***Unanimous Vote; Motion Carried.***

4. The Preserve at Fisher Landing: Sidewalks (Mo Meehan)

Ms. Meehan gave an overview of the topic. The Preserve at Fisher Landing is a cluster subdivision consisting of 48 single-family lots on 15 acres. When the subdivision was approved, the UDO required infrastructure to be installed or performance bonds to be submitted before recording a final plat. The developer submitted a performance guarantee equal to $66,412.50 for the sidewalks. Building permits were issued in 2020 without the sidewalks being installed as the houses were being built.

In April 2023, Michael House from Cape Fear Engineering requested the release of landscaping bonds to the developer, Hoosier Daddy, LLC, along with the outstanding sidewalk improvements. Former Development Services Director Travis Henley approved the release of the landscape bond, and the HOA is willing to install the sidewalks. The cost estimate for sidewalk installation is now $87,600. The City needs to decide whether to leave the installation to the HOA, release payments to the HOA as they complete the sidewalks, or have the City cover the remaining costs.

Alderman Davis inquired whether the City or the HOA could file a lawsuit against the Developer. Attorney Herman explained that according to the documents, the City holds the Developer responsible. Still, there is a dispute between the Builder and the Developer regarding the responsibility for the sidewalks. Alderman Davis asked if the City could claim the bond to fund the sidewalk construction, which would cost $25,000 to $30,000, and whether the City could sue for those funds. Mr. Herman clarified that the City could sue for the difference in court but noted that even if the City won, there's no guarantee that the money would be recovered through a court judgment. He advised considering the attorney fees and the challenge of finding assets to recover the $25,000 to $30,000.

Alderman Mosteller is seeking clarification on the bond. If it's called, will the funds be distributed incrementally, and does the City just give the HOA the money, or does the City manage it? Mr. Herman mentioned the need to finalize details after securing the funds. Public bidding requirements may apply if the City plans to involve the HOA and use public funds with a third party. He stated that this is achievable, but we need to finalize the agreement between the City, HOA, and a potential construction company.

Alderman Carroll moved to proceed with option #2, which calls the bond and releases payments to the HOA as they complete the sidewalks. Second by Alderman Kelley.

Mr. Herman interjected and recommended that the motion be contingent on the city receiving the actual money from the bond.

Alderman Carroll amended the motion to proceed with calling the bond and releasing the payment to the HOA as they complete the sidewalks, with the HOA being responsible for the difference. However, this is dependent on the city receiving the money from the bond. Alderman Kelley seconded the motion.

Alderman Mosteller questioned whether the homeowners association (HOA) would be responsible for the actual construction of the sidewalks but received no response. Mayor Alt called for a vote. ***Unanimous Vote; Motion Carried.***

Alderman Davis commented that this problem keeps happening and that more developments are coming. She requested a workshop to discuss how to prevent it from occurring again. Alderman Mosteller suggested having the city attorney look into some alternatives. Mr. Herman mentioned that the city does not have a performance guarantee and frequently sees this situation happening. He said he would be happy to explore best practices to avoid the problem before plat approval.

5. Real Estate Company (Alderman Davis and Alderman Carroll)

Alderman Davis explained that in the past, the Board of Aldermen requested that a Request for Qualifications (RFQ) be published to determine if hiring a realtor to represent the City when researching, purchasing, or selling real estate is feasible. She said one proposal was received. The Board decided to wait until a new City Manager is hired so that they can receive input from Mr. Turille on whether this is needed or not. If the decision is to proceed, the Board will reissue the Request for Proposal. She stated that the Board did not want to select anyone with any interests in conflict. She asked that this be something to consider.

Alderman Carroll believed that it would be appropriate at this time to submit another Request for Qualifications (RFQ). He recommended advertising for the RFQ in New Hanover County and for a realtor specializing in Commercial Real Estate.

Alderman Carroll motioned to advise the City Manager to reissue a Request for Qualifications (RFQ) for the engagement of a real estate professional specializing in commercial real estate within the New Hanover County market. Second by Alderman Lai. Aye: Alderman Carroll, Mosteller, Davis, Kelley, and Lai. Nay: Alderman Spencer. ***5-1 Motion Carried.***

K. Committee Reports in Agenda Packets

L. Manager's Report

Mr. Turille expressed his gratitude for the successful Fourth of July celebrations. He provided an update on the All-Inclusive Playground, mentioning a meeting with the County Manager to explore establishing a regional All-Inclusive Park on County property. They plan to meet with other area managers to reach a collective agreement. This discussion took place alongside a public workshop. Mr. Turille is organizing the first meeting with the area managers, noting the county manager's openness to the concept.

He is working on transferring administrative rules and plans to the County Planning Department, aiming to harmonize zoning rules with Southport's zoning. He plans to conduct a fiscal impact analysis, and there will be two upcoming public meetings on July 25th and August 12th.

Mr. Turille provided an update on the renovation of the Old City Courthouse. He has received quotes for the environmental review and plans to meet with the Arts Council to discuss future plans for the building. After the budget is adopted, he will kickstart the projects and work on the Creek Water Management policy and signage. He intends to present a recommendation to the Board in August.

He plans to conduct a strategic needs assessment focusing on addressing items within a 45 to 60-day timeframe. Progress has been made on job vacancies, with interviews conducted for the Development Services Director and Clerk positions. Mr. Turille emphasized the importance of filling these positions and expressed interest in scheduling a board retreat to work on visions, goals, and strategies, with the intention of inviting the Department Heads to participate.

M. Mayor's Comments

Mayor Alt announced that golf cart registration began on June 26th, and the current stickers expire on July 31st. The Police Department will provide inspections and issue new stickers at the summer market until August 7th. The new registration fee is $50.

Regarding the 9th St. and 11th St. culverts, a representative observed that the 9th St. culvert is too small, with concerns that it could wash out and potentially cause the road to collapse. The state is now involved and will decide whether to install a larger culvert or multiple culverts.

N. Board Comments

Alderman Lai indicated that despite completing a challenging budget and making significant progress, this was just the beginning. There are many important tasks ahead, and the Board will be very busy.

Alderman Spencer raised concerns about a scheduling conflict for an upcoming public meeting due to several members attending a conference. Mayor Alt will discuss this with the City Manager. Alderman Spencer also questioned a regulation regarding building a storage unit, expressing disagreement and requesting a review by the Staff. He also mentioned interest in reviewing accessory dwelling restrictions for affordable housing options in Southport.

Alderman Kelley suggested scheduling City Planning Board Meetings on different days than County Planning Board Meetings to allow everyone to attend both meetings. She emphasized the importance of staying informed by attending both the County Commissioners Meeting and the County Planning Board Meeting. Additionally, she expressed pride in the successful 4th of July festival and encouraged support for the talented youth baseball teams from Southport and the County.

Alderman Davis reminded everyone about the upcoming community meetings regarding the future use of Franklin Square Park on July 17th and July 27th. She also mentioned the 102- and 97-year-old veterans in the 4th of July parade and requested feedback on the festival for a future Aldermen Agenda.

Alderman Carroll expressed gratitude for participating remotely and deemed the meeting successful. He thanked the City Staff, Volunteers, and the NC 4th of July Festival Committee, highlighting this year's event as the best in 47 years.

Alderman Mosteller agreed that the 4th of July Festival was fantastic, especially when riding on the float with the volunteers.

O. Closed Session

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

Alderman Mosteller moved to enter closed session, seconded by Alderman Spencer. **Unanimous Vote; Motion Carried. —8:56 p.m.**

Alderman Spencer moved to return to open session and adjourn, second by Alderman Kelley. **Unanimous Vote; Motion Carried.**

P. Adjourn—9:39 p.m.

____

Richard Alt

Mayor

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Noah Saldo

City Clerk

BOARD OF ALDERMEN
AGENDA ITEM SUMMARY

DATE: 08/20/2024 **DEPARTMENT: Development Services**

PRESENTED BY: Maureen Meehan, City Planner

ITEM SPONSORED BY: Planning Board and Development Services

ITEM/TOPIC: Call a Public Hearing for a Unified Development Ordinance Amendment to Section 3.19 Signs. This is a comprehensive update of Section 3.19.

COST: N/A **BUDGET LINE ITEM: N/A**

JUSTIFICATION: After an applicant-initiated text amendment to the sign ordinance, the Planning Board requested a review committee to work with Staff to update Section 3.19 Signs of the UDO. The updates incorporate the desire of the Planning Board to initiate cohesive character throughout the city. After several months of research and deliberation, the Planning Board recommends approval of the amendments to the Board of Aldermen. A duly advertised public hearing must be held prior to the Board of Aldermen deciding on the proposed amendment.

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

DEPARTMENT HEAD COMMENTS: Staff support the proposed amendments to the sign ordinance. The attached proposed Unified Development Ordinance Amendment has been reviewed by staff for consistency with the land use plan.

CITY MANAGER COMMENTS:

ATTACHMENTS: N/A

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

PROPOSED MOTION: Motion to call a public hearing on September 12, 2024 for an Amendment to Section 3.19 of the Unified Development Ordinance.

BOARD OF ALDERMEN
AGENDA ITEM SUMMARY

DATE: 08/20/2024 **DEPARTMENT: Development Services**

PRESENTED BY: Maureen Meehan, City Planner

ITEM SPONSORED BY: Planning Board and Development Services

ITEM/TOPIC: Call a Public Hearing for a Unified Development Ordinance Amendment to Section 3.19.C.18 Political Signs. This is an update to only the political sign portion to Section 3.19.

COST: N/A **BUDGET LINE ITEM: N/A**

JUSTIFICATION: This text amendment is in response to the need to update the political signs portion of the UDO prior to the election season. The current language could violate the *Reed v. Gilbert* supreme court case by regulating signs based on the content of the message – the political candidate. The Planning Board recommends approval of the amendment to the Board of Aldermen. A duly advertised public hearing must be held prior to the Board of Aldermen deciding on the proposed amendment.

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

DEPARTMENT HEAD COMMENTS: Staff support the proposed amendments to the sign ordinance. The attached proposed Unified Development Ordinance Amendment has been reviewed by staff for consistency with the land use plan.

CITY MANAGER COMMENTS:

ATTACHMENTS: N/A

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

PROPOSED MOTION: Motion to call a public hearing on September 12, 2024 for an Amendment to Section 3.19.C.18 of the Unified Development Ordinance.

MEMORANDUM
To: Mayor Rich Alt and Members of the Board of Aldermen
From: Maureen Meehan, City Planner
Re: Open Space Text Amendment – Section 4.14 Recreation and Open Space
Date: August 8, 2024

Background

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

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

NOW

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

R-10 Zoning

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

R-20 Zoning

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

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

Attachments
Draft Language

4.14 RECREATION AND OPEN SPACE

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

B. EXCLUSIVE PURPOSE OF LAND

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

C. AMOUNT OF LAND DEDICATED

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

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

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

AMENDMENT: **ZTA-24-03 4.14. Recreation and Open Space**

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Board of Aldermen hereby **adopt** the proposed text amendment of the Unified Development Ordinance and finds that it is consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with **Policy 2.21**: Southport supports the protection and preservation of its environmentally sensitive areas and fragile areas and **Policy 7.22:** The City shall continually maintain all official planning documents.

The statement and motion was seconded and passed __________.

________________________________ ________________________________

Noah Saldo, City Clerk Richard Alt, Mayor

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

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

AMENDMENT: **ZTA-24-03 4.14. Recreation and Open Space**

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Board of Aldermen hereby **deny** the proposed text amendment of the Unified Development Ordinance and finds that it is inconsistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen.

The statement and motion was seconded and passed __________.

______________________________ ______________________________

Noah Saldo, City Clerk Richard Alt, Mayor

MEMORANDUM

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

From: Maureen Meehan, City Planner

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

Date: August 8, 2024

Background

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

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

Planning Board Recommendation

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

Attachments

Draft Language

3.17 LANDSCAPING AND BUFFERS

A. PURPOSE

1. The governing body and advisory boards of the City of Southport recognize the importance of the contribution made to the community by the abundance of native trees and vegetation. It is this vegetation that gives the city an aesthetic appeal that contributes to its growth and economic prosperity. As economic growth occurs, the removal of this valued vegetation sometimes results, contributing to a depletion of a most valuable resource. The city feels it is necessary to both conserve and restore those valuable assets and declares the objective of this section to be as follows:
    - a) To provide visual and spatial buffering between adjoining and competing uses;
    - b) To enhance the beautification of the city;
    - c) To enhance property values and protect public and private investment;
    - d) To provide a habitat for living things that might not otherwise occur in an urban environment; and
    - e) To ensure that planting areas are distributed within developing sites in a manner which will provide shade, buffer noise, and filter glare.

B. APPLICABILITY

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

C. GENERAL PROVISIONS

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

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

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

4. Up to 15% of the area to be landscaped may be covered with surfaces specifically intended to afford intensive use and enjoyment by employees or the public (such as sidewalks, walking paths, bench and table pads, etc.).

5. It is encouraged that stormwater management systems be integrated into landscaping areas.

6. Prior to the issuance of a certificate of occupancy, the property owner shall submit a final planting plan to the UDO Administrator demonstrating compliance with this ordinance.

D. LANDSCAPING ON PUBLIC PROPERTY
~~It shall be unlawful for any person to place or cause to be placed on any public street, road, alley, sidewalk, or other public right-of-way within the city any wall, fence, gate, brick, stone, wood, rock, vegetation, or other structure, material, or substance above the horizontal plane of the existing ground.~~

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

E. PLANTING MATERIAL SIZE AND SPECIES

1. Where the provisions of this section apply, the plant lists in Tables 3.5 through 3.7 shall be utilized for the selection of required landscape material.

2. The minimum height and diameter at breast height (DBH = 4.5 feet above ground) at planting for the following planting categories/list shall be as follows:
   a) Canopy Trees. At the time of planting, the tree shall have a minimum three (3) inch DBH with a height of eight (8) to 10 feet. Canopy trees shall be of a species having an average minimum height of 30 feet and a minimum mature crown spread of 20 feet.

   b) Understory Trees. At the time of planting, the tree shall have a minimum two (2) inch DBH. Understory trees shall be of a species having an average minimum height of 10 feet and a minimum mature crown spread of 12 feet.

   c) Shrubs. Shrubs shall have a minimum mature height of 24 inches and a minimum planting height of 18 inches.

3.14 Parking

A. General

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

B. Parking Lot Design

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

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

Table 3.3: Parking Lot Dimensional Requirements

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

C. Minimum Off-Street parking Requirements

1. The number of exclusive off-street residential parking spaces required by this section shall be provided on the same lot with the principal use, unless otherwise permitted by this ordinance, and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum.

2. In residentially zoned areas without off-street parking requirements, property owners shall be permitted to improve up to two (2) parking spaces within the right-of-way in front of their property. Dimensional standards of these parking spaces shall follow the provisions for driveways as described in the Unified Development Ordinance (Section 3.12.B.1).

   a. Surfacing materials for these parking spaces shall be limited to one of the following: turf grass, brick, pavers, number 57 stone with wood borders no more than 2 inches above grade, or concrete. Allowable impervious surfacing materials (brick, pavers, or concrete) may only be used in an area that is a minimum of 50 feet from a City Tree. ~~Parking spaces constructed by a property owner within right-of-way shall remain open for public parking and shall not be reserved for the property whose owner constructed the spaces.~~

   b. Such parking shall require the review and written approval of the Development Services Director, Public Services Director, and Fire Marshal. The City reserves the right to remove these parking areas for any reason in accordance with Section 16-10. Parking services existing prior to the adoption date of this ordinance shall be permitted to remain so long as the encroachments do not create a hazardous condition or safety hazard to the public.

   c. Vegetation or other protective measures shall be permitted to be placed within ten (10) feet of the base of a City Tree by a neighboring property owner, or by the City, for the purpose of limiting damage to the tree by nearby parked vehicles. Such action shall require review and written approval by the Development Services Director, the Public Services Director, and the Fire Marshal.

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

5. Fractional space requirements shall be rounded up to the next whole space.

D. Minimum Off-Street Parking Ratios

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

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

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

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

AMENDMENT: **ZTA 24-02 – Section 3.17.D Landscaping on Public Property and Section 3.14.C.2.Minimum Off-Street Parking Requirements**

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Board of Aldermen hereby **adopt** the proposed text amendment of the Unified Development Ordinance and finds that it is consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with **Policy 7.22:** The City shall continually maintain all official planning documents.

The statement and motion was seconded and passed __________.

Noah Saldo, City Clerk

Richard Alt, Mayor

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

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

AMENDMENT: **ZTA 24-02 – Section 3.17.D Landscaping on Public Property and Section 3.14.C.2.Minimum Off-Street Parking Requirements**

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Board of Aldermen hereby **deny** the proposed text amendment of the Unified Development Ordinance and finds that it is inconsistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen.

The statement and motion was seconded and passed __________.

______________________________ ______________________________

Noah Saldo, City Clerk Richard Alt, Mayor

BOARD OF ALDERMEN
AGENDA ITEM SUMMARY

DATE: August 8, 2024 **DEPARTMENT:** Administration and Development Services

PRESENTED BY: Stuart Turille, Jr City Manager, and Mo Meehan, City Planner

ITEM SPONSORED BY: Administration

ITEM/TOPIC: The effects of losing the ETJ.

COST: n/a **BUDGET LINE ITEM:** n/a

JUSTIFICATION: HB911 was passed in June 2024, removing Southport's zoning authority over the extra-territorial jurisdiction. Since then, staff has been trying to capture the fiscal impacts on each department. The good news is that the impacts will mainly be felt in just one department—Development Services. Fortunately, after reviewing the data regarding revenues, and the number of inspections completed, it seems the impacts will be minimal. In the last fiscal year, ETJ inspections were approximately 9 % of the total number of inspections. Since July 2023, the City collects on average $50,000 a year in revenue from ETJ projects. The loss of revenue will likely be absorbed by other projects and infill/redevelopment. Additionally, with direction from the Board, right-of-way enforcement will be a large undertaking and will necessitate Code Enforcement staffing.

The only other department that will be impacted is the Fire Department because of a reduction in fire inspection revenue of approximately $10,000. However, the Fire Department will still be doing plan reviews for the ETJ area.

Losing jurisdiction of the ETJ area appears to have a small fiscal impact. All the revenue generated by Permitting and Inspections is used to operate the department. Even with the loss of $50,000 in revenue, the department is self-sufficient. City staff doesn't recommend changing staffing levels at this point.

Most of the impacts will be felt in other ways when the County completes its zoning assignments to the ETJ area and other developments/projects occur without the City's review.

IMPACT IF NOT APPROVED: n/a

DEPARTMENT HEAD COMMENTS:

CITY MANAGER COMMENTS: The fiscal impact of the ETJ loss must not be considered for this year alone, but looking forward to future years. There remain significant projects, ROW enforcement, urban infill to keep current staff working. We will continue to monitor this long-term as we see what projects emerge.

ATTACHMENTS: 1.) Possible Outcomes summary page

REQUESTED ACTION: Discussion only.

PROPOSED MOTION: Discussion and/or direction only.

BOARD OF ALDERMEN
AGENDA ITEM SUMMARY

DATE: 8/8/2024 **DEPARTMENT:** Administration

PRESENTED BY: Mo Meehan, City Planner

ITEM SPONSORED BY: Board of Aldermen

ITEM/TOPIC: Discussion of tree clearing for the Waters Subdivision (formerly Oakton)

COST: n/a **BUDGET LINE ITEM:** n/a

JUSTIFICATION: Several people have expressed concern about the "clearing" of the property being developed as the Oakton Subdivision. The complete application was submitted prior to the adoption of the current tree preservation ordinance. By law, if an application is submitted prior to the adoption of an ordinance, the applicant can develop the project under either ordinance.

While it appears that most of the trees have been removed from the property, there are still trees around the periphery. Additionally, mitigation is still required and will be planted before any final approvals are made. Since approval, the subdivision name has been changed to the Waters.

Staff will give a brief presentation at the meeting on Tuesday, August 20, 2024. Given the short notice, we were not able to include it in the packet.

IMPACT IF NOT APPROVED: n/a

DEPARTMENT HEAD COMMENTS: n/a

CITY MANAGER COMMENTS: Developers are often insensitive to the needs of the community, developing plans in locations far removed from Southport. But we must follow the law. The newer tree preservation ordinance will enable us to correct for this.

ATTACHMENTS: 1.) Copy of the tree plan and mitigation plan

REQUESTED ACTION: Discussion only.

PROPOSED MOTION: Discussion only.

STAFF REPORT FOR OAKTON
MAJOR SUBDIVISION
PRELIMINARY PLAT APPLICATION

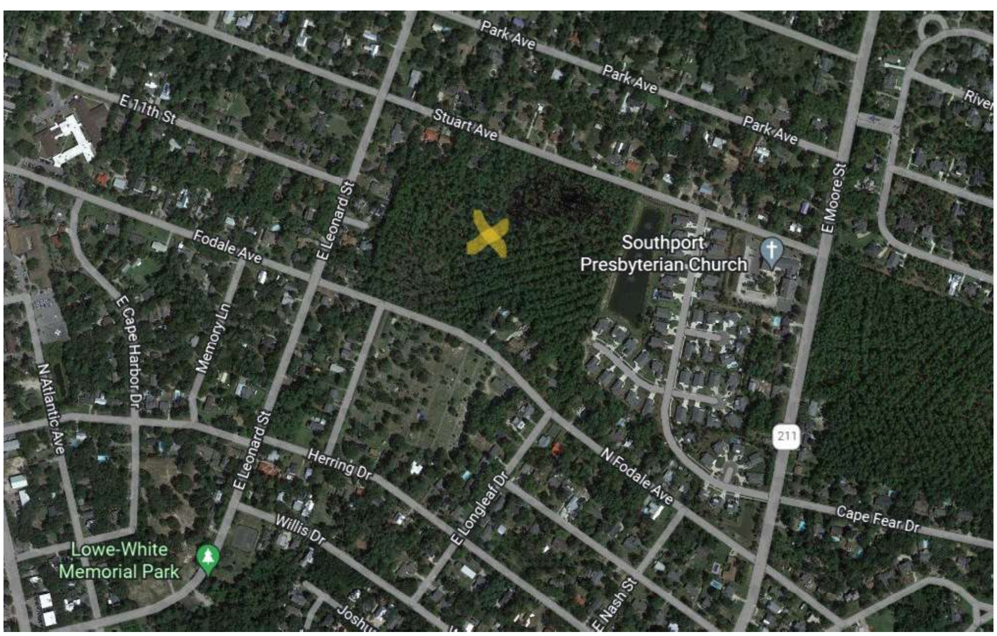
APPLICATION SUMMARY	
Presentation Date	June 8, 2023 Board of Aldermen
Applicant	Greg Wayne, Hanover Design Group
Property Owner	Stanley Martin Homes
Parcel ID:	238AC002
Project Acreage	20.51 acres
Parcel Acreage	20.51 acres
Zoning District	R-10

PRELIMNARY PLAT OVERVIEW

Greg Wayne, on behalf of Stanley Martin Homes, is seeking approval of Oakton Subdivision Preliminary Plat consisting of 42 single family home lots.

LOCATION

The subject property is located between Fodale Avenue and Stuart Avenue and is adjacent to the Hammocks subdivision. The property is located within the incorporated city limits and can be further identified by parcel number 238C002.



REVIEW PROCESS

A major subdivision preliminary plat review provides analysis and coordination of a proposed subdivision with the local UDO, transportation facilities, and utility availability. Per Section 2.8.E of the City of Southport Unified Development Ordinance, the Board of Aldermen shall approve, conditionally approve, or disapprove the preliminary plat. If the plat is disapproved, the reasons shall be set forth in writing and refer specifically to those parts of the ordinance or other land development ordinances with which the plat does not comply.

A Preliminary Plat approval conveys the authority to begin construction of infrastructure associated with the proposed subdivision, including such items as roadways, water and sewer utilities, sidewalks, etc. It does not convey any authority to construct dwellings or any other buildings. Upon completion of the installation of infrastructure, the applicant shall submit a Final Plat application. The review of the Final Plat includes site inspections by various City staff to determine if infrastructure has been installed in accordance with the Preliminary Plat. Upon a positive determination from those inspections, the Final Plat shall be considered by the Board of Aldermen. Upon approval by the Board of Aldermen, the Final Plat shall be recorded with the Brunswick County Register of Deeds, and such will convey the authority to begin to obtain building permits for structures.

The approval of the Final Plat is not an acceptance of infrastructure by the City of Southport. That process, for infrastructure such as roadways and water and sewer lines, occurs as a separate process to also be approved by the Board of Aldermen upon a determination that said infrastructure remains in accordance with any applicable standards put forth by the City.

PRELIMINARY PLAT PROPOSAL

This project was first introduced as a sketch plan at the July 15, 2021 Planning Board Meeting. The applicant submitted a preliminary plat application that was presented at the November 17, 2022 planning board meeting and gained a recommendation of approval at their March 16, 2023 meeting.

Dimensional Requirements

The subject property is zoned R-10. Per Section 3.9 there is a minimum lot size of 10,000 square feet and minimum lot width of 75’. Setbacks and building height shall be reviewed further at the time building permits are reviewed.

Section 4.7.D lists the Required Improvements for Subdivisions. The following discussions will outline how the applicant has met the eight (8) requirements, including other provisions necessary for approval found in the UDO.

Transportation and Streets

Access to the site includes 1, one-way entrance from Stuart Avenue, 2, two-way entrances from Fodale Avenue and connection with the Hammocks Subdivision via Sand

Dollar Lane. These entrances meet the street connectivity requirements. All streets will be dedicated public rights of way and constructed to meet Section 4.8

Lighting
Per section 4.9, the applicant is required to install street lighting with underground distribution along all proposed streets. Such street lighting is compliant and has been labeled on the site plan.

Street Name Signs, and Cluster Mailboxes
Street signs, both traffic-control and name signs will be installed by the applicant and conform to all sign regulations as outlined in Section 4.10. The newly designed entrance to the subdivision on Stuart Avenue will include one-way signs and a no right turn sign will be installed on Sand Dollar Way facing Oakton Drive.

The required cluster mailbox kiosk has been identified on the site plan on Lot CA-2 on Rosin Drive.

Pedestrian Facilities
Per Section 4.11 sidewalks are required on at least 1 side of the street for all major subdivisions. The applicant has provided 5' sidewalks on both sides of each street and exceeds this requirement.

Water Supply and Sewage Disposal Systems
Section 4.12 – The property is located within the incorporated city limits. The city will provide both water and sewer to this subdivision.

Erosion and Sedimentation, Drainage Control Facilities, and Stormwater
A stormwater retention pond, which will collect all onsite stormwater is proposed and meets the requirements of Section 4.13. The city's engineer has reviewed and confirmed the storm calculations for capacity limits. Any permits from NC Department of Environmental Quality shall be obtained prior to commencing construction.

Recreation and Open Space
The applicant has provided 2.97 acres of open space, excluding wetlands. This exceeds the 2% open space/lot requirement of .84 acres, found in Section 4.14.C. Further, a walking trail has been proposed around the 2.58-acre stormwater retention pond.

Landscaping and Buffers
Section 3.17.B applies to new construction non-residential, multi-family uses, or changes in uses that would result in the addition of 10 or more parking spots. Therefore, no landscape or buffer yards are required for this proposal.

Tree Protection and Landscape Preservation
The applicant has provided a tree removal plan (Section 3.18.F) along with a landscape plan (sheets L1.0 and L0.1) showing required mitigation onsite (Section 3.18.H). The tree removal plan outlines both the infrastructure, drainage, and utilities impact zone and lot

grading and drainage zone. Within the infrastructure, drainage, and utilities zone only live oaks 8” and greater are required to be mitigated. There will be 3 live oak trees over 8” removed from this construction zone requiring 58” of mitigation. The lot grading mitigation requires the same number of inches removed to be replaced on site. Removal with mitigation of 2,912” are required and shown on sheet L0.1.

Mitigation will include native species found on Tables 3.5 and 3.6 of the UDO. The landscape plan will be updated to remove the Allee Elm street trees and add another species to meet Section 3.18.H.1.g.

Signage
Approval of a preliminary plat does not include sign permit approval. All future signs associated with the project shall require separate review and approval by Planning Staff based on conformance with Section 3.19 of the City of Southport Unified Development Ordinance.

PLANNING BOARD REVIEW

A review committee, whose members included Vice-Chair Will Hewitt, Chris Jones, and Dick Sloan, was formed to review the proposed subdivision preliminary plat.

The committee met with the applicant at a duly advertised meeting on January 11, 2023. After a review of the subdivision requirements and design features, discussion focused on 2 main topics, access to the subdivision, especially from Stuart Avenue and stormwater capacity/flooding issues in the neighborhood. It was requested that the entrance to Stuart be considered as either a walking/multi-use trail entrance or one way entrance into the subdivision, alignment of Oakton Drive and Mitchell Street on Fodale Avenue, and for 100-year storm event discharge control design calculations be checked to show capacity of the proposed stormwater retention pond.

The applicant agreed to adjust the site plan and provide stormwater calculations for a 100yr/24 hr storm event. A new site plan with a one-way entrance from Stuart Avenue and alignment to Mitchell Street was submitted as well as the requested pond capacity calculations.

The city’s engineer, Bob Jarvis, reviewed the 100-year stormwater calculations and determined that it appears that the pond functions without topping. It is noted that detailed utility plans may be submitted after site plan or preliminary plat approval and must be approved by the City’s Public Works Department prior to construction of improvements or the issuance of building permits or approval of final plat.

A final duly advertised committee meeting was held on March 7, 2023 to review the new submittal for the Oakton preliminary plat. A representative for the applicant met with the committee and staff to review the site plan and stormwater calculations. After discussions of the one-way entrance and capacity of the proposed stormwater pond, it was the recommendation of the committee to forward the preliminary plat to the full Planning Board for approval.

The Planning Board at their regularly scheduled monthly meeting on March 16, 2023 made a recommendation to the Board of Alderman for approval of the Major Subdivision Preliminary known as Oakton Subdivision with the condition that the non-native Allee Elm understory street trees listed on the landscape plans be updated to a species found on Table 2.6 of the UDO.

Attachments:

- Preliminary Plat Application
- Preliminary Plat Submittal dated 2-14-23
- Stormwater Calculations

Subdivision Application

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461
www.southportnc.org

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

FEE: $ 5,200.00

Subdivision Type: R-10 (CONVENTIONAL) **Permit #:** ____________

Applicant's Name: GREG A. WAYNE

Mailing Address: 1123 FLORAL PARKWAY **City:** WILMINGTON

State: N.C. **Zip Code:** 28403

Phone: 910-343-8002 **Email:** GWAYNE@HDSILM.COM

Location of the property to be subdivided: STURART AVENUE

Parcel Number: 238AC002

Overall Acreage: 20.53 **Number of lots:** 42

Surveyor: GREG A. WAYNE, PLS **License #:** L-2876

Mailing Address: 1123 FLORAL PARKWAY **City:** WILMINGTON

State: N.C. **Zip Code:** 28403

Phone: 910-343-8002 **Email:** GWAYNE@HDSILM.COM

Subdivision Fees as of July 1, 2018	
Minor Subdivision: 1-2 lots	$300.00
Minor Subdivision: 3-7 lots	$300.00 + $50/lot
Creation of Lots (Heirs)	$100.00
Subdivision Exception	$200.00
Major Subdivision	$1,000 + $100/lot
Master Plan Approval (PUD)	$1,000 + $100/acre
PUD Special Use/Land Use Plan	$2,000.00
PUD Modification (Minor)	$500.00
PUD Modification (Major)	$1,000.00

Signature (Owner or Authorized Applicant) — Date: 8-11-21

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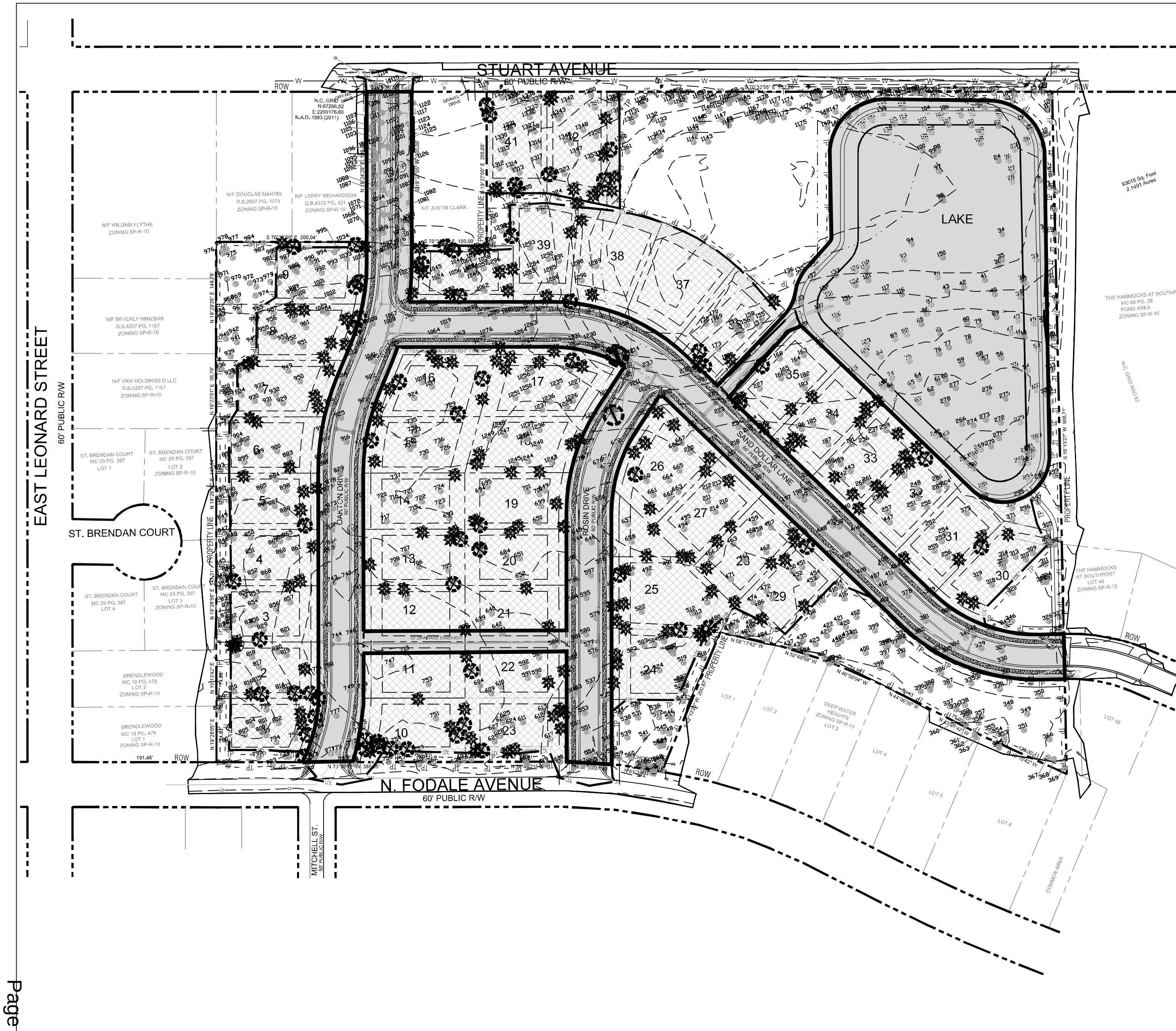
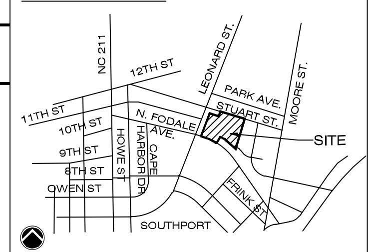


VICINITY MAP



NOT TO SCALE

LANDSCAPE REQUIREMENTS

TREE REMOVAL ZONE FOR INFRASTRUCTURE, DRAINAGE, AND UTILITIES IMPACT

MITIGATION REQUIREMENTS FOR REMOVED REGULATED LIVE OAK TREES 8" OR GREATER WITHIN INFRASTRUCTURE AND DRAINAGE AREAS.

QUANTITY	SIZE	COMMON NAME
1	14"	LIVE OAK
1	14/14"	LIVE OAK
1	16"	LIVE OAK
3	**58"**	

TOTAL CALIBER INCHES REQUIRED FOR MITIGATION = 58" CAL. INCHES

TREE REMOVAL ZONE FOR LOT GRADING AND DRAINAGE

MITIGATION REQUIREMENTS FOR REMOVED REGULATED OAKS / HARDWOODS 8" OR GREATER AND 12" OR GREATER CONIFERS TREES, LOCATED OUTSIDE OF BUILDING ENVELOPE.

QUANTITY	SIZE	COMMON NAME
1	10"	HARDWOOD
1	15"	HARDWOOD
34	12"	PINE
31	13"	PINE
33	14"	PINE
29	15"	PINE
15	16"	PINE
12	17"	PINE
3	18"	PINE
1	19"	PINE
3	20"	PINE
1	16.5"	PINE
1	24"	PINE
20	8"	OAK
9	9"	OAK
7	10"	OAK
8	11"	OAK
2	13"	OAK
1	14"	OAK
1	9/8"	OAK
1	10/12"	OAK
1	25"	LIVE OAK
215	**2,853.5"**	

TOTAL CALIBER INCHES REQUIRED FOR MITIGATION = 2,853.5" CAL. INCHES

OVERALL TOTAL CALIBER INCHES REQUIRED FOR MITIGATION = 2,912" CAL. INCHES

SYMBOL LEGEND

- PROPERTY LINE
- RIGHT OF WAY
- LIMITS OF DISTURBANCE
- WETLAND BOUNDARY LINE
- INTERIOR PROPERTIES
- SETBACKS
- ADJACENT PROPERTIES
- TREE PROTECTION
- EXISTING LIVE OAK TO BE REMOVED WITHIN R.O.W.
- EXISTING HARDWOOD 8" OR GREATER TO BE REMOVED
- EXISTING CONIFER 12" OR GREATER TO BE REMOVED

NORTH

SCALE: 1" = 60'
0 60 120 180 feet

MIHALY
LAND DESIGN
PLANNING + LANDSCAPE ARCHITECTURE
330 MILITARY CUTOFF RD., Suite A3
Wilmington, NC 28405 910.392.4335

Revisions
2023-02-14: REVISED PER CITY OF SOUTHPORT COMMENTS

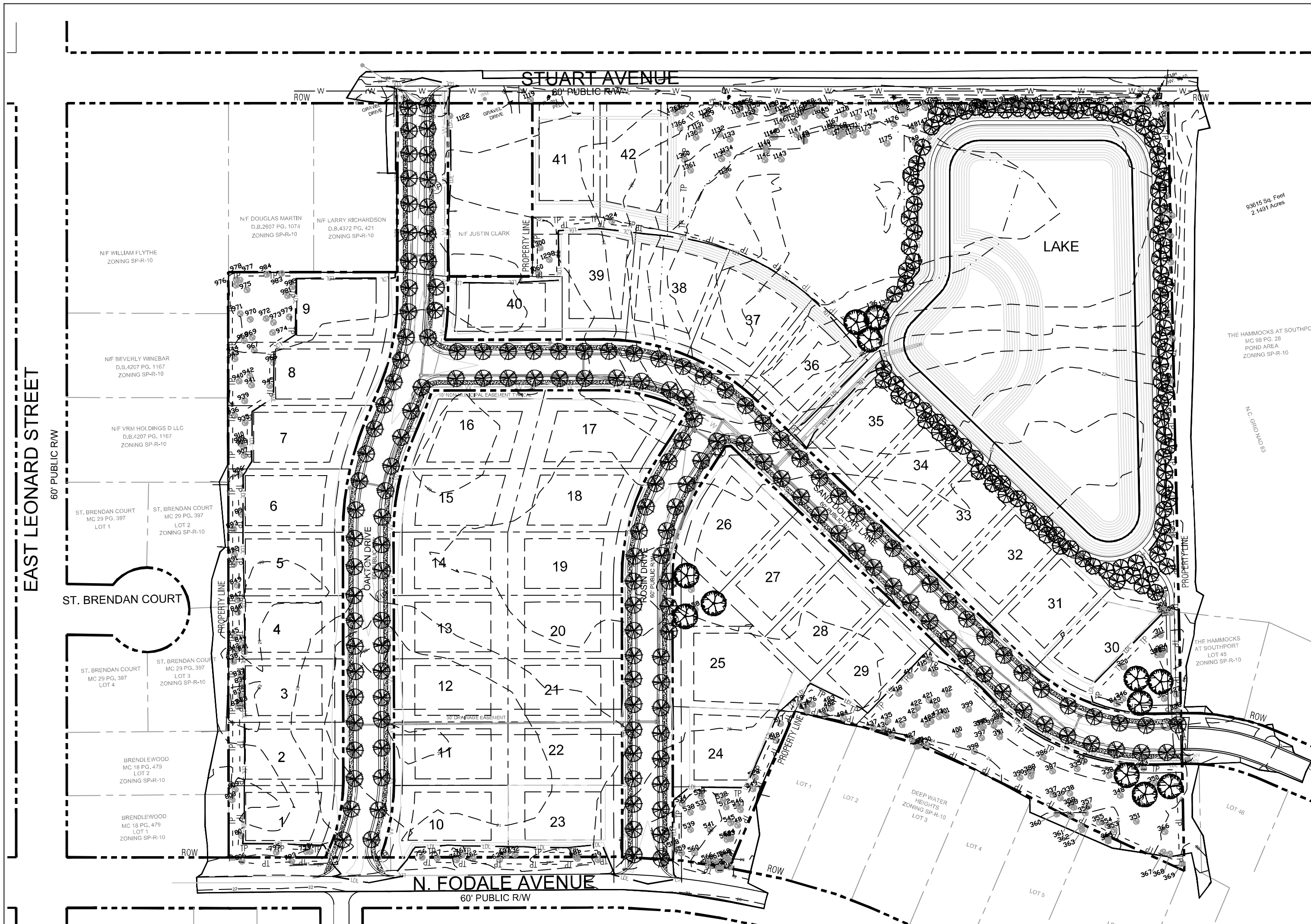
CLIENT
STANLEY MARTIN HOMES
13310 SOUTH RIDGE DRIVE, SUITE A
CHARLOTTE, NC

PROJECT
OAKTON
SOUTHPORT
BRUNSWICK COUNTY, NC

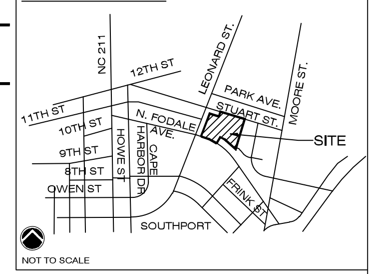
Date:	2022-07-14
Phase:	
Job Number:	101-890
Designed by:	MLD
Drawn by:	RJB
Checked by:	JWM

Sheet Title:
TREE REMOVAL PLAN

Sheet Number:
L1.0
of 2 sheets



VICINITY MAP



LANDSCAPE REQUIREMENTS

TREE MITIGATION REQUIREMENTS

TOTAL CALIBER INCHES REQUIRED FOR MITIGATION = 2,912" CAL. INCHES

REQUIRED	TREE PLANTED & CALIBER SIZE	TOTAL CALIBER INCHES
MITIGATION FOR LIVE OAK TREES: 58" CAL. INCHES	(12) 5" CAL. LIVE OAK TREES	60" CAL. INCHES
MITIGATION FOR REGULATED OAKS/ HARDWOODS 8" OR GREATER AND CONIFERS 12" OR GREATER: 2,853.5" CAL. INCHES	(420) 4" CAL. LOBLOLLY PINES (10) LOBLOLLY PINES PLANTED PER LOT)	1,680" CAL. INCHES
	(159) 5" CAL. STREET TREES (ALLEE ELM AND NUTTALL OAK MIX)	795" CAL. INCHES
	(100) 4" CAL. MITIGATION TREES (LAUREL OAK, BALD CYPRESS, AND LOBLOLLY PINE MIX)	400" CAL. INCHES

TOTAL CALIBER INCHES PLANTED TO MEET MITIGATION = 2,935" CAL. INCHES

MITIGATION PLANT SCHEDULE

	MITIGATION TREES @ 4" CAL. TAXODIUM DISTICHUM - BALD CYPRESS QUERCUS LAURIFOLIA - LAUREL OAK PINUS TAEDA - LOBLOLLY PINE	100 (400" CAL. INCHES)
	MITIGATION LIVE OAK TREES @ 5" CAL QUERCUS VIRGINIANA - LIVE OAK	12 (60" CAL. INCHES)
	MITIGATION STREET TREE @ 5" CAL ULMUS P. 'EMER II' - ALLEE ELM QUERCUS NUTTALLI - NUTTALL OAK	159 (795" CAL. INCHES)

SYMBOL LEGEND

PROPERTY LINE
10' UTILITY EASEMENT
RIGHT OF WAY
WETLAND BOUNDARY LINE
INTERIOR PROPERTIES
ADJACENT PROPERTIES
— TP — — TP — — TP — — TP — — TREE PROTECTION

NORTH

0 60 120 180 feet
SCALE: 1" = 60'

MIHALY
LAND DESIGN
PLANNING + LANDSCAPE ARCHITECTURE
330 MILITARY CUTOFF RD., Suite A3
Wilmington, NC 28405 910.392.4355

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT JOSHUA W. MIHALY

Revisions
2023-02-14: REVISED PER CITY OF SOUTHPORT COMMENTS

CLIENT
STANLEY MARTIN HOMES
13310 SOUTH RIDGE DRIVE, SUITE A
CHARLOTTE, NC

PROJECT
OAKTON
SOUTHPORT
BRUNSWICK COUNTY, NC

Date: 2022-07-14
Phase:
Job Number: 101-890

Designed by: MLD
Drawn by: RJB
Checked by: JWM

Sheet Title:
TREE MITIGATION PLAN

Sheet Number:
L0.1
of 2 sheets

BOARD OF ALDERMEN
AGENDA ITEM SUMMARY

DATE: 8/8/2024 **DEPARTMENT: Development Services**

PRESENTED BY: Mo Meehan, City Planner

ITEM SPONSORED BY: Alderman Davis

ITEM/TOPIC: Special Use Permit-Bed and Breakfasts and Special Events

COST: n/a **BUDGET LINE ITEM:** n/a

JUSTIFICATION: At the recent Board of Adjustment meeting, there was a Special Use Permit request to open a Bed and Breakfast in an existing house and allow it to also be used as a venue. The Board of Adjustment approved the Bed and Breakfast but asked the applicants to bring the venue use back for an additional Special Use Permit separately. Alderman Davis asked Staff to speak about how we can regulate these types of operations from being used as special event venues with alcohol sales and live entertainment.

One option is for the City to sponsor a text amendment to add more supplemental standards to the Special Use Permit, either by adding conditions to the venue accessory use at a Bed and Breakfast or eliminating it altogether. Staff will research some possible language and have it ready for the meeting on Tuesday, August 20th.

IMPACT IF NOT APPROVED: Bed and Breakfast establishments could use their home/business as a venue.

DEPARTMENT HEAD COMMENTS: Board decision.

CITY MANAGER COMMENTS: there is always a balance between owner's rights to property use and respect for the neighborhood folks who live here year round.

ATTACHMENTS: 1.) Existing standards for bed and breakfasts.

REQUESTED ACTION: Discussion and direction.

PROPOSED MOTION: Discussion and direction.

C. BED AND BREAKFAST

Where permitted, the following shall apply:

1. Sanitation. Compliance with rules governing the sanitation of bed and breakfast homes, section 2200 of the North Carolina Administrative Code, Title 10, Department of Human Resources.
2. Management Plan. The application for a bed and breakfast home should include a management plan.
3. An on-site manager shall be required to have permanent residence at any permitted bed and breakfast establishment.

D. BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED

Where permitted, the following shall apply:

1. The Board of Adjustment must find that the proposed use will be similar in character and intensity to other permitted or conditional uses provided for within the district in which it is proposed. Such determination shall be noted as a finding of fact and shall be included in the record of the final disposition of the application.
2. Any proposed outdoor operations, inventory display and/or storage must be specifically approved by the Board of Adjustment who may establish any additional conditions as may be determined necessary. Such conditions may include, but shall not be limited to: screening, buffering, increased setbacks or other appropriate conditions up to and including denial of such proposed outdoor use for the location sought for due cause in order to protect, maintain or promote the general public, health, safety and welfare. Such due cause shall be noted as a finding of fact and shall be included in the record of the final disposition of the application.
3. Parking and/or loading requirements shall be those noted for the use most closely associated with the proposed use as determined by the Board of Adjustment in conjunction with staff review and recommendation.
4. The Board of Adjustment shall reasonably consider and may require the establishment of appropriate hours of operation for the proposed use should they determine such limitation to be appropriate in order to protect, maintain or promote the general public health, safety and welfare.
5. The Board of Adjustment shall consider and may require any additional relevant time, place and manner conditions or restrictions as may be deemed appropriate for the location sought for due cause in order to protect, maintain or promote the general public health, safety and welfare. Such due cause shall be noted as a finding of fact and shall be included in the record of the final disposition of the application.

approving the site plan. If the site plan submitted otherwise meets all of the standards of this ordinance, the Planning Board shall approve such.

e) If plan approval is denied, the reasons for this action shall be communicated to the applicant in writing. A revised plan may then be submitted in the manner of a new application.

f) Major site plan approval expires 24 months from the date of approval.

g) Zoning permits may be issued once the site plan is approved.

8. In the event of failure to comply with an approved major site plan or condition related thereto, the plan shall immediately become void and of no effect, no further permits for construction or compliance shall be issued and existing permits may be suspended or revoked by the UDO Administrator.

C. SPECIAL USE PERMIT

1. Special use permits may be issued by the UDO Administrator, after approval by the Board of Adjustment. The petition for a special use permit and accompanying plans shall be submitted to the UDO Administrator. The application shall be processed in accordance with provisions pertaining to quasi-judicial hearings. Please note, all previously issued conditional use permits shall be subject to the conditions outlined in the initial approval. Additionally, any valid conditional use permit issued prior shall be deemed a special use permit.
2. Application Materials and Submittal. One (1) digital copy and 12 hard copies of the special use permit site plan shall be submitted with all such applications.
3. The special use permit site plan shall be prepared by and sealed by a licensed land surveyor, landscape architect, or engineer registered to practice in the state of North Carolina, and shall include all of the required information as provided in Appendix A: Submission Requirements.
   a) Applications for home occupations, commercial or residential accessory dwellings, duplexes, triplexes, quadraplexes, bed & breakfast uses, and temporary sales offices shall prepare a minor site plan that includes all of the applicable information as provided in Appendix A: Submission Requirements. Preparation of the minor site plan for these uses by a licensed surveyor, landscape architect, or engineer is encouraged, but not required.
4. In the course of evaluating the proposed special use permit site plan, the UDO Administrator may request additional information from the applicant. A request for such additional information shall stay until a date certain established by UDO Administrator any further consideration of the application. This information may include (but not be limited to) the following:
   a) Approved NC stormwater permit.
   b) Proposed sign types and locations.
   c) Scale of buildings relative to abutting property.
   d) Exterior features and illumination of proposed development.
   e) Description and copies of proposed deed restrictions to be placed on the property.

f) Any other information reasonably needed to consider the application in reference to these regulations.

5. Notice of quasi-judicial hearing. Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

6. Special Use Permit Review Procedure:

   a) The UDO Administrator shall review the special use site plan and may require a Technical Review Procedure. The Technical Review Committee may include, but not necessarily be limited to, the following individuals/departments: UDO Administrator, building inspector, city manager, Fire department, Police Department, NC Division of Coastal Management, NC Department of Environmental Quality, Brunswick County Utilities, or Brunswick County Environmental Health.

   b) If the UDO Administrator determines that more information is needed or that a significant number of changes must be made before the plan can be approved, the applicant shall make the necessary changes; and re-submit the plans. All re-submissions shall contain a list of the changes made. A new 30-day review period may begin on the date of the re-submission of a required information.

   c) Upon determination that a special use permit application is complete, within 30 working days of the submittal date, the UDO Administrator and the Technical Review Committee (if applicable) shall review the plans and make a recommendation to the Board of Adjustment as to compliance with this ordinance. The special use permit site plan will be placed on the agenda of the next regularly scheduled Board of Adjustment meeting following 30 working days of submittal of a complete application for a special use permit.

   d) The Board of Adjustment shall approve, modify, or deny the application for a special use permit. In approving a special use permit the Board of Adjustment, with due regard to the nature and state of all adjacent structures and uses in the district, shall make written findings that the following are fulfilled:

      i) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

      ii) That the use meets all required conditions and specifications;

iii) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and

iv) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the City of Southport Comprehensive Plan.

e) In approving the special use permit, the Board of Adjustment may designate, such conditions in addition and in connection therewith as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the special use permit is granted and also on the special use permit approving, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicant for the special use permit, the heirs, successors, and assigns. Such conditions shall be consented to in writing by the applicant/landowner and may include the following:

i) A time limitation.

ii) Conditions may be imposed which require that one or more things be done before the use requested can be initiated. For example, "that a solid board fence be erected around the site to a height of six (6) feet before the use requested is initiated."

iii) Conditions of a continuing nature may be imposed. For example: "exterior loudspeakers shall not be used between the hours of 10:00 p.m. and 9:00 a.m."

f) Conditions and safeguards imposed under this subsection shall not include requirements for which the city does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the city, including, without limitation, taxes, impact fees, building design elements within the scope of NCGS 160D-702(b), driveway-related improvements in excess of those allowed in NCGS 136-18(29) and NCGS 160A-307, or other unauthorized limitations on the development or use of land.

g) The final written decision of the Board of Adjustment shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective, by the city clerk. If the Board of Adjustment denies the permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.

h) Approved special use permits shall be recorded in the Brunswick County Registry by the City of Southport and indexed under the record owner's name as grantor.

i) In a case where a special use permit has not been exercised within the time limit set by the Board of Adjustment or within 12 months if no specific time limit has been set, then without further action, the special use permit shall be null and void. The term "exercised," as set forth in this subsection, means that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed (sewerage, drainage, etc.). When construction is not a part of the use, the term "exercised" means that the use is in operation in compliance with the conditions set forth in the permit.

D. VARIANCE

1. An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the UDO Administrator.
2. Notice of quasi-judicial hearing. Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose application or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
3. When unnecessary hardships would result from carrying out the strict letter of the UDO, a variance shall be granted by the Board of Adjustment upon a showing of the following:

   a) Unnecessary hardship would result from a strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

   b) The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis from granting a variance;

   c) The hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that might justify a variance shall not be considered as a self-created hardship;

BOARD OF ALDERMEN
AGENDA ITEM SUMMARY

DATE: 08/08/2024 **DEPARTMENT:** Admin and Development Services

PRESENTED BY: Mo Meehan, City Planner

ITEM SPONSORED BY: Development Services/Code Enforcement

ITEM/TOPIC: Right of Way Enforcement

COST: n/a **BUDGET LINE ITEM:** n/a

JUSTIFICATION: On May 9, 2024, the Board of Aldermen adopted an amendment to Chapter 16 of the Code of Ordinances which changed the language regarding the rights-of-way in the City. The new ordinance only allows grade-level turf grasses to be installed in the right-of-way, but no other vegetation or hardscapes. Staff has already been enforcing this with new development, but more direction is needed to clarify the existing right-of-way encroachments. Once we have direction, Code Enforcement will be able to work to bring properties into compliance.

There are many properties that have planted beautiful landscapes in the right-of-way areas. City staff has identified the following questions and considerations:

- Should any existing encroachments be allowed to remain?
    - (vegetation, fences, retaining walls, parking areas, decorative walls)
- If these items are to be removed, how much time will the property owners be given?
- Should we require existing encroachments to obtain permits?
- *Hardscape* should be defined in the ordinance. Does it refer to anything that is not vegetative?
- If we permit existing encroachments, shall we start requesting permits for new parking?

At the May meeting, when this current ordinance was adopted, the Board stated they would consider non-conformities on a case-by-case basis. But without more direction from the Board, all the items above are non-conforming situations. This means that all vegetative, public safety, historic, and non-conforming parking areas must be eliminated or brought into compliance.

The adopted ordinance states that any existing encroachments are subject to removal within (72) hours of the Notice of Violation. However, the ordinance also states that existing vegetation can remain if it doesn't create a hazard to the public. Encroachments are not allowed to expand, and they are allowed to be reinstalled.

Once the Board gives further direction, staff will bring back an ordinance amendment for approval.

There have been questions about whether the property owners have any vested rights or if adverse possession applies. According to **NCGS 1-45.1**, adverse possession does not apply to property that is "public property." However, just because the ordinances can be enforced to the strictest extent doesn't mean that it is good practice. Many people have created beautiful spaces in the right-of-way that we all enjoy. There are also several retaining walls and historic walls that have been in place for a very long time. Staff recommends finding a balance that everyone can live with.

IMPACT IF NOT APPROVED: Code Enforcement will not be able to enforce the right-of-way encroachments completely without more clarification from the Board. As the ordinance currently stands, there is no mention of existing encroachments.

DEPARTMENT HEAD COMMENTS: Staff needs clarification in order to better assist residents and for Code Enforcement to more completely enforce encroachments in the rights-of-way.

CITY MANAGER COMMENTS: The goal needs to be clear and objective, applied consistently. The implementation of this ordinance must be clear and consistent for all citizens to know, even if they may not agree with it. Therefore, we need clarity on how this will be enforced before we begin sending out Code Enforcement so that enforcement practices are not vague and subjective.

ATTACHMENTS: 1.) The existing right of way ordinance adopted in May. 2.) Images of existing encroachments that must be considered. 3.) NCGS 1-45.1

REQUESTED ACTION: Discussion and Direction.

PROPOSED MOTION: Direction for enforcement and possible ordinance amendment.

Staff proposes the Board give consensus on the following items:

1. Should existing vegetative encroachments be allowed to remain?
2. Should existing hardscapes be allowed to remain?
3. Is hardscape defined as any materials other than vegetative?
4. Should all existing fences and/or retaining walls be allowed to remain?
5. Should existing (often historic) walls be allowed to remain?
6. Should existing non-conforming parking areas be allowed to remain?
7. Should the City allow vegetative encroachments with a permit?
8. Can property owners plant back landscaping in the right-of-way if the City has to access the area?
9. For all the items that must be removed from the right-of-way, how much time do the property owners have to remove them?

AN ORDINANCE AMENDING CHAPTER 16 OF THE SOUTHPORT CODE OF ORDINANCES AS IT PERTAINS TO STREETS AND SIDEWALKS

Chapter 16. STREETS AND SIDEWALKS

Article I. In General.

Sec. 16.1-16.7 are unchanged.

Sec. 16-8. Obstruction of public rights-of-way.

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

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

(c) Nothing herein shall prevent any business or other legal entity located in areas zoned CBD and BD from (i) placing objects which are not otherwise prohibited under the Southport Code of Ordinances on that portion of a sidewalk which is directly abutting the building occupied by such business or entity, provided that said items do not extend more than thirty-six (36) inches into the sidewalk and do not violate section 16-7 of the Code of Ordinances prohibiting the display of goods, or (ii) placing A-frame signs on a sidewalk or right-of-way where specifically allowed under the Southport Unified Development Ordinance. Notwithstanding this, however, no business or other entity may place or cause to be placed any object on a sidewalk so as to violate the provisions of the ADA regarding unobstructed clearance.

(d) Vegetation or other protective measures shall be permitted to be placed within ten (10) feet of the base of a City Tree by a neighboring property owner, or by the City, for the purpose of limiting damage to the tree by nearby parked vehicles. Such action shall require review and written approval by the Development Services Director, the Public Services Director, and the Fire Marshal.

Sec. 16-9. Construction near sidewalk.

Before building or remodeling any place where the same is in close proximity to the sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

Sec. 16-10. Existing encroachments on rights-of-way.

(a) In the event that the Southport Code Enforcement Officer determines that there exists any encroachment, obstacle, vegetation, wares, goods or other condition within a public right-of-way or sidewalk in violation of section 16-7 or section 16-8 of this Code or which interferes with the free passage of persons or vehicles within said right-of-way or sidewalk, or which otherwise creates a hazard to the public, said code enforcement officer shall attempt to identify the person(s) responsible for said obstacle or encroachment. Upon identification, the code enforcement officer shall notify in writing said responsible person(s) who shall have seventy-two (72) hours from the date of notification to remove said encroachment or condition. In the event that the responsible party fails to remove said obstacle or encroachment within the time allowed, and in addition to other remedies as allowed by law, the city may promptly remove said obstacle or encroachment and shall charge the cost of said removal to the party responsible for said obstacle, encroachment, or condition. In the event that the code enforcement officer is not able to identify the responsible party, or if the condition or encroachment creates an imminent and immediate danger to the public, the city may summarily remove said encroachment or other condition within the right-of-way without notice. Following removal, any future encroachment must be done in accordance with the provisions of all applicable ordinances.

(b) Vegetative right-of-way encroachments existing prior to the adoption date of this ordinance shall be permitted to remain so long as the encroachments do not create a hazard to the public. Such encroachments shall not be permitted to be expanded and the City reserves the right to remove a right-of-way encroachment for any public purpose and shall not be liable for the removal of those encroachments. Existing vegetation right-of-way encroachments removed at any time by the City for a public purpose are allowed to be reconstructed, if possible, at the property owner's expense.

(c) The City reserves the right to remove a right-of-way encroachment for any public purpose and shall not be liable for the removal of those encroachments and shall levy the cost of removal in accordance with Section 16-10(a) above.

Section 16.11-16.23 Remain unchanged.

Sections 16.24-16.45 Reserved.

§ 1-45.1. No adverse possession of property subject to public trust rights.

Title to real property held by the State and subject to public trust rights may not be acquired by adverse possession. As used in this section, "public trust rights" means those rights held in trust by the State for the use and benefit of the people of the State in common. They are established by common law as interpreted by the courts of this State. They include, but are not limited to, the right to navigate, swim, hunt, fish, and enjoy all recreational activities in the watercourses of the State and the right to freely use and enjoy the State's ocean and estuarine beaches and public access to the beaches. (1985, c. 277, s. 1.)

BOARD OF ALDERMEN
AGENDA ITEM SUMMARY

DATE: 08/08/2024 **DEPARTMENT:** Admin

PRESENTED BY: Noah Saldo City Clerk

ITEM SPONSORED BY: Administration

ITEM/TOPIC: Boards and Committees without the ETJ

COST: n/a **BUDGET LINE ITEM:** n/a

JUSTIFICATION: Several of the City's Boards and committees require representation from the ETJ. Because the City no longer has zoning jurisdiction over the ETJ, the need for ETJ representation has changed. The affected Board and committee members were notified at the end of June/early July and given the option to continue to serve the remainder of the time or stop serving upon receipt of the letter.

There are Boards/Committees that require all in-City residents.

Now, the Board of Aldermen must decide how to move forward with amending the Boards' and Committees' ordinances. The Board has several options:

1). Remove the ETJ requirement and reduce the total number of members on the Board/Committee.

2). Remove the ETJ requirement and add additional City-resident positions to make up the difference. This would also replace alternate ETJ members with City-resident alternates.

3). Where applicable, the Board can change the ordinance language stating that members can be the greater zip code area. This is the same language that is present in the Beautification Committee ordinance. Also, for any boards or committees that have a Ward appointment requirement, the additional position could be an "at large" appointment.

The attached chart lists the current membership requirements and the Staff recommendations/options. For the Boards/Committees that have a more regulatory function (Planning, Board of Adjustment), Staff recommends replacing the ETJ positions with additional City resident positions. For the Boards/Committees that are advisory in nature, either an "at-large" or "greater zip code area" appointment seems more appropriate. We have so many wonderful volunteers who are residents outside of the City limits.

Additionally, it occurred to me that the Historic Preservation Ordinance in the Code should be included in Chapter 13 (Planning), not in Chapter 2 (Administration). When the ordinances are amended, this will be part of that change.

IMPACT IF NOT APPROVED: Most of the Boards/Committees will have fewer members, and the positions will be vacant. Sometimes, there might not be enough members to have a quorum.

DEPARTMENT HEAD COMMENTS: Many Aldermen and other Board/Committee members have already inquired about what is going to happen now that the City no longer has jurisdiction over the ETJ area. These amendments will be important to make sure we have coverage on the boards/committees so business can continue.

CITY MANAGER COMMENTS: The committees must adapt to the loss of the ETJ. This action allows this transition to occur.

ATTACHMENTS: 1.) Chart for comparison and recommendations; 2.) Draft ordinances for consideration

REQUESTED ACTION: Direction about how the Board would like to amend the ordinances regarding Boards and Committees. The amendments will be brought back for your approval in September.

PROPOSED MOTION:

I make a motion to remove the ETJ requirement from Chapter 13 and Chapter 2 and amend the ordinances with the following language:

Planning Board_________________ Forestry Committee_____________________

Board of Adjustment ________________ Parks and Recreations Board ____________

Committee/Board	Current Member Requirement	Staff Recommendation
Planning Board	(5) Full In-City positions (2) Full ETJ positions (1) Alternate In-City position (1) Alternate ETJ position	(7) Full In-City positions (1) Alternate City position
Board of Adjustment	(5) Full In-City positions (2) Full ETJ positions (1) Alternate In-City position (1) Alternate ETJ position	(7) Full In-City positions (1) Alternate In-City position
Forestry Committee	(7) Full positions made up of In-City OR ETJ residents (2) Alternate positions	(7) Full positions: either all In-City residents or a combination of In-City and greater zip code residents (2) Alternate positions
Parks and Recreation Board	(6) In-City resident positions total (3) Ward 1 (3) Ward 2 (1) ETJ resident position	(6) In-City resident positions (3) Ward 1 (3) Ward 2 (1) At-large In-City position <u>OR</u> (1) greater zip code resident
Historic Preservation Commission	(7) Full In-City positions (2) Alternate City positions	No changes are proposed.
Cemetery Committee	(7) Full positions: (1) Beautification (1) Historical Society (1) John N. Smith Cemetery Restoration and Preservation, Inc. (4) at-large members	No changes are proposed.
Beautification	(9) total members (6) In-City resident positions (3) greater zip code resident positions	No changes are proposed.
ABC Board	(5) at large members	No changes are proposed.