



**CITY OF SOUTHPORT
BOARD OF ALDERMEN
REGULAR MEETING AGENDA
223 E. BAY STREET
January 6, 2025
9:00 AM**

Agenda

Please turn off all cell phones

Meetings are open to the public. 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. Agenda

1. City Managers Strategic Needs Assessment (Pgs.3-14)
2. Street Opening Ordinance (City Engineer Tom Zilinek, Pgs.15-27)
3. Old City Hall/Courthouse Building Update (City Engineer Tom Zilinek)
4. Shoreline Stabilization Access (City Engineer Bob Jarvis, Pgs.28-29)
5. Specialty Southport License Plate (Public Information Officer ChyAnn Ketchum,Pgs.30-33)

G. Manager's Report

H. Mayor's Comments

I. Board Comments

J. Closed Session NCGS 143-318.11

1. Motion to go into closed session pursuant to NCGS 143-318.11
 - (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.
 - (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.

K. Adjourn



City Manager's Recommended Strategic Needs & Goals Assessment

January 6, 2025

Strategic Assessment Purpose

- It is important, from time to time, to pause, step back and view all the many issues and projects on which we are working from *a higher strategic level*, **and take a long-term view**.
- Day to day problems can be solved by our professional staff. It is progress on the long-term issues, the forward path and future, that truly changes things for the better, improves folks' lives, protects them and our wonderful quality of life, today and the future.
- With many projects happening simultaneously, it is important to *write them down*.
- The list is based on my observations, discussions with the Board, Citizens' thoughts, with some new ideas from me.
- The goal is to lay the groundwork for our Retreat in January, as an outlining document, **and to provide strategic purpose and direction for all our efforts**.
- I identify six key areas: 1. Protect the Small Town quality of life 2. Repair, Upgrade, Maintain our Buildings, and Infrastructure 3. Develop the Organization/invest in staff 4. Continue/enhance support of our excellent Public Safety capability. 5. Obtain Additional & Alternative revenues 6. Write an Economic Development strategy that harnesses the internet to create more opportunity for our young folks, with more professional knowledge-based opportunities.
- This is intended as a high level overview; as I am covering a lot of ground it may be better to hold questions to the end.

I. Protect and Enhance the City's Small Town Community Quality of Life

the greatest long-term impact to Southport is the continued high level of development along the Rte. 211 corridor and throughout the County, resulting in increased traffic and congestion in the City proper, resulting in need for more Fire-EMS, Police, NCDOT/traffic and Public Works services. This is the consequence of the demographic trend of baby-boomers retiring to the coast, State and County zoning decisions, but *we are not without options ourselves*:

1. *Use the power of our zoning and land use decisions, along with discussions with developers, that maintain open space and lower density development.*
2. *Coordinate with County to achieve Zoning standards and development that are harmonious with City Zones, Codes and traffic impacts; e.g. N. Howe street corridor overlay.*
3. *Use strategic ownership and leasing to control space for future City needs.*
4. *Develop a proactive Traffic Management plan to manage the increased traffic flow:*
 - A. Coordinate with NCDOT on traffic-rerouting, traffic flow management, limiting cut-through traffic, ferry traffic, connectivity, calming devices.
 - B. Active engagement with STIP and RPO regional planning to mitigate regional traffic impacts.
 - C. clarify parking options that manage expected increased ingress traffic, incentivizing turnover, including off-street parking capacity for longer term parking needs (e.g. business employees).

Protect and Enhance the City's Small Town Community Quality of Life

5. *Adopt and Implement the Southport 2050 Comprehensive Plan*; key elements:

- ✓ Bike and pedestrian improvements (NCDOT Multi modal bike and pedestrian plan grant for approval today).
- ✓ Historic District
- ✓ Connecting greenway with region
- ✓ traffic routing minimizing residential impact.

6. *Develop Parks and Recreations opportunities (e.g. recent success with the new kayak launch).*

- write a park maintenance plan including site-specific plans and guidelines for all parks.
- develop recreational facilities and programs, focusing on community needs, quality outdoor spaces and parks, promoting health and wellness.
- pursue grants and partnerships for major infrastructure improvements to meet community needs as stated in the Parks & Recreation Master plan: e.g, recreation center, athletic complex, swimming pool.
- Pursue park connectivity options.

II. Maintain and Upgrade City Buildings & Infrastructure for Community Safety, to Preserve History and Plan for Future Needs

1. *Mitigate Flood Impacts of High Intensity Storms*

A. Map the Stormwater System (completed)

B. Assess Stormwater damage with cctv, obtain FEMA reimbursement, apply for FEMA Mitigation grant (cctv work is underway).

C. Apply for other non-FEMA grants with cctv data and Stormwater map (BRIC, Golden leaf, HB149 – underway).

2. *Rehabilitate Old City Hall to protect its historical value and re-purpose for future use* (action: abatement work completed; discussion underway about future use).

3. *Clarify permanent space* for City Government and Police Department space needs.

4. *Write a Paving and Sidewalk plan* to repair and add connectivity; *seek grant, State and federal funds.*

5. *Continue annual maintenance of City buildings* and parks, precluding higher long-term, maintenance and repair costs.

**Maintain and Upgrade City Buildings & Infrastructure for Community Safety,
Preserve History and Plan for Future Needs**

6. *Complete riverfront projects that protect properties and the City's commercial center*
 - Shoreline Stabilization Project (conclude easements, pursue accelerated permitting)
 - Yacht Basin dredging
 - City dock.

7. *Complete Water-Sewer Projects* in partnership with County (Pump Station, Sewer Replacement, Find & Fix) which continue to impact our water-sewer system, even after the merger.

8. *Continue to maintain cemeteries professionally, respecting dignity and historical value.*

9. *Develop and Upgrade Electric System:*
 - Second electrical Point of Delivery
 - Overhead to Underground
 - Utility Pole replacement
 - Electric Vehicle Charging Stations.

III. Develop the Organization and Invest in Our Staff

- ☐ *Establish FEMA Team and Pursue FEMA training for staff (done)*
- ☐ *Develop Continuity of Operations processes: written process flow maps and cross-train for staff depth and resiliency.*
- ☐ *Achieve Staff Training for Cybersecurity and latest technological firewalls with IT consultant.*
- ☐ *Develop Organizational Performance measures for service delivery and future discussions, as with excellent EMS service delivery standard of 3 - 4 minute response time.*
- ☐ *Continue staff training for internal professional development and Board goal implementation.*
- ☐ *Dedicate current Administrative staff for grant coordination to work with departments and Engineers to obtain the \$millions we can receive with grant funds (underway).*
- ☐ *Achieve the Distinguished Budget Award, continuing the excellent work of the Finance department.*

IV. Obtain Additional/Alternative Sources of Revenue

Real property ad valorem taxes, alone, have difficulty covering rising public safety costs to service the large number of visitors, absent a large commercial/manufacturing tax base or the legal means to assess the visitors who are driving the increase in costs.

1. *Build a Long-Term Cash Flow Model to Forecast Revenues/Expenses* over next 5-10 years to clarify operating and capital needs. The model will be used to request cost-sharing, grants, and State legislative requests to capitalize our chief asset – tourism. (Model will include future real estate development tax base for ad valorem revenues).
2. *Separate recurrent operating and one-time capital costs.* Capital costs to be pursued with more dedicated additional staff grant writing support.
3. *Attract alternative commercial businesses:* expand the tax base from residential and retail property use to include knowledge-based, remote, internet-based commercial activity, e.g. environmental or medical consultants, green technology consultants, shipping/transportation planners, ocean and coastal-based industries and researchers.

IV. Obtain Additional/Alternative Sources of Revenue

4. *Seek County partnership for:*

- EMS costs
- Shoreline protection costs
- increased County development impacts on roads
- increased fire district fees—Mayor pursuing with other municipalities.

5. *Collect compensation for our costs from our chief economic asset -- tourism and visitors:*

- Sales tax point of sale data for fairer distribution
- Prepared Food and Beverage (Meals) tax (best option with minimal impact raises \$1million in Manteo)
- Enact legislation to receive Parking fees
- Consider an *off-street dedicated parking location to lease or own*, to have a private company manage and regulate, to manage overflow and long term parking, while earning \$\$
- Improve Occupancy tax collections.

V. Continue Support of our Public Safety Service Capability as Excellent, Self Sufficient service providers

1. pursue *non-general fund Emergency Services Funding/Revenue* (Fire District, EMS fees).
2. Enhance *Training & Professional Development Programs* to maintain the positive work culture with officers and staff, offering advancement opportunities for recruitment, retention.
3. *Prepare for ISO inspection October 2025* to improve ISO grade.
4. ***Plan and prepare*** for expected maintenance and new purchase capital costs, in the long-term financial forecast model, to plan years out for purchases, *and then seek grants*.
5. *Continued development* of Disaster/Large Scale Emergency Preparedness planning.
6. *Develop Community and outside organization Communication*. The recent PTC#8 communication by PD & Fire with outside agencies to move us through the event and the post-event traffic situation is a prime example of excellent communication.
7. *Police Facilities and Operational needs* – ensure adequate space needs for PD and locate a permanent home.

VI. Write an Economic Development Strategy, with the following goals:

1. ***Harness the Power of the Internet to expand the economy to the knowledge-based sector.***
 - ***Develop the economy wholistically to include knowledge-based jobs***, professional jobs for our young people, by harnessing the power of the internet for professional workers to live here but work remotely, connected with corporate offices in Raleigh, Charleston, Richmond and globally.
 - Knowledge-based: consultants, military planners, medical researchers, environmental consultants, shipping transportation logistics, green technology, maritime management, ocean and coastal –based researchers. What opportunities exist with the military at Sunnypoint for military logistics planning or Department of Defense consultants?
2. ***Continue support of the charming boutique shops*** that make Southport Southport.
3. ***Write a balanced marketing strategy that emphasizes sustainable tourism***, highlighting Southport's charm without overburdening the community.
4. ***Include Housing options for young families:*** the City, as are all coastal cities, is facing *gentrification*, pricing out young families. As part of the strategy, include workforce housing options for young families, in the City or adjacent, to attract the young professionals market. *This will contribute to the continued vibrancy and inter-generational organic growth of the city.*

Summary

- These Strategies are compilation of observations of our discussions, with citizens, and my own perspective. If I missed something or requires clarification, please advise.
- Ideas are for continued development at our January Retreat.
- *Overarching these strategies are **vision statements** about where you want the City to be in 3-5-10 and 20 years. *Vision statements clarify direction and help guide staff and citizens on multiple levels, including land use and infrastructure decisions.* (Ideal for the Retreat).*
- The next step is action plans for the strategies, **to get the right things done.**



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 1/6/2025

DEPARTMENT: Public Services

PRESENTED BY: Tom Zilinek, City Engineer

ITEM SPONSORED BY: Public Services Department

ITEM/TOPIC: Street Opening Ordinance – Code of Ordinance Amendments-Chapter 16. Streets and Sidewalks, Article II Excavations

JUSTIFICATION: The City's current street opening is vague, does not include fees, bonding or insurance requirements and is through the building inspector not the Public Works Director. There is also no maintenance guarantee for longer term restoration responsibility of the openings.

IMPACT IF NOT APPROVED: The current City street opening ordinance will continue to be in effect. Contractors will continue to open City streets many times without notification to the City.

DEPARTMENT HEAD COMMENTS: The proposed ordinance will transfer the street opening permit to the Public Works Director who is responsible for maintaining the City's streets. It will create a fee structure for the permits. It will create a 3-year moratorium for streets the City resurfaces. It will also include bonding and insurance requirements for anyone opening City streets, as well as longer term restoration responsibility for street openings.

ATTACHMENTS: Proposed Street Opening Ordinance

REQUESTED ACTION: Approve proposed Street Opening Ordinance.

PROPOSED MOTION: Motion to approve proposed Street Opening Ordinance



AN ORDINANCE AMENDING CHAPTER 16. OF THE SOUTHPORT CODE OF ORDINANCES

BE IT ORDAINED, by the Board of Aldermen of the City of Southport that Chapter 16 Article II, of the Code of Ordinances entitled “**Excavations**” is hereby amended to remove, replace, and add the following:

Street Openings

1. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

APPLICANT — Any person who makes application for a permit.

DIRECTOR — The person in charge of the Department of Public Works or his authorized deputy or representative.

EMERGENCY — An emergency or hardship shall include a water main break, gas leak, sanitary sewer break, or any situation that may result in harm to the public's health, safety, welfare or damage to public or private property.

PERMITTEE — Any person who has been issued a permit and has agreed to fulfill all the terms of this article.

STREET — Includes a public street, public easement, public right-of-way, public highway, public alley, public way or public road accepted or maintained by the City.

SURFACE — All areas within the public right-of-way, including but not limited to the paved area and the shoulder area.

2. Operations by municipal utilities; notice to property owners.

- A. All street openings required by utilities owned or operated by the City shall be made and restored under the direction and supervision of the Director. The permit, fee, insurance and bond requirements of this article shall not be applicable to any openings made by such municipally owned or operated utilities.
- B. When the City shall improve or pave any street, the City Clerk shall give notice to all persons owning property abutting on the street about to be paved or improved and to all public utilities operating in the City, and all such persons, public utilities shall make all connections as well as any repairs thereto which would necessitate excavation of the street within 45 days from

the giving of such notice. The time shall be extended if permission is requested, in writing, and approved by the City Clerk after consultation with the Director.

3. Notification of emergency openings.

In all cases where emergency openings are necessary, the City Police Department and Public Works Department shall be notified prior to such opening.

4. Plan and statement of facilities of private utilities.

- A. Every person owning, using, controlling or having an interest in pipes, conduits, ducts or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, communication impulses, water, sanitary sewer or steam to or from the City or its inhabitants or for any other purposes shall file with the Director within 120 days after the effective date of this article a written statement containing the names of the City streets wherein the aforementioned facilities owned by such person are located and an overall plan indicating such facilities.
- B. Within 90 days after the first day of January of each and every year, such person shall forward to the Director an updated statement and the plan required in Subsection A of this section.

5. Abandoned facilities.

- A. Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any street or the use thereof is abandoned, the person owning, using, controlling or having an interest therein shall, within 30 days after such abandonment, file with the Director a statement, in writing, giving in detail the location of the structure so abandoned.
- B. Whenever there are manholes or tunnels associated with abandoned underground facilities, such manholes or tunnels shall be filled in at the time of abandonment, and the Director shall be notified thereof in writing.
- C. When the City plans to pave or improve streets in which there are abandoned facilities, the owners of such facilities shall be required to remove them if, in the opinion of the Director, their removal is in the best interest of the City. If the owner shall refuse to remove such facilities, the City shall remove the abandoned facilities, and the owner shall reimburse the City for such removal.

6. Determination of costs of work by City; disputes.

The Director shall determine the cost of any work done or repairs made by him or under his direction, pursuant to the provisions of this article. In the event that a permittee disputes the amount charged by the Director for work or repairs made by the City, the City governing body shall decide the amount due the City.

7. Schedule of charges.

The Director shall establish and maintain a schedule of charges for labor, materials and such other expenses as may be incurred by the City in meeting the requirements of this article. In developing the schedule, the Director shall be guided by the prevailing costs in the area for labor, materials and equipment. The Director shall revise the schedule of charges periodically to reflect any increase or decrease in costs used to establish such charges. The schedule of charges shall be open to public inspection in the office of the Director upon demand.

8. Standards.

- A. No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored.
- B. No more than 250 feet, measured longitudinally, shall be opened in any street at any one time, except by special permission of the Director.
- C. All utility facilities shall be located sufficiently ahead of trench excavation work to avoid damages to those facilities and to permit their relocation, if necessary. The applicant is required to contact the One-Call Damage Prevention System and as it may be from time to time amended.
- D. Pipe drains, pipe culverts or other facilities encountered shall be protected by the permittee.
- E. Monuments of concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey benchmark within the City shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so first obtained, in writing, from the Director. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument.
- F. When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the Director.
- G. Safety requirements. Every permittee shall place around the project such barricades, lights, warning flags and danger signs as shall be determined by the Director, in consultation with the Police Department, to be necessary for the protection of the public. Barricading and signs shall be in the regulations as set forth in the United States Department of Transportation, Federal Highway Administration, Manual on Uniform Traffic Control Devices for Streets and Highways, 2023 Edition, and any future revisions thereto.
- H. Access to private driveways shall be provided, except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.
- I. Excavated materials shall be laid compactly along the side of the trench and kept trimmed up so to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the Director may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconveniences to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by

the Director. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep a passageway at least 1/2 the sidewalk width open along such sidewalk line.

- J. If the Director finds that paving surfaces adjacent to the street opening may be damaged where trenches are made parallel to the street or where a number of cross trenches are laid in close proximity to one another or where the equipment used may cause such damage, he may require a negotiated contribution from the permittee for the resurfacing in place of patching of such street if the total area of the proposed patch of probably damaged area exceeds 25% of the total pavement surfacing between curb faces or between concrete gutter edges in any block. Such negotiations shall be carried on and contributions agreed upon prior to issuance of a permit.
- K. In the case of utility work undertaken by a utility, which work involves placing new, or replacing or repairing of existing, utility infrastructure, such as gas lines, waterlines, electrical lines, and sewer lines, where the area to be trenched is greater than 50 linear feet or as part of an overall project, upon completion or within a reasonable amount of time as determined by the Department of Public Services, the permittee shall two-inch mill and repave the entire pavement surface from edge to edge, or curb to curb for the full length of the excavation, extending 25 feet from the ends of the excavation, in accordance with the City specifications.
- L. After excavation is commenced, the work of making and backfilling the same shall be prosecuted with due diligence.
- M. All pavement cuts, openings and excavations shall be properly made, backfilled, and temporarily surfaced by the permittee according to City specifications.
- N. The work of the final restoration, including both paving surface and paving base, shall be performed by the permittee according to City specifications.

9. Safety devices; tampering.

- A. Whenever any person fails to provide or maintain the safety devices required by the Director, such devices shall be installed and maintained by the City. The amount of the cost incurred shall be paid by the permittee.
- B. No person shall willfully move, remove, injure, destroy, or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this article.

10. Jurisdiction of City.

In no case shall any opening made by a permittee be considered in the charge or care of the City or any of its officers or employees, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power when it is necessary to protect life and property.

11. Removal of earth or gravel washed onto street.

When any earth, gravel or other excavated material is caused to roll, flow or wash upon any street, the permittee shall cause the same to be removed from the street within 24 hours after deposit. In the event that the earth, gravel or other excavated material so deposited is not removed, the Director shall cause such removal, and the cost incurred shall be paid by the permittee or deducted from his deposit.

12. Reparations to parties injured by operations.

Any person whose facilities are damaged or caused to be relocated by the permittee may make the necessary repairs or relocation and file a claim against the permittee with the City for the cost of such repairs or relocation. Utility companies concerned shall be notified by the City in sufficient time to determine the validity of the damage or relocation claims. The cost of such repair or relocation work may be held by the Director from the deposit pending determination of liability for the damage. Such determination shall be made either by agreement of the parties or by resolution of a court of competent jurisdiction. In the event that such agreement between the parties has not been obtained within two years from the filing of the claim and that no court action has been started to recover as a result of such claim, the disposition of such claim shall be at the direction of the Director, with no liability attaching to him as a result thereof.

13. Notification of commencement of backfilling.

The Director must be notified by the permittee during the forty-eight-hour period preceding beginning of backfilling of the date and approximate time at which backfilling will be begun.

14. Notification of completion of work.

The permittee shall notify the Director, in writing, upon completion of all work accomplished under the provisions of the permit.

15. Inspections.

- A. The Director shall make such inspections as he may deem necessary of all work authorized by a permit. The Director is empowered to provide a full-time inspector, if necessary, to ensure compliance with the provisions of this article.
- B. All inspection costs shall be borne by the permittee. Such costs shall be included in the permit fee.
- C. A certificate of final inspection shall be issued by the Director to each permittee no sooner than one year after the permanent restoration of the excavation has been made, provided that the work authorized by the permit has been performed according to the City's specifications. Prior to the issuance of a certificate, the Director shall make a final inspection of the restoration to determine whether City specifications have been adhered to.

16. Correction of settlement.

If any settlement in a restored area occurs within a period of one year from the date of completion of the permanent restoration, any expense incurred by the City in correcting such settlement shall

be paid by the permittee or recovered from his bond, unless the permittee submits proof satisfactory to the Director that the settlement was not due to defective backfilling.

17. Nonapplicability.

The provisions of this article shall not be applicable in those instances where the highway is maintained by the state.

18. Violations and penalties.

- A. Any person violating any of the provisions of this article or any regulations and specifications adopted hereunder shall be subject to the penalties included in City of Southport Code of Ordinances, Section 1-6, General Penalty, enforcement of ordinances.
- B. Each day that a violation is permitted to exist after notice, in writing, shall have been served by the Director shall constitute a separate offense.

19. Permit for opening; exception.

- A. No person, persons or corporation, municipal or private, nor any utility company, public or private, shall for any purpose open, tear up, excavate, bore, tunnel or drive under or in any way impair the surface or subsurface within the limits of the right-of-way of any City street without first obtaining a permit from the Director. The permit or copy thereof shall be available at the site during the duration of the work and shall be presented for inspection upon request of the Director or his authorized representative.
- B. In the case of an emergency, an opening can be made without a permit, provided that the permit could not reasonably and practically have been obtained beforehand. The person shall thereafter apply for a permit on the day on which the office of the Director is open for business, and such permit shall be retroactive to the date when the work was begun.
- C. No permit shall be issued to open the pavement of any street that has been constructed or reconstructed for a period of five years from the date of completion of said construction except in the event of an emergency, or where a specific hardship exists in the opinion of the Director, City Engineer, or the governing body of the City.
- D. No permit shall be issued to open the pavement of any street that has been overlaid for a period of three years from the date of completion of said overlay work except in the event of an emergency, or where a specific hardship exists in the opinion of the Director, City Engineer, or the governing body of the City.
- E. Where a specific hardship exists, and a permit is issued to open a newly constructed, reconstructed or overlaid street, restoration of the street will be performed as specifically instructed by the Director. Restoration under these circumstances may include, but are not limited to, complete milling and/or overlay of the half width or full width of a section of the street to the limits stipulated by the Director and restriping of the street as required. Such restoration is to be specified in writing as a condition of the permit.

- (1) Exceptions shall be granted for utility emergencies, utility openings that impact the safety and welfare of property owners, or if the applicant is able to prove undue hardships. Undue hardships shall be approved at the discretion of the Director.
- (a) In the event that an exception is granted during the moratorium, the applicant shall be responsible to limit the disruption as much as possible, saw cut all excavations, and restore the trench to its original condition, including, but not limited to, the pavement, surface treatments, and striping. All repair paving shall be completed utilizing infrared technology within one week of the trench repair. A nonrefundable fee of \$2,500 will be charged to open a road within its moratorium. The inspection fee would be \$150, and the trench must be compacted in twelve-inch lifts. A refundable deposit and bond would still be required in accordance with the permit.
 - (b) The distances in either direction of the opening will be determined by the Director based on the proximity to other roadways or utility concerns. In most cases, final pavement restoration will encompass 25 feet in both directions of the opening for a full width of the existing road. The Director may allow resurfacing to the center line of the road only if the opening is completed within one lane and does not involve disturbance across the center line.
 - (c) Temporary and final pavement restoration shall be completed in accordance with City standards, and milling will entail the full length and width that must be repaved.
 - (d) The restoration of the pavement shall be done no less than 60 days after the opening, and no more than 120 days after the opening. This will allow for any settlement in the trench to take place before the final pavement is placed. Exceptions to this time frame may be allowed by the Director dependent upon the time of year, which can affect the availability of paving materials.

20. Duties of applicant; liability agreement.

It shall be the duty and responsibility of any applicant to:

- A. Provide notification to the One-Call Damage Prevention System.
- B. Provide proof to the City at the time of application that the applicant has provided notification to the One-Call Damage Prevention System by supplying the confirmation number assigned by the system to the City or in such manner as the legislature may further set forth.
- C. Make written application for such permit with the Director on such form as he shall prescribe. No work shall commence until the applicant has paid and provided all fees, deposits, certificates and bonds required by this article.
- D. Furnish, in quadruple, a plan showing the work to be performed under such permit. Two copies of such plan shall be returned to the applicant at the time the permit is granted.
- E. Agree to save the City, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue by reason of any work performed under such

permit. The acceptance of any permit under this article shall constitute such an agreement by the applicant whether the same is expressed or not.

21. Nontransferability.

Permits are not transferable from one person to another, and the work shall not be made in any place other than the location specifically designated in the permit.

22. Commencement of work; extensions; renewal of permit.

Work for which a permit has been issued shall commence within 30 days after the issuance of the permit therefor. If not so commenced, the permit shall be automatically terminated, unless the permittee applies to the Director for an extension of time within which to commence work. If such an extension is granted, the original permit shall remain in force for the period of time specified in the extension. Permits which terminate within 30 days after the issuance or within any extension of time granted by the Director may be renewed only upon the payment of an additional permit fee as originally required.

23. Expiration of permit; extension.

Every permit shall expire at the time stated in the permit. If the permittee should not complete the work within the specified time, he shall, prior to expiration of the permit, present, in writing, to the Director a request for an extension of time, setting forth therein the reasons for the requested extension. If, in the opinion of the Director, such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.

24. Revocation.

- A. Any permit may be revoked by the Director after notice to the permittee for:
 - (1) Violation of any condition of the permit or of any provision of this article.
 - (2) Violation of any provision of any other applicable ordinance or law relating to the work.
 - (3) Existence of any condition or the doing of any act constituting or creating a nuisance or endangering life or property.
- B. The permittee shall be granted a period of three days from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before such permit is revoked.
- C. Written notice of any such violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the reasons for revoking the permit. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States mail addressed to the person to be notified.
- D. When any permit has been revoked and the work authorized by the permit has not been completed, the Director shall do such work as may be necessary to restore the street or part

thereof to as good a condition as before the opening was made. All expenses thereby incurred by the City shall be recovered from the deposit or bond the permittee has made or filed with the City.

25. Permit fee.

Any person receiving a permit shall pay a permit fee of \$50 plus the following costs based on the size of the opening:

Size (square feet)	Cost Per Square Foot
0 to 100	\$5
101 to 500	\$3
501 to 1,000	\$2
Over 1,001	\$1

26. Display of permit and plan.

Any person receiving a permit shall keep the original copy of the permit and an approved copy of the plan at all times while such work is in progress at the location for which such permit was granted and show such permit or plan upon demand by the City public services or police authorities.

27. Restrictions.

- A. In granting a permit, the Director may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to:
 - (1) Limitations on the period of the year which the work may be performed.
 - (2) Restrictions as to the size and type of equipment.
 - (3) The place and manner of disposal of excavated materials.
 - (4) Requirements as to the laying of dust, cleaning of streets, the prevention of noise and other results offensive or injurious to the neighborhood, the general public or any portion thereof.
 - (5) Regulations as to the use of streets in the course of the work.
- B. No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount greater than that specified in the permit, except that, upon approval by the Director, additional work may be done under the provisions of the permit in such an amount as the Director shall deem appropriate and necessary to complete the work. Any deposit and bond posted in connection with the permit shall be deemed to cover any such

additional work as may be approved pursuant to this section within the limit mentioned herein.

- C. Work authorized by a permit shall be performed between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday, unless the permittee obtains written consent from the Director, in consultation with the Police Department, to do the work at an earlier or later hour. Such permission shall be granted only in case of an emergency or in the event that the work authorized by the permit is to be performed in traffic-congested areas.

28. Permit subject to rights of City and other persons.

Every permit shall be granted subject to the right of the City or of any other person to lawfully use the street for any purpose not consistent with the permit.

29. Notices of street openings.

- A. If the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the applicant shall notify the affected property owners and tenants of the proposed work to be done.
- B. If the work to be undertaken by a permittee will affect other subsurface installations in the vicinity of the proposed opening, the applicant shall notify the owners of such facilities of the proposed work.
- C. The Director shall notify, in writing, the City Police and Fire Departments of all street opening permits he grants. Such notification shall state the nature of the work to be done, proposed beginning and completion dates and the location of such projects.

30. Bond.

Each applicant, upon the receipt of a permit, shall provide the City with an acceptable corporate surety bond, cash or certified check to guarantee faithful performance of the work authorized by a permit granted pursuant to this article. The amount of the bond shall be 100% of the estimated cost of restoring the street opening. The term of the bond shall begin upon the date of posting thereof and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Director. If the permittee anticipates requesting more than one permit per year as required by this article, he may furnish one continuing corporate surety bond in such amount as the Director deems necessary to guarantee faithful performance. The amount of such bond minimum shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year. The City may elect to waive the requirement insofar as it pertains to a public utility company if such company files with the City its corporate bond in a form satisfactory to the City, conditioned upon compliance with the provisions of this article.

31. Default of bond.

- A. Whenever the Director shall find that a default has occurred in the performance of any term or condition of the permit, written notice thereof shall be given to the principal and to the

surety on the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the Director to be reasonably necessary for the completion of the work.

- B. After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, indemnify the City for the cost of doing the work as set forth in the notice.

32. Insurance.

Each applicant, upon the receipt of a permit, shall provide the City with an acceptable certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance is by himself, his subcontractor or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards and underground work by equipment on the street and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the Director in accordance with the nature of the risk involved, provided that the liability insurance for bodily injury in effect shall not be less than \$100,000 for each person and \$300,000 for each accident and for property damages not less than \$50,000, with an aggregate of \$100,000 for all accidents. A public utility company may be relieved of the obligation of submitting such a certificate if it submits satisfactory evidence that it is insured or has adequate provision for self-insurance, in accordance with the requirements of this article. Public utilities may submit annually such evidence of insurance coverage in lieu of individual submissions for each permit.

33. Prompt completion of work; penalties for noncompletion in timely manner.

The permittee under this article shall prosecute with diligence and expedition all excavation work covered by the permit and shall promptly complete this work and restore the street to its original condition, or as near as may be, as soon as practicable and in any event not later than the date specified in the excavation permit. In the event that the permittee begins but does not complete the work by the completion date specified in the permit, then a new application must be filed requesting an extension of the time beyond the date specified for completion of the work. For each day beyond the expiration date of the permit that the excavation in the street is not completed and restored to its original condition, the permittee shall be assessed the following penalties:

- A. Days one to three: \$250 per day;
- B. Days four to seven: \$500 per day;
- C. Days eight to 10: \$750 per day;
- D. Days 11 to 14: \$1,000 per day; and
- E. More than 14 days: \$2,000 per day.

The foregoing Ordinance, having been submitted to a vote, received the following vote and was duly adopted this the 6th day of January 2025.

Ayes: _____

Noes: _____

Absent or Excused: _____

Rich Alt
Mayor

Noah Saldo
City Clerk



DATE: January 06, 2025

DEPARTMENT: City Manager

PRESENTED BY: Bob Jarvis, City Engineer

ITEM SPONSORED BY: City Manager

ITEM/TOPIC: Shoreline Stabilization Access

JUSTIFICATION:

McPherson Marine Services is negotiating a contract with homeowners to install shoreline protection at approximately 10 waterfront residences along the south side of Bay Street, adjacent to the Cape Fear River. Those residences lie between Atlantic Avenue and Kingsley Drive, west of Kingsley Park. The shoreline protection is expected to include the installation of rock sills and possibly sand and marsh grasses. It will resemble current shoreline treatment in the vicinity of 416 E. Bay Street, adjacent to Kingsley Park.

Jesse McPherson, of McPherson has requested the temporary use of a portion of Kingsley Park to stage the materials and provide access to the shoreline work area, southwest of Kingsley Park. Mr. McPherson has indicated that use of the park will improve the ingress and egress at the work area, minimize disruption of Bay Street traffic, hasten the project construction duration, and lessen the impact on residents in the area. Mr. McPherson states that dump trucks will unload the stone at the park. Small equipment will then be used to transport the materials from the park to the shoreline. The construction duration is approximately one month and would likely begin in spring 2025. Construction will occur only at low tide. McPherson will use ground protection mats where equipment will be operating, to minimize disturbance of existing conditions. Mr. McPherson stated that he will restore Kingsley Park to its original, preconstruction condition after his operations are complete.

The City Attorney has been consulted regarding this request and has suggested a license agreement be executed between the parties.

The area proposed for these improvements has been designated as Phase 4 in Southport's Shoreline Improvement Project, and currently unfunded.

If the Board is amenable to his request, staff will continue discussions with McPherson.

IMPACT IF NOT APPROVED: Access to the project area will be gained elsewhere. This will result in protracted contracted time, possible increase in disruption to local traffic and residents.

DEPARTMENT HEAD COMMENTS: This work will help the city in its goal to improve shoreline protection along the Cape Fear River, at no cost to the city.

REQUESTED ACTION: Approve granting McPherson Marine access to the shoreline through Kinglsey Park and authorize staff to continue Agreement discussions with McPherson.

PROPOSED MOTION: Motion to approve granting McPherson Marine access to a private shoreline protection project through Kinglsey Park, based on successful negotiations of the terms of an Agreement between McPherson Marine and the City, and authorize the City Manager to execute the agreement.





BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: January 6, 2025

DEPARTMENT: Administration/Public Information

PRESENTED BY: ChyAnn Ketchum, Public Information Officer

ITEM/TOPIC: Specialty Southport License Plate

BUDGET LINE ITEM: will need to add a revenue line item under Admin

JUSTIFICATION: A way to show Southport pride and support while also putting registration fees back into the community through Public Information/Emergency Management initiatives, such as TextMyGov, preparedness kits, etc.

IMPACT IF NOT APPROVED: none

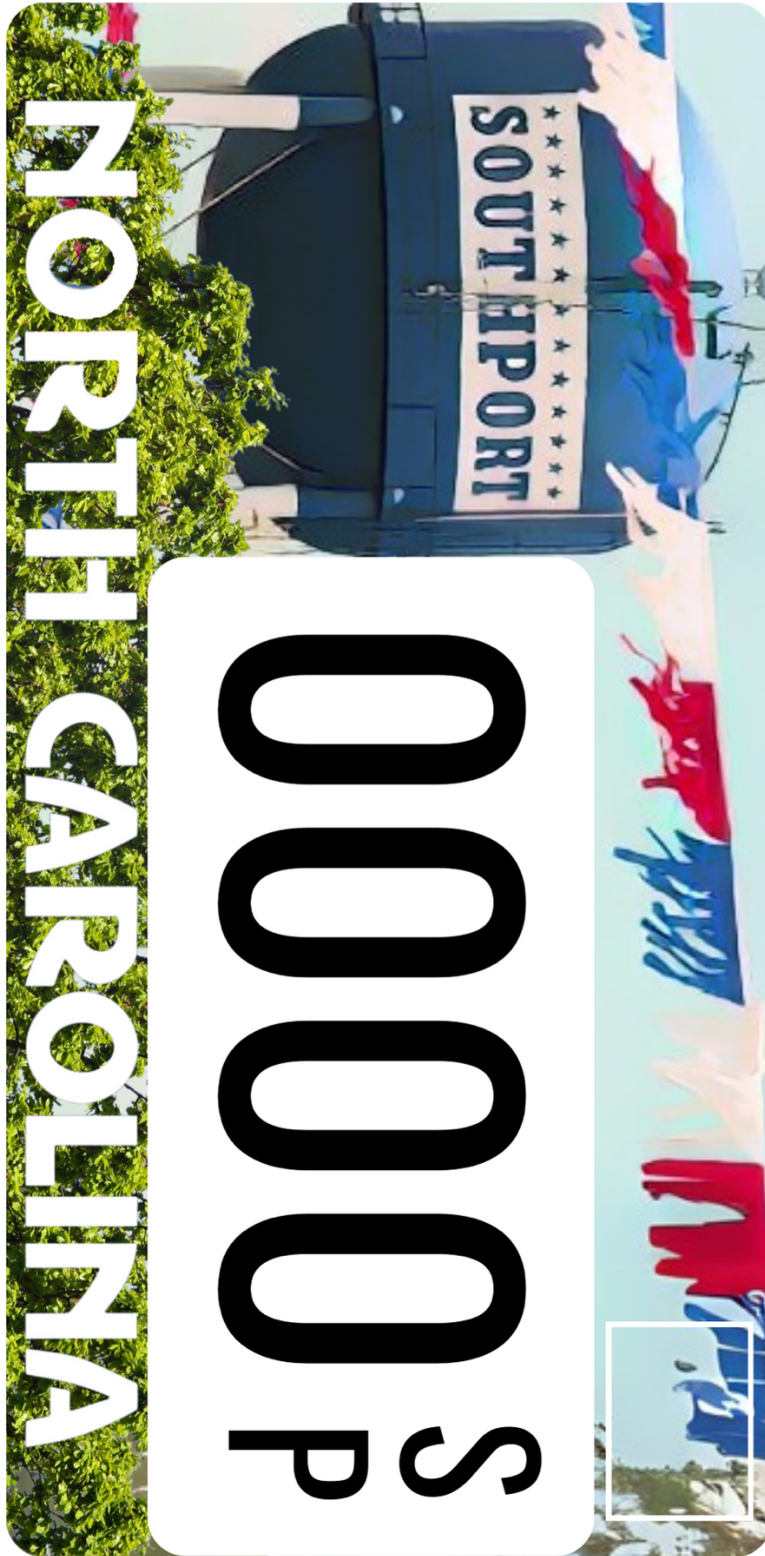
DEPARTMENT HEAD COMMENTS: If approved and passed through NC legislation, the Southport Specialty Plate revenue would be split between the City of Southport and the NC Special Plate account. This fee will be collected annually during the driver's tag renewal process. The number of required specialty plate pre-registrations will be 500. Staff will begin the process once approved by the Board of Aldermen and will submit the full application to the NC General Assembly by February 15, 2026.

ATTACHMENTS: As requested, attached are three (3) updated mock-up designs for the Southport Specialty Plate featuring the Southport Water Tower.

REQUESTED ACTION: Staff requests that the Board selects one (1) design that will be the City of Southport submission for an NC specialty license plate. Once selected, staff will move forward with the campaign and begin to collect the registration applications and monies from those interested. The registration documents and monies will be held at City Hall until the required threshold is met, and then all registrations and monies will be sent to the NC DMV to begin the production process. Specialty plates can take up to 180 days to be produced after final submission and approval.

PROPOSED MOTION: A vote on a design is needed to proceed.

OPTION 1



OPTION 2



OPTION 3

