



**CITY OF SOUTHPORT
BOARD OF ALDERMEN
REGULAR MEETING AGENDA**

223 E. BAY STREET

September 8, 2022

6:00 PM

Agenda

Please turn off all cell phones

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

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

ETHICS STATEMENT:

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

- A. Call to Order**
- B. Invocation**
- C. Pledge of Allegiance**
- D. Public Comment**
- E. Approval of Agenda**
- F. Approval of the Consent Agenda**
 - 1. Regular Board Meeting Minutes August 9, 2022
 - 2. Closed Session Board Meeting Minutes August 9, 2022 (confidential)
 - 3. Minutes of the Special Board of Aldermen Town Hall Meeting August 3, 2022
 - 4. Tax Releases 2001-2022
- G. Special Recognition**
 - 1. Proclamation for Constitution Week September 17-23, 2022
 - 2. Proclamation for P.O.W./M.I.A. National Recognition Day
 - 3. Proclamation Recognizing the 21st Anniversary of September 11th
- H. Agenda**

1. Morningstar Marina: Eric King, General Manager
2. Short-term Vacation Rental Ordinance (N. Blanchard, G. Hargrove)
3. Public Hearing: Code of Ordinances: Historic Preservation Commission (K. Mosteller, L. Davis, R. Carroll, D. Dutton)
4. Public Hearing: Code of Ordinances: Chapter 4. Section 5. Exterior Lighting (K. Mosteller)
5. Public Hearing: UDO Text Amendment: Section 3.18 Tree Preservation (W. MacLeod)
6. Public Hearing: UDO Text Amendment: Central Business District and Business District (W. MacLeod)
7. Public Hearing: PUD Master Development Plan and Map Amendment: Indigo Plantation Phase 2 (W. MacLeod)

I. Manager's Report

J. Committee Reports

1. Planning Board Minutes August 18, 2022
2. Up Your Arts Update September 2022

K. Mayor's Comments

L. Staff Reports

1. Police Department
2. Fire/EMS Department
3. Community Relations/Communication
4. Parks and Recreation
5. Animal Protection Services
6. Development Services
7. Public Services
8. Finance

M. Board Comments

N. Adjourn



Board of Aldermen Regular Meeting Minutes
August 9th, 2022
223 E. Bay Street
Community Building
6:00 p.m.

Present: Mayor Joseph P. Hatem, Mayor Pro Tem Karen Mosteller, Aldermen Thomas Lombardi, Rich Alt, Lowe Davis, Robert Carroll, and John Allen.

Staff Present: Gordon Hargrove, City Manager
Dorothy Dutton, City Clerk
Norwood Blanchard, III, City Attorney
Randy Jones, Communications/Tourism Director
Allayna Dail, Assistant Director of Tourism and Community Building Manager
ChyAnn Ketchum, Communications and Public Information Officer
Heather Hemphill, Parks and Recreation Director
Kate Marshall, Animal Control
Todd Coring, Police Chief
Charles Drew, Fire Chief
Ralph Treadway, EMS Battalion Chief
Melanie Trexler, Finance Director
Tom Stanley, Public Services Director
Wes McLeod, Cape Fear Council of Governments

Others Present: Tish Hatem, Will Hewett, Sue Hodgins, Fred Fiss, Rebecca Kelly, Renee Spencer, Eliot Duke with the State Port Pilot, Teresa Parker, and many other interested citizens attended.

Meetings are now open to the public. Complete audio/video is available on the City's website or can be requested from the City Clerk's office.

A.) Mayor Joseph P. Hatem called the meeting to order at 6:00 p.m. and welcomed everyone to the meeting. He thanked everyone for attending the meeting and watching online.

B.) Alderman Lowe Davis provided the invocation.

C.) Mayor Hatem led the pledge of allegiance.

D.) Public Comment: The City Clerk first called Jon McMath, a resident at 1005 Bonner Bussell's Drive. He said that he has lived in Southport for seven years. He stated that the Planning Board did a thorough job with their Indigo Phase 2 review. Their findings must be kept a top priority as the City moves forward. He asked why the Board of Aldermen was allowed to hold a closed session to discuss the development agreement. He suggested that the Board met with the developers in a closed session. Mayor Hatem interrupted him and stated that the closed meeting was for the Board to meet with their attorney regarding a possible development agreement. City Attorney Norwood Blanchard added that this was common practice and a good idea. Mr. McMath said that that information answered his questions, and he had nothing further to add.

Teresa Parker, a resident at 510 Clarendon Avenue and former City employee, stated that on July 13th, 2022, she submitted an information request form requesting salary information. It states on the form that the requested information will be available for inspection or pick-up within five business days or less. By her calculations, the requested information should have been available on July 27th. The City Clerk Dorothy Dutton sent information to her that afternoon, but it wasn't what she expected. She asked how long it takes to get an information request fulfilled. Mr. Blanchard stated that payroll is not

one of the items that can be provided under the general statute. There was more discussion between Mrs. Parker and Mr. Blanchard, and Mrs. Parker took her seat.

Francesca Slaughter, a 6243 Cottage Creek Road resident, said she had been a resident at Indigo Plantation for sixteen years. She stated that she knows growth is inevitable but should be monitored. She was relieved to see that Bald Head Island Ltd. and East West Partners were the developers of the proposed development because they are the most qualified to build nice areas with conservation. The amount of density proposed does not seem suitable for this area. The traffic at the school is at a standstill a couple of times a day.

Tracy Beaulieu, a 206 W. Nash Street resident, approached the podium next. She thanked the Planning Board for all the work reviewing the proposed Indigo Phase 2 project. She doesn't live in Indigo but thinks another 3,000 people using the stores, prescription shops, and parking areas would be too much. She suggested that the Board consider infrastructure for the people who already reside in Southport. She also added that the proposed project at 115 N. Howe Street would create a nightmare for those who live on Nash Street. She is concerned about the cars that would park in the residential area and the amount of trash that could be generated. She said she isn't opposed to redevelopment of the space and building but thinks any project of that scale is a mistake.

Pat Kirkman, a resident of 119 Park Avenue, thanked Tom Stanley and his staff for the work they completed at the cemetery. The Board allocated funding to cover the (4) seasonal part-time positions and requested proposals from landscaping companies to maintain the cemeteries but have received no submissions. Mrs. Kirkman thanked the Mayor for creating an ad hoc committee to focus on Historic Preservation. Mrs. Kirkman added more comments regarding the upkeep of the cemeteries. Mayor Hatem said that her comments were appreciated.

Donnie Joyner, a resident of 635 Jabbertown Road, asked what happened to the Southport that he once knew. The Board of Aldermen is supposed to be a non-partisan board, but he sometimes has doubts. He said that the public and the Board of Aldermen do not always show respect or old-fashioned courtesy towards each other. Being an Alderman comes with a lot of responsibility. He also added that Mr. William Davis has a long history of public service, including military service, being active in his church, and positive history with the ABC Board. Mr. Joyner added that Mr. Davis should be reappointed to the ABC Board. Alderman Carroll addressed his comment from the July meeting, explaining that he meant bringing a new perspective to the ABC Board, not just young people. Mr. Joyner said that the Board has to be bigger than what happened at the last meeting. The Board can't react when it is questioned.

Brian Stevens, a resident of 503 Cades Trail, hadn't signed up to speak but asked to address the Board. He asked the Board to indicate how they stood regarding the proposed Indigo Phase 2 project. Mayor Hatem said that was a good idea, but the Board is still open-minded. He said that no one is in favor of the 1542 requested units, but a process must be followed. Mr. Stevens said he understood.

Ms. Dutton read public comments submitted by Shirley Sullivan that she requested become part of the official record of the meeting. Ms. Dutton also provided an update from the Up Your Arts nonprofit organization.

Mayor Hatem read the Ethics statement.

E.) Approval of Agenda

Mayor Hatem stated that the ABC Board appointment would be removed from the agenda until the Board could have a workshop to understand ABC Board and store functions better. ***Alderman Carroll motioned to approve the agenda with the removal of the ABC Board item. Mayor Pro-tem Mosteller seconded the motion. All ayes. Motion carried.***

F.) Approval of Consent Agenda-Mayor Hatem summarized the items on the Consent Agenda.

1. Minutes of the Regular Board of Aldermen July 14th, 2022
2. Minutes of the Special Joint Workshop July 18th, 2022
3. Minutes Board of Aldermen Closed Session July 14th, 2022

Alderman Carroll said that the minutes from the July 18th Joint Session need to be amended to reflect that he was absent. **Mayor Pro-tem Mosteller made a motion to approve the Consent Agenda as amended. Alderman Davis seconded the motion. All ayes. Motion carried.**

G.) Special Recognition

1. Mayor Hatem said that Art Newton's life was so compelling. Art Newton was a painter who resided in Southport and painted so many beautiful pictures. Mayor Hatem displayed a book about Art Newton's life and said it is a must if you live in Southport. Mayor Hatem read a proclamation to honor the 100th Birth Anniversary of Art Newton.

H.) Agenda

1. Mayor Pro-tem Mosteller read a statement about the selection for Planning Board appointment. She said there is some ambiguity about who serves on the interview committees. **She motioned to clarify that moving forward, the Planning Board liaisons and the committee or board chair will serve on the interview committees. Aldermen Carroll seconded the motion. Motion carried. Mayor Pro-tem Mosteller motioned to reappoint Will Hewett to the Planning Board.** She added that he is currently serving as Vice-Chair and has so much institutional knowledge that makes him such an asset. **Alderman Carroll seconded the motion. All ayes. Motion carried.** Mayor Pro-tem thanked all the City's volunteers. She said that it is critical to the success of the Planning Board that the public attend meetings and participate in the dialogue.
2. Mayor Hatem opened the public hearing to discuss the annexation of 1224 N. Howe Street at 7:13 p.m. Ms. Dutton stated that there were (6) parcels included for a total of 0.84 acres. This annexation request is contiguous to the City limits. At the July Board meeting, the Board accepted the Clerk's Certificate of Sufficiency and scheduled the public hearing for the August meeting. This parcel is one of many in that area that is annexing for water and sewer. Mayor Hatem closed the public hearing at 7:14 p.m. **Alderman Lombardi motioned to approve the annexation of the 0.84-acre tract and the ordinance, as presented. Alderman Davis seconded the motion. All ayes. Motion carried.**
3. Mayor Hatem opened the public hearing to discuss the annexation of Phase 1 of Osprey Landing at 7:16 p.m. Ms. Dutton explained that this tract is 25.59 acres and is non-contiguous. The annexation was part of the Development Agreement for Osprey Landing. The Board accepted the Clerk's Certificate of Sufficiency at the July meeting and set the public hearing for the August meeting. Mayor Hatem closed the public hearing at 7:17 p.m. **Alderman Davis motioned to approve the annexation of Phase 1 of Osprey Landing and the ordinance, as presented. Alderman Carroll seconded the motion. All ayes. Motion carried.**
4. Mayor Hatem opened the public hearing for the annexation of Phase 2 Osprey Landing at 7:19 p.m. Ms. Dutton explained that this parcel is contiguous, following Phase 1. Phase 2 is 8.35 acres. The Board accepted the Clerk's Certificate of Sufficiency at the July meeting and set the public hearing for the August meeting. Mayor Hatem closed the public hearing at 7:19 p.m. **Alderman Lombardi motioned to approve the annexation of Phase 2 of Osprey Landing and the ordinance, as presented. Alderman Allen seconded. All ayes. Motion carried.**
5. Wes McLeod with the Cape Fear Council of Governments provided a summary of the Indigo Plantation Phase 2 project. The property is approximately 350 acres of undeveloped land currently zoned R-20. The applicants have requested a map amendment to PUD and approval of a master development plan. The developers propose 4.1 dwellings per acre, 80,000 square feet of non-residential use. The City and the developers partnered in having two analyses done; one was fiscal impacts on the general fund, and the other was impacts on the City's infrastructure.
6. Mr. McLeod continued with the Planning Board recommendation for the Indigo Plantation Phase 2 project. He said that the Planning Board had thoroughly reviewed all of the aspects of the proposed project. At the Planning Board's July meeting, they unanimously recommended

denying the proposed master plan and rezoning request. The Planning Board submitted a statement of consistency with the recommendation.

7. Mr. McLeod explained the proposed zoning map amendment for three parcels on W. 11th Street. The request is to rezone the three lots from MF to R-10. This is a request for downzoning. The Planning Board found the rezoning consistent with the CAMA Land Use Plan. The Board of Aldermen is asked to approve or deny the map amendment. There were no questions. ***As presented, Alderman Davis motioned to approve the zoning map amendment for 300,302 and 304 W. 11th Street. Alderman Lombardi seconded the motion. All ayes. Motion carried.***
8. Wes McLeod explained the next zoning map amendment request for 1208 N. Caswell Avenue. The parcel is currently zoned Business District, and the applicant requests R-10 zoning. The property is currently in the City's ETJ and is part of the old Southport Heights subdivision. The Planning Board heard this request and has recommended approval. Mayor ***Pro-tem Mosteller motioned to approve the map amendment for 1208 N. Caswell, rezoning it to R-10. Alderman Lombardi seconded the motion. All ayes. Motion carried.***
9. Mr. McLeod explained the proposed text amendment that was citizen-initiated. The proposed amendment would change Section 3.5 Table of Uses to allow outdoor recreation in the Business District. Outdoor recreation includes mini golf and water parks. The Planning Board reviewed the request, found it inconsistent with the Land Use Plan, and recommended denying the text amendment. ***Mayor Pro-tem Mosteller motioned to deny the text amendment for outdoor recreation. Alderman Davis seconded the motion. All ayes. Motion carried.*** Alderman Davis asked if Conditional Rezoning would be useful in this case. Mr. McLeod agreed it would be the appropriate process because a site plan would be required. Alderman Davis asked Wes McLeod to explain the difference between a text amendment and a conditional rezoning. He explained that a text amendment wherein a use is amended in the Table of Uses. The proposed use would be allowed anywhere in the specific district. Conditional zoning requires a site-specific site plan, and the proposed use would only be valid on that parcel, not the entire district. Also, the Board can establish conditions regarding the use of the property by using Conditional Rezoning.

I.) Committee Reports

Aldermen Allen, Carroll, and Alt had no committee reports. Alderman Davis said that the Forestry Committee is seeking new members. She also stated that the Committee has been working hard to add a list of issued tree permits to the City's website.

Alderman Lombardi reported that the Beautification Committee had suspended all work for August because of the heat and humidity.

Mayor Pro-tem Mosteller said that the ad hoc committee for creating a Historic Preservation Commission was scheduled for the following Friday at 1:00 p.m. at the Nash Street Fire Substation. Several Board members had met virtually with a representative of the State Historic Preservation Office and got a lot of information from her. Dr. Herstine has completed the proposed 2023-2028 Parks and Recreation Master Plan draft. There will be a draft review on September 13th, 2022, at the Indian Trail Meeting Hall at 6:30 p.m. The future kayak launch grant application is being prepared. Taylor Field is on schedule. The kid's derby at the City dock is scheduled for September 5th at 8:30 a.m. The Parks and Recreation advisory board meeting is on September 2nd at the Indian Trail Meeting Hall. And the Planning Board meets the following Thursday, as regularly scheduled. Mayor Hatem added that the ABC store is thriving. There will be a ribbon-cutting ceremony in September.

J.) Manager's Report

City Manager Gordon Hargrove said that he didn't have anything to add.

K.) Mayor's Comments

Mayor Hatem provided the schedule for the Art Newton events. He also said that Police Chief Coring asked him to remind everyone of the upcoming Cram A Cruiser program. The Police Department will accept school supplies, including book bags, notebooks, pens, and crayons, until August 20th. Mayor Hatem thanked Tom Stanley for him and his staff's hard work on the anchor and cemeteries.

L.) Staff Reports

Mayor Hatem added that staff reports are in the packet for review.

M.) Board Comments

Alderman Allen said that last week the City got some great news. We were awarded \$10 million for sewer rehabilitation on the west side of town. These improvements will help reduce the amount of stormwater treatment that is needed. Alderman Allen also proposes that the Board of Aldermen meet one week before the regular Board meeting as a pre-agenda meeting. This meeting would increase Board knowledge and allows more interaction between Board members. He recognizes that the City is constrained with resources already, but he thinks it will be a good thing.

Alderman Alt said the City staff had achieved a Herculean accomplishment. We are working through FEMA much more smoothly now.

Alderman Davis stated that she agrees with Alderman Allen about the pre-agenda meetings. Attorney Norwood Blanchard was asked to comment since he works with other municipalities. Mr. Blanchard said that it reduces the number of unanswered questions and helps to identify what information is needed before the regular meetings. The pre-agenda meetings are typically not action meetings. Alderman Davis added that the local library is a great resource for learning more about Southport, including its history and architecture.

Alderman Lombardi said he would be in favor of anything that brings clarity to the Board.

Mayor Pro-tem Mosteller said that she is humbled and proud of the Planning Board's work on the City's behalf. She appreciates the public and the developers for their willingness to work together. Lastly, she described National Check the Chip Day, sponsored by Animal Protective Services. If you have a dog with a chip, consider bringing it to Franklin Square Park on Monday, August 15th, or Thursday, August 18th, from 6-7:30 p.m. APS Director Kate Marshall will be there to ensure the pet's chips are working correctly.

N.) Adjourn

Mayor Hatem told the City Manager that the meeting would be over by 8:00 p.m. He thanked everyone for being present at the meeting or watching it at home. He said he wanted to make one more announcement. The September 11th ceremony is being scheduled. It is probably one of the best ceremonies that take place each year. Thanks to Chief Drew and his staff for their hard work and planning. Mayor Hatem said that it had been a good meeting. ***Alderman Lombardi made a motion to adjourn the meeting. Alderman Carroll seconded the motion. All ayes. Motion carried. The Mayor adjourned the meeting at 7:55 p.m.***

Joseph P. Hatem, MD, MPH.
Mayor, City of Southport

Dorothy Dutton, City Clerk



**Board of Aldermen
Special Town Hall Meeting Minutes
August 3, 2022
223 E. Bay Street
Community Building
6:00 P.M.**

Present: Mayor Joseph P. Hatem, Mayor Pro Tem Karen Mosteller, Alderman Thomas Lombardi, Rich Alt, Lowe Davis, Robert Carroll, and John Allen.

Staff Present: Gordon Hargrove, City Manager
Tanya Shannon, Deputy Clerk
Randy Jones, Community Relations Director
ChyAnn Ketchum, Communications/Public Information Officer
Tori Deviney, Permit Technician
Todd Coring, Police Chief

Others: Planning Board Chair Sue Hodgins, McKay Siegel E. West Partners, and Chad Paul Bald Head Island, LLC.

Meetings are now open to the public. Complete audio/video is available on the City's website or can be requested from the City Clerk's office.

- A)** Mayor Joseph P. Hatem called the meeting to order at 6:00 P.M. and welcomed everyone to the meeting.
- B)** Reverend Alderman Davis gave the Invocation.
- C)** The Pledge of Allegiance was led by Mayor Hatem.
- D)** Public Comment:
 - 1. Mr. Jack Gordon, 5930 Dutchman Creek Rd, applauded the Board of Aldermen, Planning Board, and the potential Developers for coming together to work on the technical review of the Indigo Plantation Phase 2 development. He stated that he is not opposed to development but would like to see the pace of this project slow down. He understands that they will proceed with the plan regardless of if they annex into the City's corporate limits. However, he is concerned about the high density and the traffic impacts that will occur.
 - 2. Jim Gands, 5921 Spikerush Trail, thanked the Planning Board for their thorough research and presentations. He said that the scale of the proposed development is out of proportion with the size of Southport and does not fit the character. He said this affects the citizens' health, quality of life, and environment and will cause significant safety concerns, especially with the increased traffic. He implored the Board to follow the recommendation of the Planning Board to deny the proposed development.

Alderman Davis stated that the City is working with an attorney on a development agreement and asked City Manager Hargrove to elaborate. Mr. Hargrove confirmed that the City has hired a

development agreement attorney and that the Aldermen would meet with him on August 9th. Mr. Hargrove said the Board would sit down with the attorney to discuss the continuation of the process.

3. Sally Culbertson, 210 W. West St; stated that as a new resident of Southport, she has seen the traffic increase tremendously in a short period. She said that allowing this Planned Unit Development in addition to a busy tourist destination will devastate the community. She understands that property owners have the right to develop on their property. Still, the citizens and the municipal authority have the right to speak out against the high density and significant impacts on the City.
4. Bill McMullen, 210 W. West St; said he lives in the historic downtown area, where parking is very limited, especially during festivals and events. He said the residents and the people trying to preserve the historical area are very concerned with the impacts of developments of this magnitude. He feels the baseline studies for traffic impacts, population demographics, infrastructure impacts, and other analyses for a proposed major development are flawed. He said most studies do not account for the people that visit Southport and do not live here. Also, he said there needs to be a further review of the fiscal analysis study to determine what it will cost the City and what will be the potential revenues it will bring. He said there is a lot more work to be done and reviewed so that an agreement between the City and the developers can potentially be resolved.
5. Shirley Sullivan, 5002 Seaward Crt, Rivermist, said that growth is inevitable, but a development of this size that is proposing approximately 1500 housing units on half a square mile would not be an appropriate balance for a small town like Southport. She said that Mr. George Mitchell had a vision for Southport, and she did not believe that this was the vision he had. She asked how we could keep our growth controlled and controlled effectively. She hopes there can be a compromise and meet in the middle. She admires and respects the Planning Board's hard work and unanimous decision not to recommend Indigo Phase 2 and hopes that the Aldermen will also vote to deny the project as submitted.
6. Marc Spencer, 701 E. Moore St, said that many people are concerned about the traffic. He said Southport does not have a lot of traffic in the morning and evening. He said most of the traffic is coming from outside of the City. He said the HWY 211 project would help alleviate traffic congestion. He argued that just because there is an increase in density does not mean that all units will be lived in full time. He said that the term " Historic Southport" is being abused to seem exclusive. He also welcomes assisted living units because Southport has a great need. He said the statistics for people living here to raise a family are very low because the cost is too high. He requested not to stifle the growth so there would be more opportunities. He concluded that Southport is not creating a future for anything but the next generation of tourists.
7. Tom Simmons, 822 N. Howe St; has seen a lot of changes in Southport over the past 25 years. He estimated 4,000 cars or more in and out of Southport every day. He believes that the number will increase to 42,000 daily with the proposed Indigo Phase 2 development. He disagrees with the developer's impact studies analyses, and the number of housing units presented and says they

are arrogant and only concerned with the profits. He is concerned about the impact on the rest of his life and his children's life. He said once the decision is made, it's done. He thanked the Board for their time and service.

- Mr. Chad Paul, CEO of Bald Head Island Limited, LLC, addressed the Board and the citizens and said that the process for development is set up as an adversarial legal process. He said the UDO is set up to incorporate adversarial legal procedures from the start. It inhibits the ability to work collaboratively until you can work through those processes. He said he appreciates the Planning Board Subcommittees and the Public for engaging in discussion to work through some of the concerns. He feels they are in a good place now, working with the development agreement attorney. He said he would like to figure out a way to address the objections and recommendations from the Planning Board in an agreement with the City. He pointed out that at the last meeting with the Planning Board, it was stated that they denied the Planning Board's request for an extension and said that was not true. He said that on July 8th a week before the infrastructure and fiscal impact studies were presented, there were corresponding emails that said that if the Planning Board were going to utilize those studies to help make a decision, then another extension would be considered. He went over the background on the submission of the application. He said that they were prepared to submit the application prior to the adoption of the updated UDO in 2020 and were politely asked if they would wait until after the completion of the updated UDO, and they agreed. Mr. Paul stated that the application for the development was complete and very thorough. He said the TIA meets the requirements for the UDO. Mr. Paul said he is committed to collaboration and working more with the City.
- Alderman Davis questioned Mr. Paul about who asked them to delay their application until after the revised UDO was adopted. Mr. Paul said that Staff and Board members were working on the UDO at that time that they wanted to submit and were asked if they would be willing to wait until after the UDO was completed, and they agreed to wait. Alderman Alt stated that the Board of Aldermen was unaware of this conversation and would like to know if there is any record. Mr. Paul said it was not discussed with the Board, only with staff.
- Alderman Carroll questioned Mr. Paul about why not just have 500 or the 550 homes they are entitled to on the 85% of the property. Mr. Paul explained that if R-20 were annexed into the City, they would have to bear additional costs in the annexation agreement, and the unit revenue model would not work to add all of those extra costs and taxes on 500 houses in that area. Alderman Carroll addressed concerns regarding the site on the former marina parking lot that the developer states is zoned PUD. Still, he has heard that there is no confirmation on it being designated as PUD. Alderman Carroll said that he had heard numbers between 180 to 220 units that could be developed in this area if it is PUD, but no documentation has been provided to support that. Alderman Carroll said he believes it has been requested from Bald Head Island Ltd. and has not been provided. Mr. Paul replied that they had canceled checks and meeting minutes surrounding the cashing of those checks by the previous Board of Aldermen. Alderman Carroll asked whether it says you are entitled to build residential units on those parking lots. Mr. Paul said it is zoned PUD residential, and Bald Head Ltd. purchased 58,000 gallons of water and sewer after the development of Deep Point. He said they gave up the City's allocation because it was

running out of water and sewer allocation. Alderman Carroll noted that with the 550 homes in the additional acreage plus the potential PUD area would be up to 750 homes. He said doesn't that sound reasonable. Mr. Paul said it is a math game relative to what additional cost they would have to bear to annex. He said he doesn't know what those costs would be because they haven't had a chance to talk with the development attorney. Alderman Carroll asked when the 1542 units were proposed and what math was used to determine that number. Mr. Paul said this number includes assisted living, apartments, and lower-income rentals that are all incorporated but could be reduced if this would be more feasible for the City. Alderman Carroll asked Mr. Paul if they would consider withdrawing their application and resubmitting it after consulting with the Development Agreement Attorney. Mr. Paul said that they would consider it but with solid interaction with the development agreement. He said it does not make sense to pull out and then come back to go thru this adversarial process and then be back in the same place. He would like to have an informed discussion with the development agreement attorney and have more time to hammer out some things and get more information, and then an extension would be considered. But he said if they were going to withdraw the application, they might file with 15% in the City and 85% in the County, or perhaps a joint file. There was a discussion on who would be servicing the water and sewer utilities. Mr. Paul stated that it would be difficult to service this area without upgrading the city's existing lift station. If the development remains in the ETJ, then the county would service the water and sewer. He said he would like to have more discussions on working with the City to resolve the water and sewer service.

8. David Rhodes, 404 Burrington, does not favor this development. He believes that the developers will not provide anything beneficial to the City. He said the City might get some revenue but, in return, will decrease the quality of life. He is frustrated with some of the decisions that previous Boards have made, and he would like for this Board to start managing these developments before they submit applications and come up with a plan to prevent overdevelopment before it becomes a "perpetual Disneyland on Spring Break."
9. Bruce Hackard, 6162 River Circle, said that if this project gets approved, it will put the nail in the coffin for Southport. He asked City Manager Hargrove what the Development Agreement Attorney would have to offer. Mr. Hargrove explained that after the Planning Board had made their full review and recommendation, the City will follow through with the development agreement attorney to start discussing what this density will look like and what would be appropriate. They will discuss expectations from the developer and what zoning district it will be in, whether PUD or R-20. Mr. Hargrove also said there would be a discussion on confirming if the claim for a specific location on the property is designated PUD.
- Alderman Carroll questioned the proposed 80,000 sf of commercial space and asked Mr. Siegel if he could explain. Mr. Siegel explained that he wanted to address three concerns, traffic, infrastructure, and density. He said they do not want to tax the infrastructure that already exists in the City. He said the water and sewer for their development would come from Brunswick County entirely at the developer's expense. However, he said they would continue to pay the same tax rate the City already paid for the water and sewer being used. He said the new water and sewer lines would be added at their expense, which he hopes in the future will help Southport

to be able to give their water and sewer to the County. He said this would prevent Southport from paying an additional third-party tax to the county. Mr. Siegel said Southport wanted to add a redundant electrical capacity because of its vulnerability to only having one station. He said they did not ask the County to service the electricity because he thought they might work out an agreement with the City to pay an extra amount to help Southport, but they could, if necessary, discuss the option with the County.

He addressed the traffic concerns with the project and said the TIA had been scrutinized, although it has been effectively used for many projects and developments. He explained that there are two ways to solve the traffic issues to consider alternative transportation such as bicycles and golf carts so that people can move through the City via connectivity off of the main streets. He said another way to reduce the number of miles driven is by getting people closer to where they want to go. He explained that people that live outside of Southport but travel into Southport every day create more traffic, but if you have housing close to where people are already going, the traffic should be reduced because they are already there.

He concluded with the density concerns. He explained that overall, the PUD would have 4.1 units per acre which he said was the purpose of a PUD to spread things out. He said the 1,542 proposed units were the direct product of taking this project and designing it into a world-class development for the appeal of Southport. He said there are concerns that the population will double, which is true, but he said most people would be living in the ETJ.

Mr. Siegel continued to explain that there are several views on commercial space. Some people do not want commercial, and others would prefer some commercial services such as a small grocery store, office buildings, medical facilities, and a restaurant. He said they are proposing 80,000 sf of commercial space, which breaks out to 20,000 sf of retail and 60,000 sf as potential medical offices. He explained that retail is potentially two restaurants and maybe a little corner store.

There was discussion on the comparable development "Meadowmont" in Chapel Hill. It was asked about what size this development is. Mr. Siegel said roughly the same as the proposed Indigo Phase 2 development, around 375 acres. Mr. Siegel said this development is very similar to this proposed project. It was asked how the developer plans to preserve the existing trees in this development when the comparable Meadowmont has new growth and only old growth between the backyards. Alderman Alt stated that the Meadowmont Development lots had to be cleared for the development of the housing units as with this development and the size of the lots. He said every tree on the building lot would have to be removed in the residential areas. Alderman Alt noted that if it were going to be the same vision as Mr. Mitchell's for the Indigo Plantation Phase 1 development, it would be a completely different conversation. He said Mr. Mitchell's vision for development was to preserve the existing trees. He said the Phase 2 development is all about the plan to create higher density.

- Mr. Chad Paul responded by saying that he understands that the Board is looking out for the best interest of the City of Southport. He said the Mitchell family partnered with E. West Partners because they felt they would be good stewards relative to the Mitchell legacy. He said if the development is rejected and E. West Partners decides to go another way, it may be sold to

someone else. Mr. Paul explained that Mr. Mitchell developed Bald Head Island and the most significant single planned unit development in the country, the Woodlands. He said that several different communities in the development look like Southport and some like Meadowmont. He explained in terms of the tree issue; he said 40% of this base is not being developed and stays wooded. Mr. Paul says the City has a Tree Ordinance, and if the property remains in R-20, there could be more clearing for bigger backyards. He said that is where a development agreement would be beneficial to work thru these issues.

Mr. Siegel noted that most of the acreage on the proposed Phase 2 is on 50, 60, 70, 80, and 90 ft lots.

10. Mr. Bill McMullen returned to the podium to say that most of the citizens will not be here when the proposed development is completed in 15- 20 years possibly. He said Southport now has the opportunity to do something unique about managing development. He said it's not whether it's zoned R-20 or PUD. There will be development. He suggested fixing it now while it's on record and before any other projects arise. He appreciates the discussion's non-adversarial side and collaboration to reach an agreement. He said there is no way to stop development, but it can be done in a way that can be beneficial to Southport and designed to fit into the character of Southport.
11. A citizen from the audience asked what the plan is to accommodate the increase in traffic. Mayor Hatem explained that people want to come to Southport and enjoy the beautiful view and charm of the city. He said the City could start planning ways to try and minimize traffic, such as installing street lights at busier intersections, adding speed devices, and keeping the roads upgraded and maintained. He said the City would work with an Engineering Consultant to help minimize the traffic issues as much as possible. He also said that parking issues would be addressed, and some alternatives could be done. Such as a possible parking deck and perhaps offer a trolley system to commute visitors downtown.
12. Deborah Lutkins submitted a comment via the City's website. The Deputy Clerk read the statement as stated: "I'm against the Indigo rezoning because of the adverse impact on our Public Services, Fire & Police Departments, Sewage, Water, and Electrical services. Also, the transportation (inner city roads and parking)."
13. James and Sharon Lightbourne, 316 W. West Street; submitted a letter via email and was read by the Deputy Clerk. They urge the Aldermen to support the Planning Board's recommendation to decline the current proposal to develop Indigo Phase 2. Their concerns are about the size of the development and its location, and its traffic impact. Also, they are concerned about the fiscal implications for the City and whether it would benefit the development to annex into the City. They raise questions regarding the zoning of the development. They would like to see a common ground so that the resulting development could potentially be beneficial for BHI Limited, E. West Partners, and Southport.

E) Board Comments:

Alderman Carroll thanked the Planning Board and Staff for their exceptional work on the thorough review and study of the proposed development. Also, he said he appreciated BHI Limited and E. West Partners for participating and being a part of the discussion and their willingness to discuss density concerns and what is best for Southport. He said that even if the project is denied, he does not believe the pursuance of development will be over, even if it is by a different owner. He thanked the citizens for their comments and concerns and hoped they would continue to be involved.

Alderman Alt commented that density is one of the biggest concerns. He said there needs to be more discussion on PUD's and regulations. He stated that a decision would have to be made whether all of the property would be designated in PUD or just part of it. He explained that the traffic impacts would be overwhelming if you put commercial businesses inside residential areas. He said that he believes the Traffic Impact Analysis meets the NCDOT regulations. However, he said there were not enough studies done to look at the entire bottlenecked areas. He concluded by thanking Staff for getting the 10M dollars in funding to work on the sewer system and the Citizens for their strong commitment to local democracy.

Alderman Davis thanked everyone for coming and invited everyone to go on the City website to review minutes, meetings, and other documentation regarding the Indigo Phase 2 development. She said the Public Hearing would be on September 8th for the proposed development, but the public is always welcome to speak at regular Board meetings. She applauded the Planning Board for their outstanding hard work in reviewing this project and the citizens for their participation.

Alderman Lombardi thanked the citizens for their attendance and input. He thanked the Planning Board for their commitment and dedication to the in-depth review of the development.

Mayor Pro Tem Mosteller thanked everyone for their support and caring for the City. She also appreciated E. West Partners and BHI Limited for their willingness to participate in the conversations. She stated that the updates and revisions that were made in the UDO have helped facilitate and streamline the process. She noted that the Planning Board has done challenging and valuable work in getting to this point. She appreciated all the citizens' input and asked them to continue calling, emailing, or visiting the city website. She said it would continue to be a work in progress.

Mayor Hatem said that he appreciated all the input from citizens and for their continuing support. He said to please continue contacting the Aldermen, BHI Limited, and E. West Partner Partners for questions and concerns. He thanked the City Staff and the Planning Board for their tremendous work and presentations. He encouraged everyone to visit the City's website to see more information. He concluded by saying that whether you are in favor of the development or not, he believes that the legacy of the Mitchell Family and their vision for Southport is trying to be achieved.

There being no further questions or comments.

Mayor Hatem declared the meeting adjourned at 8:20 p.m.

Mayor, Joseph P. Hatem

Deputy Clerk, Tanya Shannon



To: Honorable Mayor and Board of Alderman
From: Teresa Jones, Tax Collector
Subject: Tax Releases

Overview: The City of Southport has received several parcels that need to be released based on different reasons. Each parcel released has the value, amount, and reason for the release. The information for the parcels to be released was received from Brunswick County Tax Office.

The total amount to be released will be \$2,112.03 and the total value to be released will be \$701,803.00.

Recommendation: Authorize staff to release the taxes for the parcels.

Action Needed: Accept, Reject, or Revise staff recommendations for tax releases.

Attachments:
Tax Releases

By approving the Consent Agenda you are accepting the tax releases, as presented.

Release Date: 08.3.2021

1029 N Howe Street
Southport, NC 28461
www.cityofsouthport.com Ph: 910.457.7900 Fax 910.457.7905

Tax Payer Name: W Fourth Landscape Architecture PA
Account Number: 150002
Parcel ID: 237FC022
Amount Released: \$3.79
Value Released: \$1,281.00
Release Reason: Did not own January 1

Tax Payer Name: Anthony Gray Posey
Account Number: 113473
Parcel ID: N/A
Amount Released: \$33.70
Value Released: \$11,400.00
Release Reason: Adjusted per purchase price
Amount Released: \$3.37
Release Reason: Late Listing

Release Date: 8.30.2021

Tax Payer Name: Tina & Eric Small
Account Number: 131503
Parcel ID: 237LF020
Amount Released: \$122.14
Value Released: \$41,321.00
Released Reason: Did not own January 1

Tax Payer Name: John Patrick Gore
Account Number: 055599
Parcel ID: 237LF020
Amount Released: \$165.81
Value Released: \$56,093.00
Release Reason: Situs in another county

Release Date: 10.04.2021

Tax Payer Name: Delmer Lee & Barbara Gann
Account Number: 52339
Parcel ID: 238HH006
Amount Released: \$133.02
Value Released: \$45,000.00
Released Reason: Military Exemption

Release Date: 10.04.2021 (Cont)

1029 N Howe Street
Southport, NC 28461
www.cityofsouthport.com Ph: 910.457.7900 Fax 910.457.7905

Tax Payer Name: Brunswick Partnership for Housing Inc
Account Number: 18941
Parcel ID: 237DB002
Amount Released: \$221.70
Value Released: \$75,000.00
Released Reason: Exempt

Tax Payer Name: Brunswick Partnership for Housing Inc
Account Number: 18940
Parcel ID: 237DB003
Amount Released: \$1,022.66
Value Released: \$345,960.00
Released Reason: Exempt

Release Date: 12/14/2021

Tax Payer Name: Christopher L & Linda D Bryden
Account Number: 301938
Parcel ID: Null
Amount Released: \$168.92
Value Released: \$57,144.00
Released Reason: Did not own January 1
Amount Released: \$16.89
Released Reason: Late Listing

Tax Payer Name: Jan Ray Myers
Account Number: 302587
Parcel ID: 237LD032
Amount Released: \$2.22
Value Released: \$752.00
Released Reason: Situs in anther county
Amount Released: \$0.22
Released Reason: Late listing

Tax Payer Name: Gary Dwayne Helton
Account Number: 063538
Parcel ID: Null
Amount Released: \$55.07
Value Released: \$18,630.00
Released Reason: Duplicate Listing

Release Date: 03/21/2022

1029 N Howe Street
Southport, NC 28461
www.cityofsouthport.com Ph: 910.457.7900 Fax 910.457.7905

Tax Payer Name: Thomas Francis McKone
Account Number: 303310
Parcel ID: Null
Amount Released: \$24.70
Value Released: \$8,356.00
Release Reason: Situs in another county
Amount Released: \$4.94
Release Reason: Late Listing

Release Date: 03/25/2022

Tax Payer Name: Nova Marine Services LLC
Account Number: 302601
Parcel ID: 237LF020
Amount Released: \$120.80
Value Released: \$40,866.00
Release Reason: Not within City limits
Amount Released: \$12.08
Release Reason: Late Listing

Total Amount Released: \$2,112.03

Total Value Released: \$701,803.00



**CITY OF SOUTHPORT
PROCLAMATION RECOGNIZING CONSTITUTION WEEK**

WHEREAS, September 17, 2022, marks the two-hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and a privilege to commemorate the occasion with patriotic celebrations; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each Year by the President of the United States of America designating September 17-September 23rd as Constitution Week; and

WHEREAS, the Constitution is the world's longest surviving written charter of Government, marking the United States of America as the world's most enduring beacon of liberty and freedom.

NOW, THEREFORE, I, Joseph P. Hatem, Mayor of the City of Southport, do hereby proclaim the week of September 17-September 23, 2022 as CONSTITUTION WEEK and ask our citizens to reaffirm the ideals that the framers of the Constitution had in 1787, by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

PROCLAIMED with pride this 8th day of September 2022.

Joseph P. Hatem, M.D., M.P.H.
Mayor, City of Southport

Dorothy Dutton, City Clerk



**CITY OF SOUTHPORT
PROCLAMATION FOR P.O.W./M.I.A. NATIONAL RECOGNITION DAY**

WHEREAS, the history of our nation was built upon the sacrifices, victories, and defeats of the many men and women who endured battles and hardship while protecting our nation's freedom and security; and

WHEREAS, tens of thousands of our nation's Armed Forces have endured unimaginable suffering and deprivation as Prisoners of War; and

WHEREAS, over 81,000 Soldiers are still missing from World War II, Korean War, Vietnam War, Cold War, and the Gulf Wars; and

WHEREAS, while we celebrate each homecoming and pray for the safety of our troops currently serving overseas, we must also remember and honor all of the men and women who remain unaccounted for throughout our nation's history; and

WHEREAS, in 1998, the United States Congress designated the third Friday in September as POW/MIA National Recognition Day; and

NOW, THEREFORE, I, Joseph P. Hatem, Mayor of the City of Southport, on behalf of the Board of Aldermen and grateful American citizens everywhere, recognize September 17, 2022, as POW/MIA National Recognition Day and vow that these brave men and women will never be forgotten.

PROCLAIMED this 8th day of September 2022.

Joseph P. Hatem, M.D., M.P.H.
Mayor, City of Southport

Dorothy Dutton, City Clerk



Proclamation Recognizing The 21st Anniversary of 9/11 As A National Day of Service and Remembrance

On September 11, 2001, the security of our nation was shattered by cowardly terrorist attacks that killed nearly 3,000 innocent people at the World Trade Center towers in New York City, the United States Pentagon, and in the pristine fields of Shanksville, Pennsylvania. The terrorists' goal was to strike a powerful blow to the hearts of all Americans and tear at the fabric of our nation. Out of tragedy came a remarkable spirit of unity, compassion, and determination that will never be forgotten, just as we will never forget those who were lost and injured and the people who rose in service during the rescue and recovery effort and in defense of our nation at home and abroad.

In observance of the 21st anniversary of September 11, 2001, which killed citizens from 92 countries, we hereby adopt the following Proclamation in tribute to those lost and injured and the many who gave of themselves in service to their communities and America in the aftermath of the attacks:

WHEREAS, people of all ages and walks of life across America and around the world, collectively witnessed an event of immense tragedy on September 11, 2001; and

WHEREAS, the events of that day instantly transformed everyone's lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability; and

WHEREAS, Americans arose from the shock, unifying the country in national spirit, pride, selflessness, generosity, courage, and service; and

WHEREAS, many brave people tirelessly and courageously participated in an extremely difficult and dangerous rescue and recovery effort, and

WHEREAS, September 11th will never be just another day in the hearts and minds of all Americans; and

WHEREAS, September 11, 2022, will be the 21st anniversary of the 9/11 attacks on America;

WHEREAS, many citizens may wish to memorialize September 11th by engaging in, or

planning to engage in personal and individual acts of community service, as part of a solemn day of remembrance and tribute; and

WHEREAS, on March 19, 2009, the United States Congress passed legislation authorizing the establishment of September 11 as a federally recognized National Day of Service and Remembrance, which was signed into law by President Barack Obama on April 21, 2009; and

WHEREAS, President Obama on September 11, 2009, issued the Patriot Day Proclamation officially designating September 11 as a National Day of Service and Remembrance and calling upon all interested Americans to participate in this observance through moments of silence, flying the flag of the United States at half-staff, as well as community service and charitable activities as a tribute to these victims.

NOW, THEREFORE BE IT RESOLVED, that the City of Southport asks all citizens to observe September 11th and mark the 21st Anniversary of 9/11 as a Voluntary Day of Service and Remembrance by all citizens and organizations.

ADOPTED, this the 8th day of September 2022.

Joseph P. Hatem, M.D., M.P.H.
Mayor, City of Southport

Dorothy Dutton, City Clerk

**ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE FOR THE
CITY OF SOUTHPORT, NORTH CAROLINA
(WITHIN ARTICLES 2, 3, and 8.)**

THAT WHEREAS, the City has enacted a set of development regulations that control land development and construction within the City's incorporated and extraterritorial jurisdictional areas; and

WHEREAS, in order to promote the public health, safety, and general welfare and to promote the best interests of the City and community, it is necessary from time to time for the Planning Board and Board of Aldermen to consider appropriate revisions, modifications, and updates to the City's development regulations; and

WHEREAS, the City of Southport Board of Aldermen directed the Planning Board to review and propose a zoning text amendment that would add regulations for Short-Term Vacation Rentals and Homestays in the Unified Development Ordinance; and

WHEREAS, the Planning Board, with the assistance of the City Attorney and City Staff, has drafted a zoning text amendment to the City's Unified Development Ordinance that adds regulations for Short-Term Vacation Rentals and Homestays; and

WHEREAS, The City of Southport Planning Board, after careful consideration and deliberation, found that the above referenced proposed zoning text amendment to Articles 2, 3, and 8 of the City of Southport Unified Development Ordinance is consistent with the 2015 CAMA Land Use Plan adopted on September 18, 2014 and subsequently amended on December 10, 2020 and is in the public interest because it (i) adheres with the City of Southport's Vision and Core Values located on page 9 of the CAMA Land Use Plan, (ii) is consistent with the Core Values of preserving the City's historic character and preserving the city's residential areas by limiting potential land use conflicts, (iii) the CAMA Land Use Plan also states that Southport desires to have an affordable quality of life while maintaining its quiet residential atmosphere and protecting the City's historic assets, and (iv), the proposed zoning text amendment is consistent with Policy 2.5 and recommended action 2.5A (continuously monitor the need for possible revisions to the UDO); and

WHEREAS, pursuant to N.C. General Statutes and City ordinances, a public hearing, properly noticed, was held on July 8th, 2021 where public comment was heard and considered by the Board of Aldermen regarding the issue; and

WHEREAS, The City of Southport Board of Aldermen, after considering the public hearing response and the recommendation of the Planning Board, together with the comments of staff, hereby finds that the above referenced proposed zoning text amendment to Articles 2, 3, and 8 of the City of Southport Unified Development Ordinance is consistent with the 2015 CAMA Land Use Plan adopted on September 18, 2014 and

Exhibit A

Additions to the existing ordinance are underlined and highlighted.

2.6 COMMON REVIEW PROCEDURES

I. ANNUAL ZONING PERMIT FOR HOMESTAYS AND SHORT-TERM VACATION RENTALS.

An annual zoning permit is required for certain land uses, including Homestays and Short-Term Vacation Rentals. The UDO Administrator shall issue homestay and Short-Term Vacation Rental permits in accordance with Article 3: Zoning. These annual zoning permits must be renewed each year before the expiration date and in accordance with the terms of this UDO. The Annual Zoning Permit for Homestays and Short-Term Vacation Rentals is valid from January 1 thru December 31 in the year of issue and must be renewed annually. In addition, the annual zoning permit for a nonconforming Short-Term Vacation Rental located in a residential zoning district must be renewed by the property owner of record prior to the expiration of the existing zoning permit to maintain the nonconforming use. Failure to maintain a valid zoning permit for a nonconforming short-term vacation rental will result in forfeiture of all legal rights and claims to continue that use.

3.5 TABLE OF PERMITTED AND SPECIAL USES

A. USE TABLE

The following uses are listed as permitted by right (P), special (S), or permitted by right with an additional use standard (PS), or special with an additional use standard (SS) in each zoning district where allowed. The Use Table (3.1) is separated by Accessory Uses, Residential Uses, and Nonresidential Uses.

B. PROHIBITED USES

1. If a cell in the table of uses is blank, the use is prohibited in the corresponding zoning district.
2. The following uses are prohibited throughout the City's planning jurisdiction in an effort to mitigate natural and manmade hazards, maintain desired environmental qualities, and enhance public health, safety, and welfare, as desired in the City's Comprehensive Plan:
 - a) The manufacturing, processing, fabrication, and/or bulk storage of acetylene gas (except for use on-premises), ammunition, explosives, fireworks, gunpowder, jute, or matches;
 - b) The manufacturing, processing, and/or fabrication of acids (except non-corrosive acids), ammonia, ammonium nitrate, animal byproducts, bleaching powder, cellulose, chlorine, creosote and creosote treatment, detergents, enamels, lacquers, linoleum, oilcloth, paints, paper pulp, pigments, lime, plastic, rubber (except tire recappers), soaps (except

artisan manufacturing), tannery products, turpentine, varnishes, whiting and/or wood fillers, and environmentally hazardous material. The fabrication of plastics is exempt from this prohibition.

- c) The slaughtering of animals, except seafood processing.

Table 3.1: Table of Uses		Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard												Use Stand ard
Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
Accessory Uses														
ACCESSORY STRUCTURES OR USES, GENERAL		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.A
ACCESSORY DWELLING, COMMERCIAL						SS	SS	SS	SS	SS	SS	SS		3.6.B
ACCESSORY DWELLING, RESIDENTIAL		SS	SS	SS	SS	SS	SS							3.6.C
CEMETERIES AND MAUSOLEUMS		SS	SS	SS	SS	SS	SS	PS	PS	PS				3.6.D
DOCKS, PIERS, GAZEBOS, BULKHEADS, AND LIVING SHORELINES		PS	PS	PS	PS	PS	PS	PS	PS				S S	3.6.E
HOME DAYCARE, ADULT AND CHILD		SS	SS	SS	SS	SS								3.6.F
HOME OCCUPATION		SS	SS	SS	SS	SS								3.6.G
<u>HOMESTAY</u>		<u>PS</u>	<u>PS</u>	<u>PS</u>		<u>PS</u>								<u>3.6.H</u>
MODULAR UNIT					PS	PS	PS	PS	PS	PS	PS	PS		<u>3.6.I</u>
OUTDOOR DISPLAY								PS	PS	PS				<u>3.6.I</u>
OUTDOOR STORAGE									PS	PS	PS	PS		<u>3.6.K</u>
<u>OUTDOOR VENDING MACHINE</u>					<u>PS</u>	PS	PS	<u>PS</u>	PS	PS	<u>PS</u>	<u>PS</u>		<u>3.6.L</u>
PORTABLE STORAGE CONTAINERS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6. <u>M</u>
RECREATIONAL VEHICLE OR TRAVEL TRAILER		PS	PS		PS	PS	PS							3.6. <u>N</u>
SELF-SERVICE ICE VENDING MACHINES									SS	SS				3.6. <u>Q</u>
SOLAR ENERGY SYSTEMS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6. <u>P</u>
SWIMMING POOLS		PS	PS	PS	PS	PS	PS	PS						3.6. <u>Q</u>

Table 3.1: Table of Uses		Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard												Use Stand ard
Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
TEMPORARY SALES OFFICES		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.R
TEMPORARY HEALTHCARE STRUCTURES		PS	PS	PS	PS	PS								3.6.S
Residential Uses														
DWELLING, SINGLE-FAMILY		P	P	P	P	P	P							
DWELLING, TWO-FAMILY (DUPLEX)		S	S	P	P	P	P							
DWELLING, MULTI-FAMILY				PS		SS	SS							3.7.A
DWELLING, TRIPLEX, OR QUADRUPLX				PS	SS	SS	SS							3.7.B
FAMILY CARE HOME		PS	PS	PS	PS	PS								3.7.C
MANUFACTURED HOME ON SINGLE LOT					PS									3.7.D
MANUFACTURED HOME PARK					PS									3.7.E
MIXED USES						PS	PS	PS	PS					3.7.F
MODULAR HOMES		PS	PS	PS	PS	PS	PS							3.7.G
Nonresidential Uses														
ADULT ESTABLISHMENT												SS		3.8.A
ALCOHOLIC BEVERAGES, PACKAGED, RETAIL SALES								P	P	P				
AUTOMOTIVE, MAJOR									SS	P	P	P		3.8.B
AUTOMOTIVE, MINOR								SS	P	P	P			3.8.B
BED & BREAKFAST	721191	SS	SS	SS	SS	SS	SS	SS	SS	SS				3.8.C
BOTTLE SHOP AND WINE BAR						P		P	P	P				

Table 3.1: Table of Uses		Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard												Use Stand ard
Uses	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
BUILDING MATERIAL DEALERS	444190								S	P	P	P		
BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED	561						SS	SS	SS	SS				3.8.D
BUS TERMINALS AND RAILROAD STATIONS									P	P				
CHURCHES, SYNAGOGUES & OTHER ASSOC. ACTIVITIES, INCL. OFFICES, ACTIVITY CENTER, ETC.	813110	SS	SS	SS	SS	SS	SS	PS	PS	PS				3.8.E
CLUBS OR LODGE		SS	SS			SS		SS	PS	PS				3.8.F
COMMERCIAL PARKING LOTS	812930						SS	SS	SS	PS	SS			3.8.G
COMMERCIAL RECREATION, INDOOR						S		S	P	P				
COMMERCIAL RECREATION, OUTDOOR										P				
CONTRACTORS, EQUIPMENT & SUPPLY DEALERS & SERVICE	811310									P	P	P		
CONTRACTORS, HEAVY CONSTRUCTION, GRADING, PAVING, MARINE, ETC.	234										P	P		
CULTURAL ARTS CENTER, INCL. THEATERS, OFFICES, CLASSROOMS, ETC.						P	P	P	P	P				
DANCE STUDIOS	611610					P	P	P	P	P				
DAYCARE, ADULT, AND CHILD	624120						SS	SS	PS	PS				3.8.H
DIVERS, COMMERCIAL								P	P	P	P	P		
DRY CLEANERS	812320					SS		PS	PS	PS				3.8.I
DRY STORAGE										PS	PS	PS		3.8.J

Table 3.1: Table of Uses		Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard												Use Stand ard
Uses	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
EDUCATIONAL FACILITY		S	S	S	S	S	P	P	P	P				
ELECTRONIC GAMING OPERATIONS										SS				3.8.K
EXTERMINATING SERVICES	561710							PS	P S	P	P	P		3.8.L
FARMERS'S MARKET	445230	SS				SS		SS	PS	PS			S S	3.8.M
FARM MACHINERY SALE AND SERVICE									S	P	P			
FEED, SEED, AND FERTILIZER SALES, RETAIL									S	P	P			
FISHING, COMMERCIAL	11411							P	P	P				
FLEA MARKET										SS				3.8.N
FRUIT & VEGETABLE MARKET, WHOLESALE WITH INCIDENTAL RETAIL	445230							SS	SS	PS	PS	SS		3.8.O
FUEL & ICE DEALERS	422710								P	P	P	P		
FUNERAL HOMES	812210						P	P	P	P				
FURRIERS AND FUR STORAGE									P	P				
GARBAGE COLLECTION, PRIVATE (NO LANDFILLS)	562111											P		
GAS COMPANIES (LP-BOTTLED & BULK STORAGE)	324110										P	P		
GOLF COURSE, PRIVATE OR PUBLIC, W/RELATED SERVICES INCL. PRO SHOP	713910	P	P	P		P								
GOVERNMENT USE, CITY OF SOUTHPORT		P	P	P	P	P	P	P	P	P	P	P	P	
GOVERNMENT USES WITH BUILDINGS, NON-CITY OF SOUTHPORT		SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS		3.8.P
GROCERY STORES	445110					P		P	P	P				
HARDWARE, LAWN, OR GARDEN STORE	444130							P	P	P	P	P		

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard
Uses	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
HEALTH SERVICES,						P	P	P	P	P				
HELIPAD							SS							3.8.Q
HOSPITALS	622110						P	P	P	P				
HOTEL, MOTEL, OR INN	721110					SS	SS		SS	PS				3.8.R
HOTEL, RESIDENTIAL OR BOUTIQUE						SS	SS	PS	PS	PS				3.8.S
INSTITUTIONAL CARE FACILITY, ADULT										S				
INSTITUTIONAL CARE FACILITY, CHILD HANDICAPPED									S	S				
JAIL	922140									PS	PS	PS		3.8.T
KENNEL	812910									SS	PS	PS		3.8.U
LAUNDRY, INDUSTRIAL	812332									P	P	P		
LAUNDRY, COIN-OPERATED									P	P				
LIBRARY	514120					P	P	P	P	P				
LIQUOR STORES	445310							P	P	P				
MANUFACTURED HOME DEALERS	453930									P	P			
MANUFACTURED HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION					S	S	S	S	S	S	S	S		
MANUFACTURING, ARTISAN									P	P	P	P		
MANUFACTURING, GENERAL											C	P		
MANUFACTURING, INTENSIVE												CS		3.8.V
MANUFACTURING, LIMITED										P	P	P		

Table 3.1: Table of Uses		Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard												Use Stand ard
Uses	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
MARINA, COMMERCIAL	713930					PS		PS	PS	PS	PS	PS		3.8.W
MARITIME SALES, RENTAL, AND SERVICE									P	P				
MICROBREWERY AND MICRODISTILLERY								SS	PS	PS	PS			3.8.X
MOBILE VENDOR OR FOOD TRUCK								PS	PS	PS	PS	PS		3.8.Y
MOTION PICTURE PRODUCTION & DISTRIBUTION	512110										P	P		
MOTOR FREIGHT COMPANIES, MOVERS, VAN LINES, AND STORAGE										P	P	P		
MUSEUMS, ART GALLERIES	712110						P	P	P	P				
NIGHTCLUB	722410							SS	SS	SS				3.8.Z
NURSING & PERSONAL CARE FACILITY	623110					SS	SS		SS	PS				3.8.AA
OFFICE, GENERAL						P	P	P	P	P				
PACKAGE DELIVERY SERVICES, COMMERCIAL	492210						SS	SS	SS	PS	PS	PS		3.8.BB
PARKS & RECREATION AREAS, MUNICIPAL	924120	P	P	P	P	P	P	P	P	P			P	
PERSONAL SERVICE ESTABLISHMENT						P	P	P	P	P				
RADIO & TELEVISION STATIONS, STUDIOS, AND OFFICES							SS		PS	PS				3.8.CC
RECREATION FACILITY PRIVATE, INCL. CLUBS & RECREATION FACILITIES ASSOC. WITH MULTIPLE FAMILY COMPLEXES, GOLF COURSES, TENNIS FACILITIES, COUNTRY CLUBS, ETC.		SS	SS	SS	SS	SS	SS	SS	SS	SS				3.8.F
RECREATIONAL VEHICLE PARK										SS				3.8.DD

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
RESEARCH & DEVELOPMENT							SS	SS		PS	PS	PS		3.8.EE
RESTAURANT, CARRY-OUT	722211					S		P	P	P				
RESTAURANT, STANDARD & FAST-FOOD	722211					S		P	P	P				
RETAIL SALES, MAJOR										P				
RETAIL SALES, MINOR						P		P	P	P				
RETAIL SALES, MODERATE									P	P				
SALVAGE OPERATIONS												SS		3.8.FF
SHOPPING CENTER	233320					SS		SS	PS	PS				3.8.GG
SHOOTING RANGE, INDOOR										PS	PS	PS		3.8.HH
SHOOTING RANGE, OUTDOOR												SS		3.8.HH
<u>SHORT-TERM VACATION RENTALS</u>						<u>PS</u>		<u>PS</u>	<u>PS</u>					<u>3.8.II</u>
SOLAR FARM												SS		3.8.JJ
STORAGE, SELF-SERVICE										PS	PS	PS		3.8.KK
TATTOO AND PIERCING ESTABLISHMENT												S		
TAXICAB STANDS								SS	PS	PS				3.8.LL
TELEPHONE COMMUNICATION FACILITY, UNATTENDED	513340	SS	SS	SS	SS	SS	SS	SS	SS	SS	PS	PS		3.8. <u>M</u> <u>M</u>
TRANSITIONAL HOUSING FACILITIES							S							3.8.NN
US POSTAL SERVICE	491110					P	P	P	P	P	P	P		
UTILITY STATIONS & PLANTS (PUBLIC & PRIVATE) INCL. LIFT STATIONS, SUBSTATIONS, ETC.		P	P	P	P	P	P	P	P	P	P	P	P	
VETERINARY SERVICES WITH OPEN PENS	541940									P	P	P		

Table 3.1: Table of Uses	Districts													Use Stand ard
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
VETERINARY SERVICES WITH PENS ENCLOSED IN A BUILDING	541940								S	P	P	P		
WAREHOUSING, GENERAL	493110									PS	PS	PS		3.8.00
WATER TRANSPORTATION INCL. DOCKS, TUGBOATS, BARGES, AND EXCURSIONS									P	P	P	P		
WELDING, REPAIR	811310								P	P	P	P		
WIRELESS TELECOMMUNICATION FACILITY OR COMPLEX, FREESTANDING, AND SUBSTANTIAL MODIFICATIONS										SS	SS	SS		See Article 7
WIRELESS TELECOMMUNICATION FACILITY, COLLOCATION OR COLLOCATED SMALL/MICRO-WIRELESS FACILITY		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		See Article 7
YARD SALES		P	P	P	P	P	P	P	P	P				

3.6 ACCESSORY USE STANDARDS

G. HOMESTAY

Where permitted, the following shall apply:

1. No displays of goods, products, services, or other advertising shall be visible outside the dwelling.
2. The homestay operation shall be managed and carried on by a person who:
 - a) Is a full-time resident of the property; and
 - b) Is present during the homestay term for the entire time lodgers are staying at the property. To be a "full-time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. For the purposes of this section, a person can only have one primary, full-time residence. To be "present during the homestay term," the full-time resident shall be at the property overnight and not away on vacation, visiting friends or family, traveling out of town for business or personal reasons, etc., during the homestay term. However,

- the full-time resident may be temporarily absent from the property for purposes related to normal residential activities such as shopping, working, attending class, etc. A minimum of two documents establishing proof of residency shall be supplied from an approved list of documents.
3. No activities other than lodging shall be provided. Special events, including weddings, receptions, and other large gatherings, are expressly prohibited.
 4. No additional off-street parking is required for a homestay.
 5. Only one homestay permit shall be permitted per property.
 6. Homestay permits shall be limited to two guest rooms at a time.
 7. No signage shall be allowed for homestays.
 8. The length of stay of guests shall not exceed 30 days.
 9. Exterior lighting shall be residential in nature and shall comply with the lighting requirements of the UDO.
 10. The homestay owner or operator shall maintain a minimum of \$500,000 general liability insurance on the property, which covers the homestay use and homestay guests.
 11. The homestay owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entities.
 12. The homestay owner or operator shall not prepare food for guests or provide pre-packaged or unpacked food items or beverages for guests.
 13. The homestay area of the dwelling shall comply with all current and applicable building codes.
 14. Accessory Dwellings with a Special Use Permit are not eligible for homestay use.
 15. A homestay zoning permit is required pursuant to 2.6 (I). It shall be a violation of the City's Unified Development Ordinance to operate a homestay without having secured a valid homestay zoning permit.

3.8 NON-RESIDENTIAL USE STANDARDS

II. SHORT-TERM VACATION RENTALS

Where permitted, the following shall apply:

1. No displays of goods, products, services, or other advertising shall be visible outside the dwelling.
2. No activities other than lodging shall be provided. Special events, including weddings, receptions, and other large gatherings, are expressly prohibited.
3. Off-street parking requirements shall be consistent with residential use requirements in 3.14 D.
4. No signage shall be allowed for short-term vacation rentals.
5. The length of stay of guests shall be less than 30 days.
6. Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
7. Rental rules, including the maximum number of guests per stay, prohibition of any large gatherings, trash disposal procedures and sanitation schedules, noise ordinance hours, where guests are to park, and emergency contact information must be posted in a common area of the unit.

8. All Short-Term Vacation Rentals operating within this planning jurisdiction shall have a designated responsible party who is available twenty-four hours a day during all times that the property is rented or used on a transient basis. The name, telephone number, and email address of the designee shall be conspicuously posted within the short-term rental unit. The designee shall reside within (20) miles of the short-term rental property and be available to respond to complaints within forty-five (45) minutes of their receipt.
9. The short-term vacation rental owner or operator shall maintain a minimum of \$1,000,000 of general liability insurance on the property, covering short-term vacation rental use and guests.
10. The short-term vacation rental owner or operator must pay any applicable taxes, including occupancy and sales taxes, to appropriate governmental entities.
11. The short-term vacation rental shall comply with all current and applicable building codes.
12. A short-term vacation rental zoning permit is required pursuant to 2.6 (I). It shall be a violation of the City's Unified Development Ordinance to operate a short-term vacation rental without having secured a valid short-term vacation rental zoning permit.
13. Short-term vacation rentals in residential zoning districts (R-10, R-20, MF) shall be considered nonconforming and only permitted with the following standards and restrictions:
 - a) A short-term vacation rental in residential zoning districts must have been in operation as a short-term vacation rental prior to the date of the adoption of the standards and regulations herein. For purposes of this ordinance, in order to have been in operation prior to the adoption hereof, the short-term vacation rental must have received verifiable bookings prior to the date of adoption of this ordinance. No new short-term vacation rentals may be established and/or permitted in residential zoning districts (R-10, R-20, MF) after the adoption of the standards and regulations herein.
 - b) To establish the legal nonconforming status, pre-existing short-term vacation rentals in residential zoning districts (R-10, R-20, MF) must apply for a short-term vacation rental permit within 60 days of the adoption of the standards and regulations herein.
 - c) Legal nonconforming short-term vacation rentals in residential zoning districts may continue in operation until such time that the use is discontinued for a period greater than 180 consecutive days, provided, however, that rental of the dwelling unit for periods of longer than thirty (30) days shall not be deemed a discontinuance during said rental period for the purpose of this section. In addition, the short-term vacation rental annual permit will be required for all nonconforming short-term vacation rentals. Failure to renew said permit before its expiration will also constitute a conclusory presumption that the lawful nonconformity has ceased for more than 180 consecutive days, which will result in the

voluntary forfeiture of all rights and claims to operate a nonconforming short-term vacation rental at the address noted on the permit under this provision.

14. The short-term vacation rental annual zoning permit for legal nonconforming uses shall terminate upon discontinuance of use for a period of one hundred eighty (180) days or more or a failure to renew the annual zoning permit.
15. Any short-term vacation rental for which there are three (3) final determinations of violations of City Code and/or criminal convictions related to the property (on, adjacent to, or within the property) by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling three hundred sixty-five (365) day period, shall constitute a violation of the supplemental standards of the permitted use and shall terminate the short-term vacation rental zoning permit. For any short-term vacation rental zoning permit that is terminated due to code/criminal violations, a property owner shall be ineligible for permitting for a period of three (3) years.
16. The rights and claims to operate a legal nonconforming short-term vacation rental are forfeited after three (3) final determinations of violations of the City Code and/or criminal convictions related to the property (on, adjacent to, or within the property) by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling three hundred sixty-five (365) day period.

Section 8.3 Definitions of Basic Terms

Designated Responsible Party. The local contact person responsible for responding to complaints or issues stemming from the use of the dwelling unit as a short-term rental.

Guest room. An individually secured sleeping room or a suite, with or without sanitation facilities, but does not contain a kitchen.

Homestay. A private, resident-occupied dwelling unit, with up to two guest rooms where overnight lodging accommodations are provided to transients for compensation and where the use is subordinate and incidental to the primary residential use of the building. A homestay is considered an accessory "Lodging" use under this UDO. The permanent resident is present during the rental stay.

Homestay and short-term vacation rental property owner. The person, persons, or entity whose name appears on the recorded deed of the property or unit being used as a homestay or short-term vacation rental.

Homestay permit. The required zoning permit to allow the rental of up to two (2) guest rooms within a home as a homestay rental. The City of Southport issues the homestay permit to the applicant after successfully completing the homestay permit application requirements. Generally, the permit is valid from January 1 thru December 31 in the year of issue and must be renewed annually.

Lodging. A premises available for short-term human habitation, including daily and weekly rentals for intervals of less than 30 days.

Permanent resident. A person who resides year-round in the dwelling unit and has declared the dwelling as their permanent residence. Only one dwelling unit at a time may be identified as a permanent residence.

Short-term vacation rental. A dwelling unit with up to six guest rooms that is used and/or advertised through an online platform, or other media, for transient occupancy for a period of less than 30 days. A short-term vacation rental is considered a non-residential "Lodging" use under this UDO. The owner is not required to be present during the rental stay.

Short-term vacation rental operator/manager. Any agency or individual other than the property owner that is operating or managing a short-term vacation rental.

Short-term vacation rental permit. The required zoning permit to rent a dwelling unit or guest rooms within a dwelling unit as a short-term vacation rental. The City of Southport issues the short-term vacation rental permit to the property owner after the successful completion of the short-term vacation rental application requirements. Generally, the permit is valid from January 1 thru December 31 in the year of issue and must be renewed annually. See additional standards and regulations that apply to different zoning districts.

subsequently amended on December 10, 2020. Furthermore, the City of Southport Board of Aldermen finds that this amendment is in the public interest because (i) it adheres with the City of Southport's Vision and Core Values located on page 9 of the CAMA Land Use Plan, specifically the amendment is consistent with the Core Values of preserving the City's historic character and preserving the city's residential areas by limiting potential land use conflicts, (ii) The CAMA Land Use Plan further states that Southport desires to have an affordable quality of life while maintaining its quiet residential atmosphere and protecting the City's historic assets, (iii) it creates provisions for short-term vacation rentals and homestays in designated zoning districts which are suitable for said uses while restricting them in residential and historic districts, and (iv), the proposed zoning text amendment is consistent with Policy 2.5 and recommended action 2.5A (continuously monitor the need for possible revisions to the UDO).

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Southport that the proposed update to Articles 2, 3, and 8 is hereby enacted and adopted as follows on Exhibit A attached and shall become effective immediately.

This, the 8th day of July 2021.

Dorothy Dutton
Dorothy Dutton, City Clerk

City of Southport

Joseph P. Hatem MD
Joseph P. Hatem, M.D., M.P.H
Mayor, City of Southport



IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-210

No. COA21-192

Filed 5 April 2022

New Hanover County, No. 19-CVS-4028

DAVID SCHROEDER and PEGGY SCHROEDER, Plaintiffs,

v.

CITY OF WILMINGTON and CITY OF WILMINGTON BOARD OF ADJUSTMENT,
Defendants.

Appeal and cross-appeal from a judgment and stay entered 15 October 2020 by
Judge R. Kent Harrell in New Hanover County Superior Court. Heard in the Court
of Appeals 17 November 2021.

*Nelson Mullins Riley & Scarborough, LLP, by John E. Branch, III, and Andrew
D. Brown, and Institute for Justice, by Ari Bargil and Adam Griffin, for
Plaintiffs-Appellees/Cross-Appellants.*

*Poyner Spruill LLP, by N. Cosmo Zinkow and Robert E. Hagemann, and
Deputy City Attorney Meredith T. Everhart, for Defendant-Appellant/Cross-
Appellee City of Wilmington.*

INMAN, Judge.

¶ 1 The North Carolina Constitution establishes the State as sovereign, and local
governments may exercise only those powers that our General Assembly “deem[s]
advisable” through legislative enactment. N.C. Const. art. VII, § 1. When a legal
question arises regarding the scope of a local government’s authority, it is the

judiciary's duty to interpret the enabling law and apply it in accordance with the General Assembly's intent. *Occaneechi Band of Saponi Nation v. N.C. Comm'n of Indian Affairs*, 145 N.C. App. 649, 653, 551 S.E.2d 535, 538 (2001). And when a local government enacts an ordinance asserting powers that exceed those granted by the General Assembly, we are compelled to invalidate the unauthorized action. *King v. Town of Chapel Hill*, 367 N.C. 400, 411, 758 S.E.2d 364, 373 (2014).

¶ 2 David and Peggy Schroeder ("Plaintiffs") dispute the authority of the City of Wilmington ("Wilmington") to enact a zoning ordinance restricting short-term rentals through a registration and lottery process. Plaintiffs presented several state law and constitutional law rationales to the trial court. The trial court dismissed Plaintiffs' constitutional challenges but agreed that the zoning ordinance was entirely invalid based on a statute and its amended recodification precluding local governments from "requir[ing] any owner or manager of rental property . . . to register rental property with the local government." N.C. Gen. Stat. § 160A-424(c) (2017), *recodified as amended at* N.C. Gen. Stat. § 160D-1207(c) (2021).

¶ 3 The trial court stayed its judgment, and both parties appeal. Wilmington challenges the judgment and Plaintiffs challenge the dismissal of their constitutional

claims and the entry of a stay.¹

¶ 4 After careful review, we affirm the trial court’s judgment that the registration and lottery provisions of Wilmington’s ordinance are invalid under Section 160D-1207(c) of our General Statutes. But we reverse the portion of the judgment striking provisions of the Wilmington ordinance that are not prohibited by statute and are severable from the invalid provisions. Because our holding renders moot Plaintiffs’ constitutional challenges to the ordinance, we do not reach Plaintiffs’ cross-appeal.

I. FACTUAL AND PROCEDURAL HISTORY

¶ 5 The record below and our General Statutes disclose the following:

A. The General Assembly Restricts Permitting, Permission, and Registration Requirements for Residential Rentals

¶ 6 In 2011, the General Assembly enacted a statute prohibiting cities from penalizing or restraining the rental of residential real property absent “reasonable cause.” 2011 N.C. Sess. Laws 1034, 1034, ch. 281. That statute, Section 160A-424(c),² prohibited cities from “requir[ing] any owner or manager of rental property to obtain any permit or permission from the city to lease or rent.” N.C. Gen. Stat. § 160A-424(c)

¹ Plaintiffs moved this Court to dissolve the stay by separate motion, and we denied that motion by order entered 20 April 2021. Because Plaintiffs concede that we have already decided this issue against them and they advance their arguments strictly for preservation purposes, we do not revisit that issue in this opinion.

² Our General Statutes are organized by subject matter into chapters, which may be further subdivided into subchapters, articles, parts, or subparts. A “Section” is the text of the law itself, and sections are placed within the chapters and their various subdivisions.

(2011). The statute provided an exception allowing cities to “levy a fee for residential rental property *registration* under subsection (c)” if the rental units in question had a sufficient number of local ordinance violations or were hotspots for criminality. *Id.* § 160A-424(d) (emphasis added). Subsection (d) further allowed cities “that charge[d] registration fees for all residential rental properties as of June 1, 2011” to continue to do so according to a specific fee schedule. *Id.*

¶ 7

As the land development statutes were codified at the time Section 160A-424(c) was originally enacted, municipal land development regulatory powers were found in Article 19, “Planning and Regulation of Development,” of Chapter 160A, “Cities and Towns.” County land development regulatory powers were located in Article 18, “Planning and Regulation of Development,” in Chapter 153A, “Counties.” Thus, the statutes authorizing local governments to regulate land uses were codified in two separate chapters, depending on the body politic. Section 160A-424(c), as a statute governing municipalities, was located in Part 5, “Building Inspection,” of Article 19 in Chapter 160A. Organizationally, this placed Section 160A-424(c) apart from our municipal zoning laws, which were located in Part 3, “Zoning,” of Article 19 in Chapter 160A.

¶ 8

In 2017, the General Assembly added language to Section 160A-424(c) to bar cities from “requir[ing] any owner or manager of rental property to obtain any permit or permission . . . to lease or rent . . . *or to register rental property with the city.*” N.C.

Gen. Stat. § 160A-424(c) (2017) (emphasis added). The statute continued the exceptions for properties that repeatedly violated building codes or were sites of substantial criminal activity. *Id.* The amended statute repealed the subsection that allowed the uniform rental registration programs predating June 2011 to continue, ending the authorization of those programs. *Id.* § 160A-424(d).

B. Wilmington Regulates Short-Term Rentals Through Registration

¶ 9

Against this statutory backdrop, Wilmington sought to protect its neighborhoods and housing market from the impact of widespread short-term rentals. Wilmington’s City Council identified concerns including “undue commercialization and disruption to the primary and overarching purpose of a neighborhood being first and foremost a residential community, where people actually live,” and the possibility that “inordinate reductions in the supply of housing available for standard rentals for the citizens of Wilmington could have a destabilizing effect on housing affordability.” These concerns led Wilmington to enact a zoning ordinance (the “Ordinance”) in January 2019 regulating short-term rentals within city limits in an effort to balance their negative effects against the benefits of a “properly regulated” short-term rental market—including “assisting property owners to keep properties in good repair, which, in turn, stabilizes home ownership, maintains property values, and strengthens the economy of the City.”

¶ 10

The Ordinance restricted short-term rentals to specific zoning districts,

required at least 400 feet of separation between short-term rentals, and capped the total percentage of short-term rentals at two percent of residential parcels within Wilmington's 1945 Corporate Limits and two percent of residential parcels outside the same. To implement the separation and cap requirements, the Ordinance required short-term rental operators to register their properties. Initial registrations were to be doled out in conformity with the separation and cap requirements by lottery. Registrations would terminate if not renewed annually, upon transfer of the subject property, or for violations of law, and registrations filed after the initial lottery would be received and processed on a first-come, first-served basis. Existing short-term rental operators who failed to obtain a registration by lottery were required to cease short-term rentals by the end of a one-year amortization period. Other sections of the Ordinance imposed health, safety, and similar requirements, such as requiring short-term rental operators to conspicuously post the dates for garbage collection and the non-emergency telephone number for the Wilmington Police Department.

C. Plaintiffs' Challenge

¶ 11 Plaintiffs own a townhome in the Lions Gate community of Wilmington, which they used as a short-term rental without any reported problems prior to the enactment of the Ordinance. After the Ordinance was passed, Plaintiffs registered their property but lost in the initial lottery, as another property within 400 feet of

their townhouse drew a lower lottery number. Plaintiffs appealed to the Wilmington Board of Adjustment, which upheld Wilmington’s denial of registration.

¶ 12 With no other administrative avenues available to them, Plaintiffs filed a declaratory judgment action in October 2019 to challenge the validity of the Ordinance, alleging it violated Section 160A-424(c)’s prohibition against ordinances “that would require any owner or manager of rental property to obtain any permit or permission from the city to lease or rent residential real property or to register rental property with the city.”³

D. The General Assembly Reorganizes and Recodifies Local Land Use Regulatory Statutes

¶ 13 In July 2019, shortly before Plaintiffs filed suit, the General Assembly amended and recodified statutes concerning local government regulation of short-term rentals, including Section 160A-424(c). On 1 July 2019, the General Assembly enacted Session Law 2019-73 to explicitly place vacation rentals under the ambit of Section 160A-424. 2019 N.C. Sess. Laws 300, 300, ch. 73, § 1. Ten days later, the General Assembly amended and recodified Section 160A-424 as part of a session law

³ Plaintiffs also brought several facial and as-applied challenges to the Ordinance under the North Carolina Constitution and have cross-appealed the later dismissal of those claims to this Court. Because we hold that the allegedly unconstitutional portions of the Ordinance are preempted on statutory grounds, we dismiss as moot Plaintiffs’ cross-appeal arguing the unconstitutionality of the Ordinance. *Chavez v. McFadden*, 374 N.C. 458, 467, 843 S.E.2d 139, 147 (2020).

captioned, “An Act to Clarify, Consolidate, and Reorganize the Land-Use Regulatory Laws of the State.” 2019 N.C. Sess. Laws 424, 424, ch. 111 (hereinafter “the Act”). Part II of the Act—which contains the recodification of Section 160A-424—is titled “Provisions to Reorganize, Consolidate, Modernize, and Clarify Statutes Regarding Local Planning and Development Regulation.” *Id.* at 439, ch. 111.

¶ 14

Part II of the Act at issue in this case provides:

. . . The intent of the General Assembly by enactment of Part II of this act is to collect and organize existing statutes regarding local planning and development into a single Chapter of the General Statutes and to consolidate the statutes affecting cities and counties.

. . . The intent of the General Assembly by enactment of Part II of this act is to neither eliminate, diminish, enlarge, nor expand the authority of local governments to exact land, construction, or money as part of the development approval process or otherwise materially alter the scope of local authority to regulate development

Id. at 439, ch. 111, §§ 2.1.(e)–(f). Part II relocated the previously scattered patchwork of planning and development statutes into a single new chapter, Chapter 160D. *Id.* at 439, ch. 111, § 2.4. The Act also expressly provides that “Part II of this act clarifies and restates the intent of existing law and applies to ordinances adopted before, on, and after the effective date.” *Id.* at 547, ch. 111, § 3.2. As an express clarifying amendment of declared retroactive effect, the Act’s recodification retroactively applied to Wilmington’s Ordinance.

¶ 15 The new Chapter 160D is organized into 14 Articles. Chapter 160D maintains the structural separation between zoning and building code inspection that existed in the previous codification of our land regulation statutes. Zoning is now found in Article 7, “Zoning Regulation,” N.C. Gen. Stat. §§ 160D-701, *et seq.*; building code enforcement in Article 11, “Building Code Enforcement,” *id.* §§ 160D-1101, *et seq.*; and minimum housing standards in Article 12, “Minimum Housing Codes.” *Id.* §§ 160D-1201, *et seq.* The Act recodified Section 160A-424 as Section 160D-1207, placing it among the minimum housing standard statutes in Article 12.⁴ *Id.* §§ 160D-1201, *et seq.*

¶ 16 The General Assembly also modified the language regarding the prohibitions against permitting, permissions, and registrations applicable to residential rentals. The new statute, with additions marked in bold and deletions struck through, now reads:

In no event may a ~~city~~ **local government** do any of the following: (i) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission **under Article 11 or Article 12 of this Chapter** from the ~~city~~ **local government** to lease or rent residential real property or to register rental property with the ~~city~~ **local government**.

⁴ The sections in Chapter 160D are generally numbered sequentially according to their placement in the Chapter. The amended statutory language at issue here is found in the seventh section of Article 12 in Chapter 160D, hence Section 160D-1207.

Compare N.C. Gen. Stat. § 160A-424(c) (2017), *with* N.C. Gen. Stat. § 160D-1207(c) (2021).

E. The Trial Court Concludes the Ordinance Is Preempted by Statute

¶ 17 Wilmington moved to dismiss Plaintiffs’ complaint. The trial court dismissed Plaintiffs’ constitutional claims by order entered 11 March 2020. Wilmington then filed its answer and moved for summary judgment in its favor, while Plaintiffs moved to amend their complaint to explicitly address, among other things, the changes to and recodification of Section 160A-424(c) as Section 160D-1207(c). The trial court denied this motion by order entered on 3 September 2020, and on 15 September 2020, the trial court granted summary judgment to Plaintiffs, declaring the entirety of the Ordinance void based on the conclusion that Section 160A-424(c) and its revised codification at Section 160D-1207(c) unambiguously prohibited Wilmington’s short-term rental registration scheme.

¶ 18 Wilmington moved for a stay of the trial court’s judgment shortly after entry. The trial court granted that motion as to all parties except Plaintiffs who, by statute, enjoyed a stay of the Ordinance’s enforcement against them during litigation. The trial court’s ruling on summary judgment and the entry of the stay were then consolidated into a final judgment entered 15 October 2020, and both parties filed timely notices of appeal.

II. ANALYSIS

¶ 19 This appeal requires us to resolve three competing interpretations and applications of Sections 160A-424(c) and its successor statute 160D-1207(c): by the trial court, by Plaintiffs, and by Wilmington. Section 160A-424(c) prohibited Wilmington from enacting an ordinance that required a short-term rental operator “to obtain any permit or permission from the city to lease or rent . . . or to register rental property with the city.” N.C. Gen. Stat. § 160A-424(c). When it recodified the statute as Section 160D-1207(c), the legislature added nine words that have spawned the differing interpretations before us, prohibiting Wilmington from requiring short-term rental operators “to obtain any permit or permission **under Article 11 or Article 12 of this Chapter** . . . to lease or rent . . . or to register rental property.” N.C. Gen. Stat. § 160D-1207 (emphasis added).⁵

¶ 20 The trial court concluded that Section 160D-1207(c) prohibits Wilmington from requiring: (1) permits and permissions to rent under Articles 11 and 12; and (2) all registrations of rental property. Plaintiffs construe the new language to prohibit (1) all permits to lease or rent; (2) permissions to rent under Articles 11 and 12; and (3) all registrations of rental property as a condition to rent. Wilmington advocates a third reading, contending the added cross-reference to Articles 11 and 12 modifies the

⁵ Section 160D-1207 includes several specific exceptions that are not at issue in this case, so we do not address them.

scope of “permits,” “permissions,” *and* registrations, so that local governments are authorized to use their zoning powers—found in Article 7—to implement registration schemes on short-term rentals.

¶ 21 After reviewing the language of the statutes, we hold that Wilmington’s registration requirements for rentals, and those provisions of the ordinance inseparable from them, are prohibited by state statute and therefore invalid, and we affirm the trial court’s judgment in this respect. However, because several of the Ordinance’s provisions are severable from the invalid registration provisions, we reverse the trial court’s judgment in part and remand for entry of a judgment that invalidates the registration requirement and those provisions inseparable from it, but leaves the severable sections, described below, intact.

A. Standard of Review

¶ 22 We review the trial court’s entry of summary judgment *de novo*. *JVC Enters., LLC v. City of Concord*, 376 N.C. 782, 2021-NCSC-14, ¶8. Summary judgment is proper when there are no genuine issues of material fact and judgment in favor of a party is appropriate as a matter of law. *Id.* The same *de novo* standard applies to questions of statutory interpretation. *Id.*

B. Section 160A-424(c) Unambiguously Prohibited Wilmington's Registration Ordinance

¶ 23 When the Ordinance was first enacted, Section 160A-424(c) generally precluded cities from “requir[ing] any owner or manager of rental property . . . to obtain any permit or permission . . . to lease or rent residential real property or to register rental property with the city.” N.C. Gen. Stat. § 160A-424(c) (2017). Thus, the statute prohibited two categories of regulation: (1) permits or permissions to lease or rent; and (2) registrations of rental property. The statutory language is in no way ambiguous, so it must be afforded its plain effect without reference to canons of statutory interpretation. *See, e.g., Jeffries v. Cnty. of Harnett*, 259 N.C. App. 473, 488, 817 S.E.2d 36, 48 (2018) (“[W]hen the language of a statute is clear and unambiguous, there is no room for judicial construction and the courts must give it its plain and definite meaning.” (citation and quotation marks omitted)). The Ordinance is prohibited by the statute’s straightforward language to the extent it requires Plaintiffs “to register rental property with the city.” N.C. Gen. Stat. § 160A-424(c).

¶ 24 Wilmington asserts that Section 160A-424(c) was only intended to limit registration requirements in the context of building code inspections—not zoning—by pointing out that it was included in a part of our General Statutes that, per its title, related to municipal building inspections. But, because Section 160A-424(c) is

unambiguous, our analysis begins and ends with the plain meaning of the text, and we need not consult its placement in a building inspection statute to discern the legislature's intent. *Appeal of Forsyth County*, 285 N.C. 64, 71, 203 S.E.2d 51, 55 (1974) ("The law is clear that captions of a statute cannot control when the text is clear." (citation omitted)); *First Bank v. S&R Grandview, L.L.C.*, 232 N.C. App. 544, 551, 755 S.E.2d 393, 397 (2014) (noting that "the placement of a statute within an act is less probative of legislative intent than the plain language of the statute itself" and holding the placement of a plain and unambiguous statute had no bearing on the interpretation of its plain language). *But see Ray v. N.C. Dept. of Transp.*, 366 N.C. 1, 8, 727 S.E.2d 675, 681 (2012) (observing that "even when the language of a statute is plain, the title of an act should be considered in ascertaining the intent of the legislature" where there was no question as to the plain meaning of a statutory amendment but only whether the amendment was intended to apply retroactively or prospectively) (citation and quotation marks omitted)).

C. Recodification as Section 160D-1207(c) Did Not Alter the Restriction Against Registrations

¶ 25 Our review of Section 160D-1207(c), in context with the rest of Chapter 160D and together with Section 160A-424(c)'s prior unambiguous language, leads us to hold that the registration provisions of the Ordinance are invalid. We hold that Section 160D-1207(c) continues to impose a disjunctive list of two prohibitions, restricting

local governments from:

requir[ing] any owner or manager of rental property [1] to obtain any permit or permission under Article 11 or Article 12 of this Chapter from the local government to lease or rent residential real property or [2] to register rental property with the local government. . . .

N.C. Gen. Stat. § 160D-1207(c). The Ordinance’s registration provisions thus remain preempted by statute.

¶ 26 This reading of Section 160D-1207(c) avoids any violence to the statutory language and structure. It also continues to treat “permit or permission . . . to lease or rent” as a single category of prohibited regulatory action separate from “registrations”—just as was demanded by the unambiguous language of its predecessor statute, Section 160A-424(c).

¶ 27 Treating “permit or permission” of a like kind and as a single categorical phrase also accords with the construction of Chapter 160D itself. Article 11’s statutes explicitly refer to “permits” and other approval mechanisms. Except for the prohibition against permits at issue here, Article 12’s statutes do not expressly refer to “permits,” but they do contemplate other forms of governmental approvals, *i.e.*, permissions. *Compare* N.C. Gen. Stat. §§ 160D-1101, *et seq.* (providing for building code enforcement powers through the issuance of building permits and other forms of written approvals for work), *with* N.C. Gen. Stat. §§ 160D-1201, *et seq.* (allowing for adoption and enforcement of minimum housing code ordinances without specifically

referencing permitting).⁶ Thus, applying the statutory cross-reference to both “permit or permission” and treating them together results in a general prohibition against requiring government approval to lease or rent, however required under Articles 11 or 12, that aligns with the structure of those Articles. *See, e.g., Elec. Supply Co. of Durham, Inc. v. Swain Elec. Co.*, 328 N.C. 651, 656, 403 S.E.2d 291, 294 (1991) (“[W]e are guided by the structure of the statute and certain canons of statutory construction.” (citations omitted)).

¶ 28 We acknowledge that this reading appears, in some sense, to conflict with the provisions of Chapter 160D’s enabling session law that express an intention to clarify, rather than change, the law. But every interpretation before this Court results in some substantive alteration, as each imposes some restriction where the prior unambiguous language of Section 160A-424(c) contained none.⁷ In this circumstance, we must attempt to construe the provisions of Chapter 160D’s enabling session law together, and “harmonize such statutes, if possible, and give effect to each.” *Town of*

⁶ For example, Section 160D-1112 in Article 11 provides that post-permit changes to construction are only allowed if they “are clearly permissible under the State Building Code” or are made pursuant to “specific written approval of the proposed changes . . . [by] the inspection department.” N.C. Gen. Stat. § 160D-1112 (2021). Article 12, meanwhile, allows a local administrative tribunal to close dwellings unfit for human habitation by order—rather than permit—until repairs are completed and habitation may resume. N.C. Gen. Stat. § 160D-1203(3)(a) (2021).

⁷ Ironically, the “clarifying” changes in Section 160D-1207 have now rendered the statute ambiguous. *See Winkler v. N.C. State Bd. of Plumbing, Heating & Fire Sprinkler Contractors*, 374 N.C. 726, 730, 843 S.E.2d 206, 211 (2020) (holding a statute was ambiguous where “the provision at issue is equally *unsusceptible* of each proposed interpretation”).

Blowing Rock v. Gregorie, 243 N.C. 364, 371, 90 S.E.2d 898, 904 (1956).

¶ 29 Our reading of Section 160D-1207(c) seeks to harmonize the clarifying intent of the legislature with the imposition of a new limitation on local government authority to the extent possible. It aligns with and continues the clear original legislative intent, previously expressed in Section 160A-424(c), to provide two disjunctive restrictions: (1) prohibiting permits and permissions to lease or rent (now clarified as permits or permissions pursuant to Articles 11 or 12), and (2) prohibiting registrations of rental properties. In other words, Section 160A-424(c) unambiguously restricted permits or permissions to the same and equal extent, and our reading of Section 160D-1207(c) continues to treat them identically. Similarly, Section 160A-424(c) treated the restriction against permits and permissions separately from the prohibition against registrations, and our interpretation of Section 160D-1207(c) maintains this division, as we do not apply the statutory cross-reference to Articles 11 and 12 inserted into the clause restricting permits and permissions as applying to registrations. As discussed below, neither interpretation of Section 160D-1207(c) suggested by the parties allows for this same symmetry when compared to the original, unambiguous language contained in Section 160A-424(c).

¶ 30 In sum, we hold that the General Assembly enacted Section 160D-1207(c) to clarify that the restriction against permits or permissions to lease or rent originally found in Section 160A-424(c) applied only to the government approvals now found in

Articles 11 and 12. The language added in Section 160D-1207(c) does not suggest that the legislature intended to modify the structure of the previous unambiguous statute precluding registrations generally, nor does it suggest treating “permission[s] . . . to lease or rent” as a separate category of prohibition from “permit[s] . . . to lease or rent.” We agree with the trial court’s interpretation of Section 160D-1207(c) as prohibiting local governments from requiring a short-term rental owner to obtain a permit to rent under Articles 11 or 12, a permission to rent under the same Articles, or to register the property as a rental with the government.⁸ The provisions of Wilmington’s Ordinance requiring such a registration—as well as any provisions that are inseverable from that initial registration requirement—are preempted by Section 160D-1207(c) and its unambiguous predecessor Section 160A-424(c).⁹

⁸ We do not interpret Sections 160A-424(c) or 160D-1207(c) as exempting rental properties from all zoning or permitting requirements; as Plaintiffs conceded at oral argument, even their reading would not preclude Wilmington from zoning or requiring Plaintiffs to obtain a building permit to construct an addition to their property. Our reading does not prohibit these actions either and only limits “permit[s] . . . *under Article 11 or Article 12 . . . to lease or rent.*” N.C. Gen. Stat. § 160D-1207(c) (emphasis added).

⁹ Wilmington asserts that our interpretation would allow it to replace “register” with “permit” in the Ordinance and reenact it under Article 7 without violating Section 160D-1207(c). But such a hypothetical ordinance is not before us today and would be open to legal challenges asserting that the statute’s language should be applied to reach any “permit” that is, in all practical effect, a registration otherwise barred by the statute. *Cf. Mazda Motors of America, Inc. v. Southwestern Motors, Inc.*, 296 N.C. 357, 361, 250 S.E.2d 250, 253 (1979) (“[W]here a literal interpretation of the language of a statute will lead to absurd results, or contravene the manifest purpose of the Legislature, as otherwise expressed, the reason and

D. The Parties' Preferred Interpretations Fail

¶ 31 In adopting the trial court's interpretation of Section 160D-1207(c), we reject the competing interpretations proposed by the parties.

¶ 32 Plaintiffs' proposed interpretation of the statute would rework the language and punctuation of the statute in the following manner, reflected in bold, to provide that local governments are prohibited from:

requir[ing] any owner or manager of rental property[:] [1] to obtain any permit **[from the local government to lease or rent residential real property;]** or [2] **[to obtain]** permission under Article 11 or Article 12 of this Chapter from the local government to lease or rent residential real property[;] or [3] to register rental property with the local government **[to lease or rent residential real property]. . . .**

N.C. Gen. Stat. § 160D-1207(c).

¶ 33 Plaintiffs' proffered interpretation—which they contend is the only unambiguous reading—requires a substantial revision of the statutory language; truly unambiguous statutes require no modification to be given their plain effect. *See In re Banks*, 295 N.C. 236, 239, 244 S.E.2d 386, 388-89 (1978) (“When the language

purpose of the law shall control and the strict letter thereof shall be disregarded.’” (quoting *State v. Barksdale*, 181 N.C. 621, 625 107 S.E. 505, 507 (1921))). Because Wilmington's hypothetical ordinance is not before us, we decline to resolve whether such an ordinance would be preempted by Section 160D-1207(c). *See Chavez*, 374 N.C. at 467, 843 S.E.2d at 147 (noting our appellate courts do not “ ‘determine matters purely speculative, enter anticipatory judgments, declare social status, deal with theoretical problems, give advisory opinions, answer moot questions, adjudicate academic matters, provide for contingencies which may hereafter arise, or give abstract opinions’ ” (citation omitted)).

of a statute is clear and unambiguous, . . . the courts must give the statute its plain and definite meaning, and are without power to interpolate, or superimpose, provisions and limitations not contained therein.”); *Lunsford v. Mills*, 367 N.C. 618, 623, 766 S.E.2d 297, 301 (2014) (noting that, in applying an unambiguous statute, “it is our duty to give effect to the words actually used in a statute and not to delete words used or to insert words not used”). And Plaintiffs offer no rule of grammar or construction that would allow us to transpose the modifier “to lease or rent” to the later restriction on registrations. Plaintiffs acknowledge that the prohibition on registration “follows in a completely separate clause” from “permit[s] or permission[s] . . . to lease or rent.”

¶ 34 Plaintiffs argue that “it is impossible to conceive of a permitting scheme that did not also in some sense require registration. . . . [A] ban on registrations would sweep up practically any permitting scheme.” But if this is true, Plaintiffs’ reading of the statute would render its provisions redundant: the legislature would not need to prohibit permits to lease or rent and registrations to lease or rent separately if a ban on the latter encompassed the former. *See State v. Morgan*, 372 N.C. 609, 614, 831 S.E.2d 254, 258 (2019) (“We are further guided in our decision by the canon of statutory construction that a statute may not be interpreted in a manner which would

render any of its words superfluous.” (citation and quotation marks omitted)).¹⁰ And, because this interpretation presumes the legislature intended to create *three* categories of restrictions—(1) permits, (2) permissions under Articles 11 or 12, and (3) registrations—when the unambiguous language of Section 160A-424(c) only imposed *two*—(1) permits or permissions, and (2) registrations—we decline to adopt it as the “clarified” meaning of Section 160A-424(c).

¶ 35 We also disagree with Wilmington’s argument that the statutory cross-references added to Section 160D-1207(c) limit the general prohibition against registrations originally found in Section 160A-424(c). Under that reading, Section 160D-1207(c) prohibits local governments from:

requir[ing] . . . any permit or permission under Article 11 or Article 12 . . . from the local government[:] [1] to lease or rent residential real property or[:] [2] to register rental property with the local government.

¹⁰ Our reading of the statute does not result in this redundancy. By prohibiting “permit[s] or permission[s] under Article 11 or Article 12 of this Chapter . . . to lease or rent” together, the General Assembly identified what permits it intended to curtail in Section 160D-1207(c). The registration prohibition is then read in context not to encompass all permits, but instead to prohibit any ordinance that requires the landowner to register as a residential rental with the government under any article and however imposed. *See City of Asheville v. Frost*, 370 N.C. 590, 592, 811 S.E.2d 560, 562 (2018) (“In interpreting a statute, a court must consider the statute as a whole and determine its meaning by reading it in its proper context and giving its words their ordinary meaning.”). *Cf. Jeffries*, 259 N.C. App. at 493, 817 S.E.2d at 50 (“The interpretative canon of *noscitur a sociis* instructs that ‘associated words explain and limit each other’ and an ambiguous or vague term ‘may be made clear and specific by considering the company in which it is found, and the meaning of the terms which are associated with it.’ (citation omitted)).

Thus, Wilmington asserts that Sections 160A-424(c) and 160D-1207(c) prohibit, among other things, “permission[s]. . . to register” under Articles 11 and 12. But Wilmington’s able counsel conceded in oral argument that no statute in Article 11 or 12—or anywhere else in the General Statutes—references a “permission to register” scheme.

¶ 36 Counsel for Wilmington offered a singular example of a “permission to register” regime, contending a city could restrict short-term rentals to certain zoning districts and then require short-term rental operators to register. In such a circumstance, only those in the proper zoning district would have “permission to register” as a short-term rental.¹¹ But this example—the only one put forward by Wilmington—is self-defeating: if “permission to register” only arises through the exercise of a local government’s Article 7 zoning powers, there would be no need for the General Assembly to prohibit “permission to register” under Articles 11 and 12. We will not read the statute as prohibiting something that does not appear to exist. Such a reading runs counter to the mandate that “a statute must be construed, if possible, to give meaning and effect to all of its provisions.” *HCA Crossroads Residential Ctrs. v. N.C. Dept. of Human Res.*, 327 N.C. 573, 578, 398 S.E.2d 466, 470 (1990). *See also*

¹¹ Even this example does not align with the statute when its words are given their common and ordinary meaning, as a zoning ordinance allowing for certain uses in a district would not put any positive burden on the landowner “to *obtain* . . . permission” to engage in those uses.

Estate of Jacobs v. State, 242 N.C. App. 396, 402, 775 S.E.2d 873, 877 (2015) (declining to adopt an interpretation rendering a statute’s provisions “superfluous or nonsensical”).

E. The Trial Court Erred in Invalidating the Entire Ordinance

¶ 37 Though we hold that the trial court correctly concluded that the Ordinance is invalid to the extent that it is preempted by Section 160D-1207(c), we disagree that the entirety of the Ordinance fails as a result.

¶ 38 Section 14 of the Ordinance states, “if any . . . portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions thereof.” We will give effect to this clause to preserve any provisions that are “not so interrelated or mutually dependent” on the invalid registration requirements that their enforcement “could not be done without reference to the offending part.” *Fulton Corp. v. Faulkner*, 345 N.C. 419, 422, 481 S.E.2d 8, 9 (1997). Non-offending sections of the Ordinance that are “complete in [themselves] and capable of enforcement” will remain in effect. *Id.* Stated differently, “[w]e will sever a provision of an otherwise valid ordinance when the enacting body would have passed the ordinance absent the offending portion.” *King*, 367 N.C. at 410, 758 S.E.2d at 372 (citation omitted).

¶ 39 Several provisions of the Ordinance are so intertwined with the invalid

registration requirement that they are likewise preempted by Section 160D-1207(c), namely: (1) the cap and distance requirements and their predicate registration provisions, *i.e.*, the entirety of Secs. 18-331.2 and 18-331.4;¹² (2) the proof of shared parking or parking space rental and the submission of all shared parking agreements to the city attorney for approval prior to registration, as found in Sec. 18-331.5; (3) the registration termination provisions, *i.e.*, the entirety of Secs. 18-331.8-.9 and .13; (4) the requirement that a registration number be posted in a short-term rental, as found in Sec. 18-331.14(d); (5) Sec. 18-331.7’s limited application to “registered” uses only; and (6) the amortization of short-term rentals without a registration, *i.e.*, the entirety of Sec. 18-331.17.

¶ 40 The remainder of the Ordinance does not require registration to be enforceable and gives effect to Wilmington’s intent in enacting the Ordinance. For example, the requirement that each short-term rental operator provide one off-street parking space per bedroom does not require registration to be effective or enforceable; a customer may rent a short-term rental assuming compliance with this provision and inform Wilmington of a violation should parking prove inadequate. Similarly, the prohibition against cooking in bedrooms or the requirement that operators

¹² To avoid possible confusion, our citations refer to Section 18-331 of Chapter 18, Article 6 of Wilmington’s Land Development Code, as amended by the Ordinance and set forth in the record on appeal.

conspicuously post the non-emergency telephone number for the Wilmington Police Department are not grounded in any registry.

¶ 41 We hold that the following provisions of the ordinance are *not* preempted by Section 160D-1207(c) and remain in effect: (1) the restriction of whole-house lodging to certain zoning districts, *i.e.*, the entirety of Sec. 18-331.1; (2) the requirement that there be at least one off-street parking space per bedroom, whether on-site or off-site through shared parking or parking space rental agreements, *i.e.*, the remaining portions of Sec. 18-331.5 not held preempted above; (3) the prohibition against variances by the board of adjustment in Sec. 18-331.6; (4) requirements that short-term operators comply with all applicable laws, disallow events and large gatherings, maintain adequate insurance, keep adequate records, ensure refuse is appropriately stored and collected, refrain from preparing and serving food, and prohibit cooking in individual bedrooms *i.e.*, the entirety of Secs. 18-331.10-.12. and .15-.16;¹³ (5) the requirement that certain information unrelated to registration be posted in the rental, *i.e.*, Secs. 18-331.14(a)-(c) and (e); and (6) any provisions of the Ordinance not

¹³ Several of these provisions refer to “property owners registering a whole-house lodging” or “[r]egistrants,” but it is clear from their context that they are intended to apply uniformly to all short-term rentals. Because “it is apparent that the legislative body, had it known of the invalidity of the [registration] portion, would have enacted the remainder alone,” *Jackson v. Guilford Cnty. Bd. of Adjust.*, 275 N.C. 155, 168, 166 S.E.2d 78, 87 (1969), we hold these provisions remain valid despite the use of the words “registering” and “registrants.”

otherwise held preempted above.

III. CONCLUSION

¶ 42

For the foregoing reasons, we hold that the trial court correctly interpreted Sections 160A-424(c) and 160D-1207(c) in concluding that the short-term rental registration regime enacted by Wilmington was preempted by those statutes. We also hold, however, that portions of the Ordinance, as identified above, are severable from the invalid registration provisions and remain operative. We therefore affirm the trial court's judgment in part, reverse the portion of the judgment declaring the entirety of the Ordinance invalid, and remand for entry of a judgment consistent with our holdings. Plaintiffs' cross-appeal is dismissed as moot.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED; CROSS-APPEAL DISMISSED.

Judges ZACHARY and CARPENTER concur.



Coates' Canons NC Local Government Law

Short-Term Rental Regulations after Schroeder

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The North Carolina Court of Appeals ruled in *Schroeder v. City of Wilmington* that state law prohibits a registration requirement for short-term rentals, but the court also ruled that state law allows for general zoning and development standards for short-term rentals. What does that mean for specific local ordinances, exactly? As always, the devil is in the details. This blog digs into those details.

The Wilmington Ordinance

The City of Wilmington adopted an ordinance regulating short-term rentals. Among other things the ordinance established a 400-foot separation between short-term rentals and set a cap on the total number of short-term rentals (two percent of residential properties). In order to enforce the new ordinance the city required registration of short-term rentals and held a lottery for the initial registration. The ordinance had a one-year amortization period for existing operators to cease operations if they were not awarded a registration through the lottery process.

Beyond the registration requirements, the ordinance included operational and safety requirements for any short-term rental. The ordinance limited short-term rentals to certain zoning districts, required safety information to be posted in the rental unit (nonemergency police number and days for trash pick-up), prohibited cooking in bedrooms, and required parking.

The plaintiffs operated a short-term rental prior to the ordinance, did not obtain a permit through the initial lottery, and challenged the ordinance on statutory and constitutional grounds.

Statutory Limits on IPR Programs

A central issue for the challenge was this: What is the scope of the statutory limits of permits, permissions, and registrations for rental residential property? Does state law preempt the registration program and other elements of the Wilmington short-term rental ordinance? The answer to this question depends on the interpretation of the state law relating to housing code inspections, permits, and registration (IPR) programs.

Dating back to 2011 the North Carolina General Assembly established and revised limits on local government IPR programs. Originally codified at G.S. 160A-424 and G.S. 153A-364, these statutes prohibit periodic inspections of residential rental properties except for certain limited situations. The statutes also limit fees, permits, and registration requirements for residential rental properties. The details of IPR programs and the statutory limits are discussed more fully in this bulletin from Tyler Mulligan on Residential Rental Property Inspections, Permits, and Registration: Changes for 2017. In 2019 the General Assembly amended G.S. 42A-3 to make clear that the limits on IPR programs *do apply* to properties subject to the Vacation Rental Act. Many (perhaps all) short-term rental properties fall under the Vacation Rental Act, so that legislation applied the statutory limits on IPR programs to short-term rentals. That legislative change is discussed more fully on page 14 of this legislative bulletin. The initial legislation for IPR programs was focused on conventional landlord-tenant housing scenarios and related to habitability, problem properties, and inspections authority. Some of the current interpretative challenges arise from applying a statute written for one scenario—rental for long-term residential use—to a different scenario—rental of a residential structure for transient occupancy. Additionally, in 2019, the General Assembly adopted Session Law 2019-111 to revise and update the statutes relating to local planning and development. The old statutes were collected as a new Chapter 160D. The provisions on IPR programs were relocated to G.S. 160D-1207. That section was situated in Article 12 – Minimum Housing Codes. The statutory language was amended to emphasize the relation to Article 11 – Building Code Enforcement and Article 12 – Minimum Housing Codes. The key statutory language now states that local governments may not “require any owner or manager of rental property to obtain any permit or permission under Article 11 or Article 12 . . . to lease or rent residential real property or to register rental property with the local government.”

Court Decision

With that statutory context and legislative history as backdrop, property owners brought a legal challenge against the Wilmington short-term rental ordinance. The central question that the courts addressed is the question of the scope of the limits for IPR programs. With regard to short-term rental ordinances, does the statute preempt local governments from imposing a registration requirement? Or permit requirement? Or any restriction at all?

The Superior Court ruled that the statutes prohibited Wilmington's registration requirement for short-term rentals. The court struck down not just the registration requirement, but the entire short-term rental ordinance.

The North Carolina Court of Appeals took up the case in *Schroeder v. City of Wilmington*, 2022 NCCOA 210 (COA21-192). As discussed more below, the court interpreted the limits on permits to apply narrowly to permits *under Article 11 or Article 12 to lease or rent residential property*. The court interpreted the limit on registration to be broadly applicable—not limited to housing code or building code enforcement. With that, the court affirmed the trial court's decision that the registration provisions were invalid under G.S. 160D-1207(c). The court struck down the registration requirement and the provisions inextricably linked to the registration requirement, but notably the court allowed the other provisions of the Wilmington ordinance to stand.

The analysis and discussion in the Court of Appeals' opinion offers guidance and highlights questions for moving forward with short-term rental regulations, IPR programs in general, and interpretation of Chapter 160D. This blog is focused on short-term rental regulations.

Moving Forward with Short-Term Rental Regulations

No Rental Registration

The court plainly struck down the registration program of the Wilmington short-term rental ordinance as preempted by G.S. 160D-1207(c). Moreover, the court struck down other “provisions of the Ordinance [that] are so intertwined with the invalid registration requirement that they are likewise preempted by Section 160D-1207(c).” These include the cap and distance requirements, proof of shared parking prior to registration, the registration termination provisions, posting registration numbers in the rental unit, and the amortization of rentals without a registration.

It is worth noting that G.S. 160D-1207 does allow for registration requirements for residential rental property in very limited circumstances based on prior violations. That exception was not part of the Wilmington ordinance nor at issue in the *Schroeder* case.

Regulations Unrelated to Registration Remain

The Court of Appeals did not strike down *all* regulations for short-term rentals. Rather, the court affirmed that many of the Wilmington requirements are unaffected by preemption. The court quoted *Fulton Corp. v. Faulkner*, 345 N.C. 419, 422, 481 S.E.2d 8, 9 (1997), and gives effect to the ordinance's own severance clause to allow non-offending provisions to remain: "We will give effect to this [severance] clause to preserve any provisions that are 'not so interrelated or mutually dependent' on the invalid registration requirements that their enforcement 'could not be done without reference to the offending part.'"

The court identified the following ordinance provisions as preserved (not preempted): Restricting whole-house lodging to certain zoning districts; parking requirements (one off-street space per bedroom); prohibition on variances; operation limits and requirements (no large events, maintain insurance, manage trash, no food prep in bedrooms); posted safety information; and other use and safety requirements not preempted.

Even some of the provisions struck down in *Schroeder* might be authorized and enforceable without the registration program to taint the provision. For example, the requirement to show proof of shared parking prior to registration was struck down, but the general requirement for parking survives. Similarly, in this particular case the court struck down amortization related to registration, but arguably an amortization provision related to standard zoning enforcement (unrelated to registration) could survive.

In general, local governments have authority to define land uses, set reasonable development standards and limits on those land uses, and require some level of permitting for such land uses. The following sections consider the breadth of authority for development regulations for short-term rentals in light of the *Schroeder* case.

Define Short Term Rental as a Land Use

Local zoning ordinances commonly define land uses and set restrictions on those uses. An ordinance might define and limit several types of land uses that can occur in a residential structure, including single-family dwelling, boarding house, bed-and-breakfast, duplex, and professional office, among others. The local government can define those land uses and regulate where those land uses are permitted.

The *Schroeder* case clearly affirms the local authority to add short-term rental to that list of land uses. The Wilmington ordinance identified “whole-house lodging” as a land use and limited that land use to certain zoning districts. The court explicitly upheld that regulation.

Apply Development Standards and Operational Limits

Local ordinances commonly set restrictions and limitations on development. These may include parking requirements, solid waste management, occupancy limits, operational restrictions, and more. The *Schroeder* case affirms several development standards of the Wilmington short-term rental ordinance, including parking requirements, limits on large events, trash management, insurance requirements, safety requirements, and other development limits. Under the general authority for development regulations and police power ordinances, similar development standards may be applied to short-term rental uses as long as they are not tied to an impermissible rental registration program.

Require Development Approvals for Short-Term Rentals

Based on the *Schroeder* case, a local government may not require a short-term rental operator to register with the local government and the local government may not require a permit or permission under the building code or housing code to rent or lease property. But, may the local ordinance require the operator to obtain some other development approval such as a zoning compliance permit for the land use? Short answer: Based on the case and the statutory authority, an ordinance could require a zoning permit or similar development approval, but an ordinance could not use a zoning permit in a way that amounts to a registration program.

The court responded directly to the concern that this case might impact the scope of zoning or other permitting authority. In Footnote 8 the court stated:

We do not interpret Sections 160A-424(c) or 160D-1207(c) as exempting rental properties from all zoning or permitting requirements; as Plaintiffs conceded at oral argument, even their reading would not preclude Wilmington from zoning or requiring Plaintiffs to obtain a building permit to construct an addition to their property. Our reading does not prohibit these actions either and only limits “permit[s] . . . under Article 11 or Article 12 . . . to lease or rent.” N.C. Gen. Stat. § 160D-1207(c)

(emphasis in court opinion).

Zoning compliance permits, special use permits, site plan approval, and other development approvals are foundational to zoning administration and enforcement. If a property owner wants to convert a grand old residence to a bed-and-breakfast, such a change of use likely triggers the need for development approvals and other permits. Similarly, under most ordinances an owner of a residential structure must obtain certain development approvals in order open a home daycare facility, operate a business out of the residence as a home occupation, or rent rooms as a boarding house. Such ordinances commonly require a basic site plan, limit the number of outside employees, restrict parking, and impose other restrictions.

The authority for these permits is outlined in Chapter 160D. As required at G.S. 160D-403, “no person shall commence or proceed with development without first securing any required development approval from the local government” The term *development approval* is defined at G.S. 160D-102 to mean “[a]n administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or *undertaking a specific activity*, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness” (emphasis added). For local government staff charged with administering development regulations, the duties that may be assigned include “determining whether applications for development approvals meet applicable standards as established by law and local ordinance” (G.S. 160D-402).

Based on the case language and the statutory authority, local governments may require an owner to obtain a development approval such as a zoning compliance permit as a requirement of a short-term rental land use.

What is the line between a permissible zoning compliance permit and an impermissible registration requirement? The court plainly drew a difference between a permit requirement and a registration requirement. The court expressly rejected the argument made by the property owners that a bar on registration is a bar on *any* permitting scheme. But the court also, in Footnote 9 of the case, left open the possibility that an ordinance could be struck down if a permit requirement was merely a registration requirement in disguise. Such an ordinance “would be open to legal challenges asserting that the statute’s language should be applied to reach any ‘permit’ that is, in all practical effect, a registration otherwise barred by the statute.”

The determination of *permit vs. registration* will be a fact-specific inquiry, dependent upon the details of the particular ordinance and the paperwork requirements. In general, registration programs involve an owner or operator submitting basic information about the rental property (such as property address, owner name, 24-hour contact, etc.). Development approvals, on the other hand, commonly involve an application form with information to confirm compliance with applicable standards.

The regularity of submitting paperwork (requiring an annual permit, for example) may be instructive, but is not determinative as to whether it is a permit or registration. While most development approvals are focused on initial construction and commencement of a land use, there are examples of land uses that must seek development approvals more regularly. G.S. 160D-403(c) specifically allows that “[l]ocal development regulations may provide for development approvals of shorter duration for temporary land uses, special events, temporary signs, and similar development.” Development ordinances commonly require seasonal land uses such as Christmas tree lots and pumpkin sales to seek a zoning permit each year. Some ordinances require an annual zoning permit for properties that host food trucks.

Arguably, a short-term rental ordinance could require operators to seek permits with some regularity, but as noted by the court, if the permit is “in all practical effect, a registration otherwise barred by the statute,” then the requirement is likely to be preempted.

Use Separation and Development Caps

The requirement that a land use must be a certain distance from other land uses is a fairly common requirement in local development regulations. Under the applicable statutory rules, family care homes may be separated by up to one-half mile. Ordinances commonly require that adult businesses must be separated from each other and from schools and churches. Restrictions may limit how close bars can be to each other. Under local development regulations certain industrial land uses must have a buffer from residential land uses.

This commonplace zoning regulation is rooted in the grant of power set forth at G.S. 160D-702: “a zoning regulation may regulate and restrict . . . the location and use of buildings, structures, and land.” Despite this context, the Court of Appeals struck down the Wilmington ordinance separation requirement. Notably, though, the court struck the separation requirement as “so intertwined with the invalid registration requirement that [it is] likewise preempted by Section 160D-1207(c).” There is a

good argument that a basic separation requirement enforced through a standard zoning permit could stand even though the Wilmington separation requirement (being dependent on the unauthorized registration program) was preempted.

The general idea of a cap on a particular use is interesting. While it is not commonplace for a zoning ordinance to set a percentage cap on a particular use directly, zoning establishes caps on development in many ways. Indeed, zoning is all about caps—the basic zoning authority allows for regulating and limiting land uses. Certain zoning districts allow residential uses (residential development is capped and limited to those districts), and other zoning districts allow for industrial uses (industrial development is capped and limited to those districts). Density limits set caps on the number of units in a development or in an area. Mixed-use standards may require a certain mix of land uses, thereby capping some uses within the development. Moreover, the separation requirements discussed above have a capping effect because the separation limits the locations where a particular use may be permitted.

A cap on a land use may also arise in another context: there can be a cap on the amount of a land use in a particular development or building. Imagine a homeowner who operates a professional business out of a home office. If the office use is secondary to the residential use it may be permitted as an accessory home occupation. But, if the office use fills most or all of the residence—all bedrooms are converted to offices and the living room is a conference room—then the building is no longer used principally as a residence. Different zoning rules and permitting likely apply to the office land use. Similarly, consider a condominium high-rise building. If a few units are occasionally rented as a short-term rental, that may not dramatically change the nature of the land use. But, if all units are rented as short-term rentals, that building is effectively a hotel. Different zoning rules and permitting likely apply.

The Wilmington ordinance included a general cap on the percentage of properties that may be used as short-term rentals. The court struck down that cap along with the registration program. Going forward it is clear that an ordinance may not impose a cap through a registration program. Arguably, a cap could be established and enforced through conventional zoning requirements.

Conclusion

Based on state law and the *Schroeder* case, a local government may not impose a registration requirement on short-term rental operators. Moreover, regulations and standards that are inextricably linked to a registration requirement may be struck down. But, local governments still have authority to

<https://canons.sog.unc.edu/2022/04/short-term-rental-regulations-after-schroeder/>

regulate short-term rentals through common development regulations and police power ordinances focused on public health and safety.

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MEMORANDUM

TO: Mayor Hatem and Members of the Board of Aldermen
FROM: Dorothy Dutton, City Clerk, and the Representatives of the Ad Hoc Committee
RE: Historic Preservation Commission Ordinance

An Ad Hoc Committee was created to explore the opportunity of establishing a Historic Preservation Commission, and eventually Historic Preservation standards and a local district for the City of Southport. The members of the Board that were selected to participate in his endeavor conducted a virtual meeting with Kristie Brantley from the State Historic Preservation Office and we able to gather a lot of information.

The first Historic Preservation Commission interest meeting was held on August 19, 2022 at 1:00 p.m. at the Nash Street Fire Substation. The meeting was attended by the Board members, selected City staff and several members of the public. A draft ordinance was reviewed, and many different possibilities were discussed.

The first order of business in creating a legitimate Historic Preservation Commission is to adopt an ordinance in the Code, that establishes the Commission as a City organization. The Ad Hoc Committee feels that the attached draft ordinance will be the best step forward.

Action Requested:

If the Board of Aldermen sees fit, a motion can be made to adopt the proposed ordinance that will become part of the City's Code of Ordinances, Chapter 2. Article IV. Historic Preservation Commission, as presented OR with the following changes:

**AN ORDINANCE AMENDING CHAPTER 2. OF THE CITY OF SOUTHPORT CODE OF ORDINANCES AS IT
PERTAINS TO BOARD AND COMMISSIONS**

BE IT ORDAINED, by the Board of Aldermen of the City of Southport that Chapter 2. Article IV of the Code of Ordinances is hereby amended to add to following:

DIVISION 3. HISTORIC PRESERVATION COMMISSION

SECTION 2.192 CREATION AND APPOINTMENT

There is hereby created, pursuant to general statute 160A-400.7, a historic preservation commission, hereafter referred to as the "Commission." The Commission shall consist of seven (7) full members and two (2) alternate members, who shall be appointed by the Board of Aldermen. Initially appointed terms shall be staggered so that two (2) members serve a one-year term, three (3) members serve a two-year term, and two (2) members serve a three-year term. Thereafter, the Board of Aldermen shall appoint members to terms of three (3) years. Commissioners shall serve until their successors are appointed. Alternate members shall be appointed for three (3) year terms. If an alternate member replaces the position of a full time member during their term, they will serve the remainder of the term. A commissioner may serve three (3) consecutive terms, after which he or she shall be ineligible for reappointment for three (3) calendar years, elapsed from the date of termination of the third term. Members whose terms expire must reapply and will be considered with any new applicants. The interview committee will recommend an applicant for reappointment, and the Board of Aldermen will make the appointment. All commissioners shall reside within the City of Southport corporate limits.

The Mayor will appoint one (1) member of the Board of Aldermen to serve as the liaison to the Historic Preservation Commission. The liaison is not a voting member but can observe and discuss ongoing reviews. At least one (1) member of the City's Planning department staff will be assigned to serve as administrator to ensure and facilitate enforcement of the provisions of this ordinance.

SECTION 2.193 QUALIFICATION OF MEMBERS

Members of the commission shall have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field.

SECTION 2.194 RULES OF PROCEDURE

- a. The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. The rules of procedure shall provide for at least the following:
 1. Selection of Commission officers
 2. Time and place of regular meetings, and calling of special meetings
 3. Procedure for conduct of public hearings
 4. Keeping of minutes and Commission records
 5. Conduct of voting
 6. Conflicts of interest policy
 7. Attendance policy

8. Forms to be used in applying for Certificates of Appropriateness
 9. Sufficient project information to make sound determinations regarding applications for Certificates of Appropriateness
 10. List of minor works for which the Commission staff may issue Certificates of Appropriateness
- b. The Commission shall meet at least quarterly. All meetings shall be conducted in accordance with the North Carolina Open Meetings Law, G.S. Chapter 143, Article 33C (NCGS 143-318.9 to 318.18).
 - c. The Commission shall annually present to the Board of Aldermen a report of its activities, budget, findings, recommendations, and actions, which shall be made available to the public.

SECTION 2.195 POWERS AND DUTIES

The Commission is hereby empowered to undertake such actions as may be reasonably necessary to the discharge and conduct of its duties and responsibilities as set forth in this ordinance and in the North Carolina General Statutes, including, but not limited to:

- a. Organizing itself and conducting its business;
- b. Receiving and spending funds appropriated by the Board of Aldermen for operating and performing its duties;
- c. Conducting an inventory of properties of historical, archaeological, architectural, and/or cultural interest;
- d. Recommending to the Board of Aldermen that individual buildings, structure, sites, areas, or objects within Southport city limits be designated as "historic landmarks" and that areas within its Southport city limits be designated as "historic districts;"
- e. Recommending to the Board of Aldermen that designation of any area as a historic district, or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause;
- f. Reviewing and acting on proposals for
 1. Exterior alteration, relocation, or demolition of designated historic landmarks;
 2. Exterior alteration, relocation, demolition, or new construction of properties within designated historic districts;
- g. Negotiating with property owners who propose to demolish or relocate a designated landmark, or a building, structure, site, area, or object within a designated district, in an effort to find a means of preserving such properties, including consulting with private civic groups, interested private citizens, and other public boards or agencies;
- h. Instituting action, through the City of Southport Code Enforcement Department to prevent, restrain, correct, or otherwise abate violations of this ordinance or of ordinances designating historic landmarks or districts;
- i. Entering, at reasonable times and with the consent of the owner occupant, upon private lands to make examinations, conduct surveys and inventories, or other purposes in performance of its official duties. However, no employee, member, or agent of the Commission shall enter any private building or structure without the express consent of the owner or occupant thereof;
- j. Reviewing and acting on proposals for alterations of interior features of designated historic landmarks, as specified, and for which owner consent was given, in the ordinance establishing designation;

- k. Appointing advisory bodies or committees as appropriate;
- l. Negotiating with property owners for the acquisition or protection of significant historic properties;
- m. Acquiring by any lawful means, the purchase fee, or any lesser included interest, including options to purchase, properties designated as landmarks, properties located within any designated districts, or land to which historic buildings or structures may be moved; holding, managing, preserving, and restoring such a property and improving the interest; and exchanging or disposing of the interest through public or private sale, lease, or other lawful means, provided the property shall be subject to covenants or other legally binding restrictions which shall secure appropriate rights of public access and the preservation of the property. All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the local governing body shall be acquired in the name of the City of Southport unless otherwise provided by that body;
- n. Accepting grants of funds from private individuals or organizations for preservation purposes;
- o. Conducting educational programs pertaining to historic landmarks or historic districts within its jurisdiction;
- p. Publishing or otherwise informing the public about any matter related to its purview, duties, responsibilities, organization, procedures, functions, or requirements;
- q. Advising property owners about appropriate treatment(s) for characteristics of historic properties;
- r. Cooperating with the State of North Carolina, the United States of America, local governments, public or private organizations, or their agencies, in pursuing the purposes of this ordinance, including entering into contract, provided that such contracts are not inconsistent with the state or federal law;
- s. Preparing and recommending adoption of a preservation element, or elements, as part of a City of Southport comprehensive plan;
- t. Proposing to the Board of Aldermen amendments to this or to any other ordinance and proposing new ordinances or laws relating to historic landmarks and districts or to the protection of the historic resources of the City of Southport and its environs.

SECTION 2.196 INVENTORY

The Commission shall use as a guide to identification, assessment, and designation of historic landmarks and districts an inventory of buildings, structures, sites, areas, or objects which are of historic, prehistoric, architectural, archaeological, and/or cultural significance. The Commission shall take steps as necessary to ensure that the inventory reflects information current to within twenty (20) years.

SECTION 2.197 HISTORIC LANDMARKS

A. Adoption of Ordinance Designation

- 1. The Board of Aldermen may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include information which shall
 - a. List the name or names of the owner/s of the property;

- b. Describe each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;
 - c. Describe those elements of the property which are integral to its historic, architectural, archeological, and/or cultural significance;
 - d. Provide for each designated historic landmark a suitable sign or plaque indicating that the landmark has been so designated; and
 - e. Any other information deemed necessary, within the authority of this ordinance and the general statutes, as determined by the Board of Aldermen.
2. The landmark designation process may be initiated by either the Commission or at the request of a property owner. No ordinance to designate any building, structure, site, area, or object shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

B. Criteria for Designation

To be designated as a historic landmark, a property, building, site, area, or object shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

C. Procedure for Designation

1. The Commission shall make, or cause to be made, an investigation and designation report which includes:
 - a. The name of the property to be designated, including both common and historic names if they can be determined;
 - b. The name(s) and address(es) of the current owner(s);
 - c. The location of the property for which designation is proposed, including the street address and Brunswick County tax map parcel number or parcel identification;
 - d. The dates of original construction and of all later additions or alterations, if applicable;
 - e. An assessment of the significance of the building or site as prescribed by this ordinance;
 - f. An architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;
 - g. A historical discussion of the site or structure within its type, period, and locality;
 - h. A photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting, scale, proportion, and relationship of features or buildings, structures, or objects to each other; and
 - i. A map showing the location of the property, including all outbuildings and appurtenant features.

2. Pursuant to G.S. 160A-400.6, as amended, the designation report shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting in through the State Historic Preservation Office, shall review it and provide written comments and recommendations to the Board of Aldermen regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve the Board of Aldermen of all responsibility to consider the Department's comments or recommendations concerning the report.
3. At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Office, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission shall forward to the Board of Aldermen a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of a property for designation as a historic landmark.
4. The Board of Aldermen shall hold a public hearing, either jointly with the Commission, or separately, to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given.
5. Following the public hearing, the Board of Aldermen shall consider the Commission's designation report, its recommendation(s), the Department of Cultural Resources' recommendation(s), and comments made at the public hearing, and shall adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.
6. Upon adoption of the ordinance, the Commission staff shall:
 - a. within thirty (30) days of adoption, send the owner(s) of the landmark(s) written notice of such designation, explaining the substance of the Commission's decision, via certified mail with a return receipt requested;
 - b. file one copy of the ordinance, and any other subsequent amendments thereto, in the office of the Register of Deeds of Brunswick County, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes.
 - c. if the landmark lies within the zoning jurisdiction of Southport, file a second copy of the ordinance, and any subsequent amendments thereto, in the office of the City Clerk, where it shall be made available for public inspection at any reasonable time, and shall provide a third copy to the Building Inspector.
 - d. notify the tax assessor of Brunswick County of the landmark designation.

7. Upon notification from the Commission, the tax assessor of Brunswick County shall clearly indicate the designation on all appropriate tax maps for as long as the designation remains in effect.
8. In disapproving a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the property proposed for designation, together with a letter explaining the substance of the Commission's decision.

Section 2.197 HISTORIC DISTRICTS

A. Adoption of Ordinance of Designation

The Board of Aldermen may adopt and, from time to time, amend or repeal an ordinance designating a historic district. The ordinance shall include information which shall describe the physical area proposed for designation, its boundaries, and general historic, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the Commission or at the request of any number of property owners. No ordinance to designate a district shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

B. Criteria for Designation

To be designated as a historic district, an area shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

C. Procedure for Designation

1. The Commission shall make, or cause to be made, an investigation and designation report which includes:
 - a. an assessment of the significance of the buildings, sites, structures, features, objects, and environs to be included in a proposed district and description of its boundaries; and
 - b. a map clearly indicating the boundaries of the district and the properties, showing their Brunswick County tax map parcel numbers, contained therein.
2. A district designation report shall be:
 - a. referred to the local planning agency for review and comment according to the procedures set forth in the zoning ordinance of the City of Southport, depending on which legislative body creates the commission.
 - b. submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Office, shall review it and provide written comments and

recommendations to the Board of Aldermen regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve the Board of Aldermen of all responsibility to consider the Department's comments or recommendations concerning the report.

3. At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Office, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission shall forward to the Board of Aldermen a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the district, stating in its recommendation the extent to which the proposed area meets the criteria for designation as set forth in the ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of an area for designation as a historic district.
4. Upon receipt of a recommendation and designation report from the Commission, the Board of Aldermen shall proceed in the same manner as would otherwise be required for the adoption or amendment of any other appropriate zoning provision.

D. Revisions to Districts

Changes in the boundaries of an adopted district subsequent to its initial establishment shall be affected as allowed by Sections A (Adoption of Ordinance of Designation) and B (Criteria for Designation) of 2.197 of this ordinance and as prescribed in Section C (Procedure for Designation).

SECTION 2.198 CERTIFICATES OF APPROPRIATENESS

A. Certificate of Appropriateness Required

1. From and after the designation of a historic landmark or district, no construction, alteration, reparation, rehabilitation, relocation, or demolition of any building, structure, site, area, or object shall be performed upon such landmark or within such district until a Certificate of Appropriateness (or "Certificate") has been granted by the Historic Preservation Commission. A Certificate shall be required for any and all exterior work, including masonry walls, fences, light fixtures, steps and pavement, any other appurtenant features, any above ground utility structures, and any type of outdoor advertising sign.
2. A Certificate shall be required in order to obtain a building permit, or any other permit granted for the purposes of constructing, altering, moving, or demolishing structures, and shall be required whether or not a building permit or other permit is required. Any building permit or other permit not issued in conformity with this Section shall be invalid.
3. For the purposes of this ordinance, "exterior features" shall include architectural style, general arrangement, kind and texture of material, size and scale, and type and style of

all windows, doors, light fixtures, signs, any other appurtenant features, historic signs, historic advertising, color, landscape, and archaeological or natural features.

4. A Certificate shall be required for specific interior features of architectural, artistic, or historic significance in publicly owned landmarks and in privately owned landmarks for which consent to review has been given in writing by the owner. Such consent shall be filed in the Brunswick County Register of Deeds and indexed according to the name of the property owner in the grantee and grantor indexes and shall bind future owners and/or successors in title. The ordinance establishing historic designation of the property shall specify the interior features subject to review and the specific nature of the Commission's jurisdiction over those features.
5. In approving a Certificate, the Commission may attach reasonable conditions necessary to the proper execution of this ordinance.
6. Commission staff may issue a Certificate for minor works as defined in the Commission's Rules of Procedure. Minor works shall include the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof.
7. No application for a minor works Certificate shall be denied without deliberation by the Commission.
8. Under this section, the Commission shall institute action, through the office of the local government agency responsible for enforcing zoning and/or codes violations, to prevent, restrain, correct, or otherwise abate the construction, reconstruction, alteration, restoration, relocation, or demolition of buildings, structures, appurtenant features, or any other features which would be incongruous with the special character of the landmark or district.

B. Review Guidelines

Prior to the designation of any historic landmark or district, the Commission shall prepare and adopt guidelines not inconsistent with G.S. 160A-400.1-400.14 for constructing, altering, restoring, rehabilitating, relocating, removing, or demolishing of property designated as historic, which guidelines shall ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation.

C. Certain Changes Not Prohibited

Nothing in this ordinance shall be construed to prevent:

1. the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof;
2. the construction, alteration, relocation, or demolition of any such feature, building, or

structure when the building inspector certifies to the Commission that such action is necessary to the public health or safety because of an unsafe or dangerous condition;

3. a property owner from making of is property any use not otherwise prohibited by statute, ordinance, or regulation; or
4. the maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the Commission.

D. Delay of Demolition

1. Except as provided below, a Certificate authorizing the demolition of a designated Historic landmark or property located within a designated historic district may not be denied. However, the Commission may delay the effective date of such a Certificate for a period of up to 365 calendar days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of such property as a result of the delay. During the delay period, the Commission shall negotiate with the property owner and with any other party in an effort to find a means of preserving the property as provided in Section 3.4.
2. The Commission may deny an application for a Certificate authorizing the demolition or destruction of any designated landmark, or of any property, building, site, object, area, or structure located within a designated district, which the State Historic Preservation Office has determined to be of Statewide Significance, as defined by the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of the property as a result of the denial.
3. In the event that the Commission has voted to recommend designation of a property as a landmark, or of an area of interest, and such designation has not yet been made by the Board of Aldermen, the demolition of any building, site, object, or structure located on the property of the proposed landmark or within the proposed district may be delayed by the Commission for a period of up to (180) calendar days or until the Board of Aldermen takes final action on the proposed designation, whichever occurs first. Should the Board of Aldermen approve the designation prior to the expiration of the 180-day delay period, an application for a Certificate of Appropriateness authorizing demolition must then be filed; however, the maximum delay period of 365 days shall be reduced by the number of days elapsed during the 180 day delay while designation was pending.

E. Demolition through Neglect

Failure of an owner to regularly, consistently, and fully maintain a designated landmark or any property located within a designated district shall constitute demolition, through neglect, without a valid Certificate of Appropriateness and a violation of this ordinance. The Commission shall institute action through the Code Enforcement department, to prevent, restrain, correct, or otherwise abate such demolition, provided such action include appropriate safeguards to protect property owners from undue economic hardship.

F. Applications and Required Procedures

1. An application for a Certificate shall be obtained from Commission staff. Applications shall be completed in form and in context and filed with the staff at least (10) business days prior to the next regularly scheduled Commission meeting. Late applications shall be deferred until the following regularly scheduled meeting.
2. The Commission shall have, as detailed in its Rules of Procedure, broad powers to require the submittal, with the application, of pertinent information sufficient to determine an application.
3. Incomplete applications shall not be accepted.
4. Before considering an application for a Certificate, the Commission shall notify by mail the owners of any adjacent property. Such notices are for the convenience of property owners and occupants and no defect or omission therein shall impair the validity of issuing a Certificate or of any subsequent action.
5. When considering an application for a Certificate, the Commission shall give the applicant and owners of any property likely to be materially affected by the application an opportunity to be heard.
6. When considering the application, the Commission shall apply the review guidelines required by Section 7.2 and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with review criteria, and shall cause these findings of fact to be entered into the minutes of the meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the Commission based its decision.
7. The Commission shall have (90) calendar days following submittal of a complete application within to act. Failure by the Commission to take final action within such period shall constitute approval of the application as submitted. This period may be extended by mutual agreement between the Commission and the applicant.
8. A Certificate shall be valid for 180 calendar days from the date of issuance, or, in the case of a Certificate for demolition, from the effective date. If the authorized work has not commenced within that period or has been discontinued for more than 365 days from the date of issuance, such Certificate shall immediately expire, and the applicant shall be required to reapply.
9. If the Commission denies a Certificate, a new application affecting the same property may be submitted, provided a substantial change in proposed in the plans.
10. An appeal of a final action by the Commission may be made to the Board of Adjustment for the City of Southport. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) calendar days following the Commission's decision. Appeals must be filed with the Board of Adjustment for the City of Southport within sixty (60) calendar days following the Commission's decision and shall be in the

nature of certiorari. A decision by the Board of Adjustment may be appealed to the superior court of Brunswick County.

11. A Certificate shall be required for designated landmarks or buildings, structure, sites, areas, or objects within designated districts which are owned by the State of North Carolina or any of its agencies, political subdivisions, or instrumentalities, subject to the regulations of this ordinance and in accordance with North Carolina General Statute 160A-400.9(f).
12. In the case of any building, structure, site, area, or object designated as a historic landmark or of any property located within a designated historic district being threatened with demolition, as a result of willful neglect or otherwise, material alteration, rehabilitation, or removal, except in compliance with this ordinance, the Commission, the Board of Aldermen, or any other party aggrieved by such action may institute any appropriate action or proceeding to prevent, restrain, correct, or otherwise abate such violation, or to prevent any illegal act or conduct with respect to such property.

SECTION 2.199 CONFLICT WITH OTHER LAWS

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of the Board of Aldermen, the more restrictive ordinance or regulation shall govern.



MEMORANDUM

TO: Mayor and Members of the Board of Aldermen
FROM: Dorothy Dutton, City Clerk
Wes Macleod, CFCOG
RE: Chapter 4. Section V. Exterior Lighting Ordinance Amendment

During the Street Light Policy update process, the Street Light Committee recognized the need to also update the City's Code of Ordinances to include general exterior lighting consistent with the lighting ordinance in the UDO and the street light policy.

While changes to the Code of Ordinances do not require Planning Board review, the Committee understood that lighting is important to the community at large and an essential element in the planning process.

The Board of Aldermen sent the proposed amendment to the Planning Board at their July meeting. The review committee that was assigned for this review held their meeting on Monday, August 15, 2022.

At the Regular Planning Board meeting on August 18, 2022, the Planning Board determined that the proposed amendment was in congruence with the UDO amendment and recommended that it be sent back to the Aldermen for adoption.

The draft amendment and a diagram of acceptable/unacceptable light fixtures is included.

POSSIBLE ACTION:

If the Board of Aldermen sees fit, a motion to approve the Code of Ordinance amendment to Chapter 4, Section V. Exterior Lighting, as presented. Or with the following changes: _____

_____.

**DRAFT - Code of Ordinances - Chapter 4, Article V
- Exterior Lighting**

A. Exterior lighting within any property, commercial or residential, that unnecessarily illuminates or interferes with the use or enjoyment of any other property is prohibited. Without exception, this provision (A.) shall apply to all exterior lighting herein.

B. Exterior lighting shall not be oriented so as to direct glare or illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets. Without exception, this provision (B.) shall apply to all exterior lighting herein.

C. Private security light fixtures may not exceed 25 feet in height and must be aimed to avoid light emitting upwards toward the sky and shielded to prevent light trespass onto adjacent properties or roadways.

D. Lighting used to accent landscaping, architectural features or art shall be aimed and shielded to avoid light emitting upwards toward the sky and prevent direct visualization of the source from adjacent properties.

E. Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature.

F. Floodlights that are not controlled by an automatic timing device, such as a motion sensor that temporarily provides light where and when needed, must be aimed to avoid light emitting upwards toward the sky and shielded to prevent light trespass onto adjacent properties or roadways.

G. Fixtures shall meet International Dark Sky Association standards and have a color temperature of 3000 Kelvin or less. For acceptable fixture design refer to provision (P.) herein, "Examples of Acceptable/Unacceptable Lighting Fixtures".

H. If an existing light fixture is removed and replaced, it shall be replaced with a conforming light fixture design (see provision P.). When an existing fixture requires bulb/lamp replacement, the new bulb/lamp shall conform to the provisions of this chapter.

I. The temporary use of seasonal "Holiday lighting" is exempted from the provisions of this chapter, with the exception of provisions (A. and B.) herein.

J. "Light strings" utilizing bulbs/lamps equal to, or less than 15 lumens are exempted from the provisions of this chapter, with the exception of provisions (A) and (B) herein.

K. Light produced directly or indirectly by the combustion of natural or propane gas is exempted from the provisions of this chapter, with the exception of provisions (A. and B.) herein.

L. All exterior lighting regardless of the date of installation shall conform to provisions (A. and B.) herein. Exterior lighting installed after the effective date of this chapter shall conform to the requirements established by this chapter and other applicable ordinances unless otherwise exempted. Exterior lighting installed on or before the effective date of this chapter shall be permitted, subject to provisions (A.), (B.), and (H.).

M. “Exterior lighting” means temporary or permanent lighting that is installed, located, or used in such a manner to cause light rays to shine outside. Lighting installed indoors that is intended to illuminate one or more objects outside and/or that unnecessarily illuminates or interferes with the use or enjoyment of any other property is considered exterior lighting for the intent of this chapter.

N. These regulations shall not supersede the City of Southport Street Light Policy or the lighting requirements in the Unified Development Ordinance.

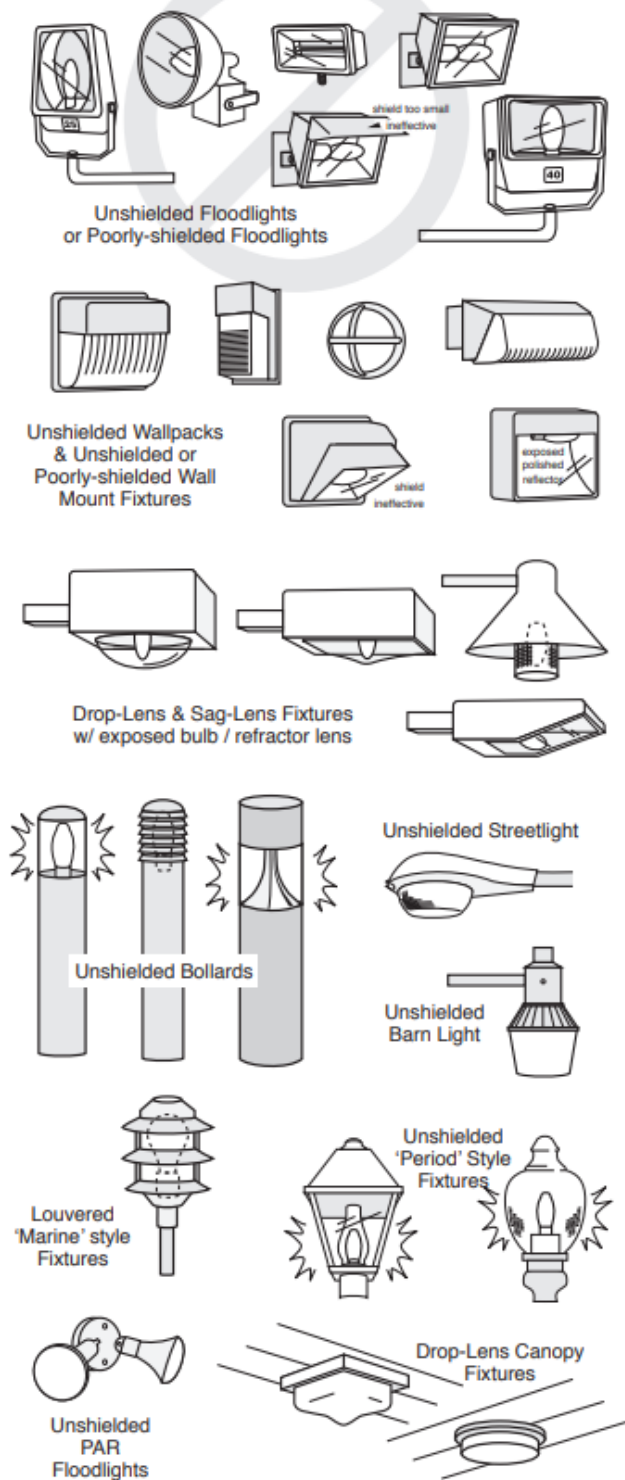
O. Temporary lighting installed by any official government agency to address public safety is exempt from the requirements of this chapter.

P. These Illustrations demonstrate the light source characteristics of compliant and non-compliant fixtures. Actual lighting fixture design details may vary.

Examples of Acceptable & Unacceptable Lighting Fixtures

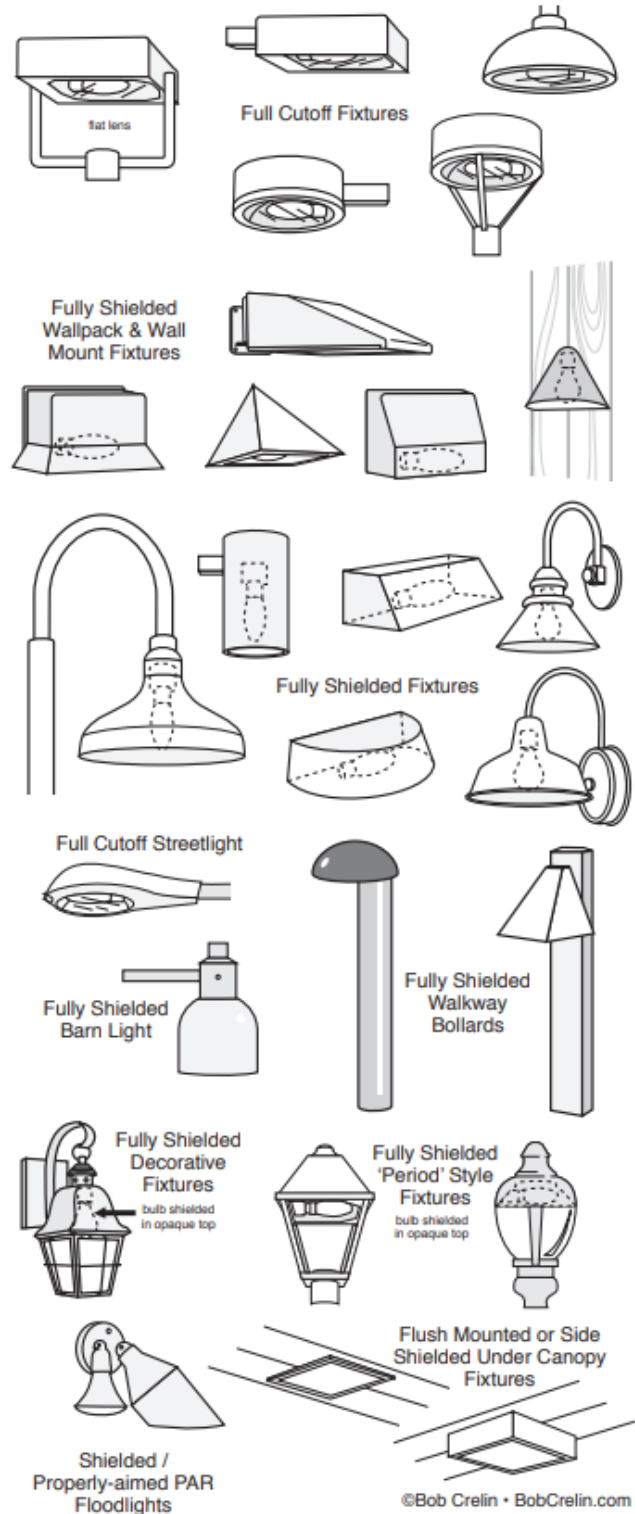
Unacceptable/Not Compliant

Fixtures that produce glare and light trespass



Acceptable/Compliant

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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BOARD OF ALDERMEN

MEMORANDUM

To: Mayor and Members of the Board of Aldermen
From: Dorothy Dutton, City Clerk
Wes MacLeod and Sam Shore, CFCOG
Re: Section 3.18 Tree Preservation (**ZA-22-0809-01**)
Date: September 8, 2022

BACKGROUND

The Planning Board and Board of Aldermen have been revising this section of the UDO as needed. This round of updates strengthens the regulations by:

- Requiring an as-built tree survey for residential and non-residential new construction and subdivisions.
- Defining how to calculate mitigation credit for retaining Heritage Live Oak trees.
- Setting penalties for violations of the regulations.
- Defining the responsibilities of the City, the Forestry Committee, and the Citizens
- Defining "Regulated Tree"

Staff has forwarded some legal questions to the City Attorney that the Sub-Committee submitted. Once we have answers, there may be further amendments to the Tree Preservation Ordinance.

PROCESS

The Planning Board has reviewed the amendment, adopted a statement of Land Use Consistency, and made the recommendation to the Board of Aldermen to approve the amendment. A duly advertised public hearing is scheduled for this Board of Aldermen meeting, where the public can comment and provide feedback on the amendment. The Board of Aldermen must approve a statement of land use consistency, and adopt zoning text amendment to amend the UDO.

POSSIBLE ACTION ITEM

If the Board of Aldermen sees fit, the Statement of Land Use Consistency can be adopted, and the UDO text amendment to Section 3.18 Tree Preservation can be approved as presented OR with the following changes: _____

_____.

Changes highlighted Latest update per Forestry Committee

~~Deletions in strikethrough~~

3.18 TREE PROTECTION AND LANDSCAPE PRESERVATION

A. GENERAL

The overarching goal of this section is to proactively manage the City of Southport's Urban Maritime Forest and its tree canopy. This management will take the form of tree preservation when at all possible, and mitigation through the replanting of trees when others must be removed.

A healthy and expansive tree canopy provides a wide range of benefits to the citizens of Southport. Aesthetically, the nurturing of trees and tree canopy provides for a pleasant and beautiful community in which both residents and visitors alike benefit from. Economically, a robust tree canopy provides a consistent cooling effect on our community and on individual properties that can significantly reduce cooling costs for homeowners and businesses alike. Property values on both public and private land are increased when trees form part of the landscape. A healthy tree can increase residential property values by as much as 27 percent.

One large tree can lift up to 100 gallons of water out of the ground and discharge it into the air in a day, helping to filter the air that we breathe and control storm water. In our coastal location, Southport's tree canopy protects our community and helps mitigate the damage caused by wind during tropical storms and hurricanes.

The city finds that the preferred method used by developers of proposed development for minor, major, or PUD development in the city is to clearcut the entire area to be developed and then to replant trees in mitigation of the damage done by the clearcutting. The City finds that, even when fully mitigated pursuant to this ordinance, both the aesthetic and environmental damage done by the mass and indiscriminate destruction of forest by such clearcutting can never be fully restored until the trees planted in mitigation reach maturity many years in the future. For this reason, the City seeks to limit the environmental and aesthetic damage done in the process of development to the extent reasonably possible by reducing the number of trees removed in development rather than planting new trees in substitution therefore.

For all these reasons, the City of Southport places great value on our Urban Maritime Forest and the tangible and intangible benefits that it provides. This section provides a plan to ensure that existing trees are protected, in particular our signature heritage Live Oaks, and at the same time provides guidelines for mitigation through the replanting of native species when it is necessary to remove trees.

B. PURPOSE

1. The general purpose of this section is to regulate and control the planting maintenance, and removal of trees and vegetation on both public and private property.
2. The specific purposes of this section are:

- a) To safeguard and enhance property values and to protect public and private investment through the maintenance and protection of significant existing trees.
- b) To prevent lot clearing
- c) To outline the City's responsibilities with regard to protection and maintenance of Southport's urban forest trees and landscaping on public property; and
- d) To prevent the indiscriminate removal of trees and ensure mitigation when trees are necessarily removed.

C. AUTHORITY TO TREAT OR REMOVE TREES ON PRIVATE PROPERTY

- 1. The UDO Administrator may cause or order the removal of any tree or part thereof on public or private property which is in an unsafe condition, damaging or likely to damage sewers or other public improvements facilities, or which is infested by an injurious fungus, disease, insect or other pest.
- 2. The UDO Administrator may cause or order necessary treatment for any tree on public or private property which is infested by any injurious fungus, disease, insect or other pest when they determine such action is necessary to prevent the spread of any such injurious condition or pest and to prevent danger therefrom to persons or property or to vegetation planted on adjacent property.
- 3. Before exercising the authority conferred by this section, the UDO Administrator shall order the owner or occupant of the property to take corrective action. The order shall be in writing and shall state that the action specified therein must be taken within 10 consecutive calendar days after the order is mailed. The order shall be mailed by certified or registered mail, return receipt requested. Failure to comply with the order of the UDO Administrator shall be a violation of this section. If the condition has not been corrected or if action that would lead to a timely correction of the condition has not been taken within the time specified above, the UDO Administrator or their designee may seek an injunction, order of abatement or other equitable remedy in a court of competent jurisdiction against the property owner to ensure compliance in accordance with NCGS 160A-175.

D. TREE IMPACT PERMIT

- 1. Removal or damage to any protected tree or development activities within the critical root zone of any protected tree without the prior issuance of a tree impact permit or the failure to conform to the terms and conditions thereof is hereby prohibited. A protected, or Regulated Tree, is defined as follows:

Regulated Tree. The subsurface roots, crown and trunk of any self-supporting woody perennial plant such as a large shade tree, which usually has one (1) main stem or trunk, and has a measured DBH as follows:

A. A hardwood tree, having a single trunk at least eight (8) inches in DBH. Trees may have a single or multiple trunks, but at least one trunk must measure eight (8) inches in diameter.

B. A coniferous tree, having a single trunk at least twelve (12) inches DBH.

C. Any tree, of any species, with a DBH of thirty (30") inches or greater.

(Specimen tree)

2. For previously platted residential lots or one or two-family residential uses, a tree impact permit shall be required to remove or conduct any development within the critical root zone of any protected regulated tree located within any setback and for a protected specimen tree located anywhere on said property. An as-built tree survey will be required prior to the Certificate of Occupancy for new residential construction.
3. For nonresidential, multi-family, or major subdivisions, a tree impact permit shall be required to remove any protected tree located anywhere on site. An as-built tree survey shall be required for Major Site Plans prior to the Certificate of Occupancy and for Major Subdivisions prior to Final Plat Approval.
4. Any protected trees permitted to be removed pursuant to any tree impact permit shall be mitigated pursuant to subsection H (entitled "Mitigation") of this section of this ordinance. All persons seeking a permit for removal of a protected tree as provided above shall make application to the city via the tree impact permit application.

E. EXCEPTIONS

1. The UDO Administrator may waive the requirements of this section during a city declared state of emergency in accordance with NCGS 166A-19.22.
2. If any regulated tree shall be determined to be a hazard tree such that it may:
 - a) Immediately endanger the public health, safety or welfare; or
 - b) Cause an immediate disruption of public services.

F. TREE PLAN

1. A tree plan must be submitted to, reviewed, and approved by the UDO Administrator prior to the issuance of a tree impact permit.
2. For nonresidential, multi-family, major subdivisions, or planned unit developments the tree plan shall be a scaled plan not less than 1"= 30' and shall be prepared by a landscape architect registered in the state and the tree plan shall provide the following information:
 - a) Two separate zones during the planning phase:
 - i) Tree Removal Zones – Zones that show the impacts of utility, infrastructure, and drainage improvements. These

- improvements would still require mitigation for all regulated live oaks 8" or greater in diameter.
- ii) Tree Safe Zones/Lot Preservation – The area designated on a preliminary plat of a minor or major subdivision or PUD that makes up the individual lots where trees are to be left untouched. 80% of the lot is to be left untouched prior to lot development.
 - b) Property line with bearings and distances, easements, marsh and wetland delineations and other information necessary to depict the development area;
 - c) All existing and proposed buildings, paving, infrastructure, and utilities;
 - d) All protected regulated and specimen trees located on the site indicating the diameter, species, and the critical root zone for each protected tree;
 - e) All regulated and specimen trees located on the site proposed to be removed, including species and size;
 - f) All proposed newly planted trees indicating the DBH and height at planting, and species;
 - g) Tree protection zones, protective fencing details, and tree wall and/or tree well details;
 - h) Maintenance plan identifying the methods to ensure the viability of all trees and the party responsible for continuing maintenance;
 - i) Listing of total number of trees and DBH inches to be removed and the total number of trees and DBH inches to be planted by species; and
 - j) Seal of the design professionals with signature and date.
3. For residentially zoned vacant lots or one and two-family residential uses, the tree plan to be submitted as part of the permitting process shall include a hand drawn sketch, rendering, or copy of an existing plat or survey of the property indicating the location of those regulated or specimen trees proposed to be removed, as well as any trees proposed to be planted as mitigation (if applicable).
- a) TREE RETENTION REQUIREMENTS PER LOT IN THE R10, R20, MF, AND PUD ZONING DISTRICTS
 - 1. 3,000 sq ft - 1 broadleaf canopy tree
 - 2. 6,500 sq ft - 2 broadleaf canopy trees
 - 3. 11,000 sq ft - 3 broadleaf canopy trees
 - 4. 14,000 sq ft - 4 broadleaf canopy trees
 - 5. 20,000+ sq ft - 5 broadleaf canopy trees
 - b) In cases where the tree retention requirements above prohibit the development of a lot, mitigation will be required.
 - c) In cases where the lot does not have canopy trees, the developer must plant to the requirements in 3 a).
4. Distance from utilities. Any tree required by this section which is placed within 20 feet lateral distance from the centerline of an above ground electric utility

line (the line connecting pole centers) should have a maximum expected maturity height as follows:

- a) Zero (0) to 10 feet lateral distance of the centerline, 15-foot maximum expected maturity height; and
- b) Zero (0) to 10 feet lateral distance of the centerline, 15-foot maximum expected maturity height; and
- c) Outside 20 feet of lateral distance, trees should be placed in the most feasible manner to avoid future conflict with aboveground electric utilities and violations of the National Electric Safety Code, and to avoid conflict with any below ground utilities and drainage facilities. Variations to such distance requirements may be made with the approval of the Public Services Director.

G. CRITERIA FOR ISSUANCE OF TREE IMPACT PERMIT

1. Unless the applicant for a permit under this section is engaged in new construction, no tree impact permit shall be issued unless one (1) or more of the following criteria are met:
 - a. The protected tree is dead, severely diseased, injured or in danger of falling close to existing or proposed structures.
 - b. The protected tree is causing disruption of existing utility service or causing drainage or passage problems upon the rights-of-way.
 - c. The protected tree is posing an identifiable threat to pedestrian or vehicular safety.
 - d. The protected tree to be removed is located within 15 feet of the principal structure, within five (5) feet of detached buildings (sheds, accessory structures, garages), pools, hardscape patios, and driveways.
 - e. The protected tree violates state or local safety standards.
 - f. Removal of the protected tree is necessary to enhance or benefit the health or condition of adjacent trees or property.
2. Any tree removed requiring mitigation shall be mitigated through the planting of new material as provided in 3.18 H Mitigation. Mitigation shall not be required for trees that are dead, severely diseased, injured or ~~in danger of falling close to existing structures~~ if the tree poses a threat to an existing structure due to the poor condition of the tree.

H. MITIGATION

1. The indiscriminate removal of trees is not allowed. A tree impact permit request must be accompanied by a clarification of purpose/need. Mitigation is required when it is determined that a tree may be removed. The removal of any protected regulated tree within any setback or the removal of any protected specimen tree located anywhere on site, if approved, must be mitigated in accordance with the following standards:
 - a. The total diameter at breast height (DBH) of all applicable protected trees proposed for removal shall be totaled. The resultant number of DBH inches to be removed must be planted back on the site with an appropriate

number of trees to replace the equivalent DBH of those trees removed. For example, if 72 inches DBH of specimen trees are proposed for removal from a site, the equivalent number of new trees required to meet the 72 inches of DBH removed shall be planted back on site (24 trees installed at three (3) inches Caliper would meet this requirement).

- b. Existing residentially zoned vacant lots or one and two-family residential uses shall only be required to mitigate 25% of the total DBH of regulated or specimen trees removed. All other development types and/or proposals for any major subdivision shall be subject to the full mitigation replacement ratio requirement provided in subsection 1 (a).
 - c. A minimum of one (1) regulated or specimen tree of the same species removed shall be installed through mitigation. Where regulated or specimen canopy trees are removed, the replanting requirement shall consist of a minimum 25% heritage Live Oak (*Quercus virginiana*) and an overall minimum of 50% canopy trees. Where regulated or specimen Live Oak (*Quercus Virginiana*) trees are removed, the replanting requirement shall consist of a minimum of 50% such species.
 - d. Any replanted trees shall be canopy or understory trees as provided in Tables 3.5 or 3.6.
 - e. Utilization of understory trees shall not exceed 50% of the required mitigation plantings.
 - f. A mitigation plan that contains between 10 to 50 understory trees shall include, with balanced representation, a minimum of three understory tree species as provided in Table 3.6.
 - g. A mitigation plan that contains over 50 understory trees shall, with balanced representation, include a minimum of four understory tree species as provided in Table 3.6.
 - h. Minimum sizes for mitigation plantings are canopy trees 3" diameter at breast height and understory trees 2" diameter at breast height.
2. Any mitigation trees required as a result of the removal of regulated or specimen trees may be counted to meet the requirements of the street yard, buffer, or parking facility landscaping requirements.
 3. Significant Heritage Live Oak Trees retained on site will be eligible for a mitigation credit as follows:
 - a. 10" to 20": Retaining and preserving Heritage Live Oaks of this size will receive credit with a multiplier of 2. For example, retaining a 10" Live Oak would equal 20" of mitigation credit.
 - b. 20" to 30": Retaining and preserving Heritage Live Oaks of this size will receive credit with a multiplier of 3. For example, retaining a 20" Live Oak would equal 40" of mitigation credit.
 - c. Greater than 30": Retaining and preserving Heritage Live Oaks of this size will receive credit with a multiplier of 4. For example, retaining a 30" Live Oak would equal 120" of mitigation credit.
 4. Mitigation trees must be planted within a year of the tree permit being issued. Failure to do so will constitute a violation of this section.

I. LOT CLEARING AND PREPARATION

1. No alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit. Some clearing of understory trees and shrubs may be required to prepare a site for survey, inspection by governmental agencies as part of any permitting process, or to stake the proposed building site.
2. On densely vegetated lots, a walking access trail not to exceed three (3) feet may be cleared for access purposes. Permission to clear any understory trees and shrubs less than three (3) inches DBH for said walking access trail shall be permitted following consultation with the UDO Administrator; however, clearing shall be kept to an absolute minimum.
3. Violations of the lot clearing and preparation section shall constitute a minimum (1) one-year delay in the issuance of any city issued development approval.
4. In the event that a lot has been cleared without obtaining all proper permits from the city and the UDO Administrator is unable to determine the exact number of trees which have been removed in violation of this ordinance, a civil penalty shall be levied under this subsection as follows:
 - a) If the property is located within a residential district, the offender shall be subject to a civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the lot area cleared). In addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.
 - b) If the property is located within a nonresidential district, the offender shall be subject to a civil penalty in the amount of \$2.00 for each square foot of the total size of the lot that was cleared (not based on the area cleared). In addition, the offender shall be required to plant four (4) replacement canopy trees per 10,000 sf or fraction thereof.
 - c) In addition to the civil penalties set forth in subsections 4(a) and 4(b) above, the offender shall be subject to all enforcement provisions of Section 2.15.D of this Unified Development Ordinance.

J. TREE PROTECTION DURING CONSTRUCTION

1. A major objective of this section is to encourage the preservation of existing vegetation wherever possible while allowing quality development to take place. As a result, the following measures shall be required for protected trees during the construction process.
2. Protective fencing not less than four (4) feet high or other construction barrier shall be placed at and completely encompass the critical root zone of all protected trees.
3. Any tree whose critical root zone will be affected by soil removal shall have roots cut clearly by trenching at a point at least one (1) foot outside the construction barrier installed as required above.
4. The following shall be prohibited within the critical root zone of any protected tree, except as may be necessary when constructing, repairing or replacing public utilities:
 - a) Grading and excavation which involves cutting or filling to a depth of more than three (3) inches.
 - b) Pouring of any material onto ground which is toxic to plants.

- c) Installing, depositing, placing, storing, or maintaining any stone, brick, sand, concrete or other materials which may impede the free unobstructed growth of or passage of water, air, and fertilizer to the roots.
 - d) Storing of any construction materials within the critical root zones of the protected trees.
 - e) Attaching any sign, poster, notice or other object, or fastening any guy wire, cable, rope, nail, screw, or other device to any protected tree for any reason other than that of a protective nature to the tree.
 - f) Causing or encouraging any fire or burning of any kind near or around any tree.
5. In the event that a developer is unable to meet the critical root zone requirements of this section, the developer must have a Landscape Architect or ISA Certified Arborist prepare guidelines on how to protect the Critical Root Zone to the maximum extent possible during the development process.

K. DAMAGE TO TREES

- 1. It shall be unlawful to intentionally damage or destroy trees planted on municipally owned or controlled property except as a part of a city-authorized improvement program.
- 2. It shall also be a violation of this section to attach or place any rope or wire (other than one to support a young or broken tree), sign, poster, handbill, or anything to any such public tree.
- 3. A person damaging a tree on public property in violation of this section shall be liable to the city for such damage, including any loss of value. In the event damage is so pervasive as to result in the treatment or removal of the tree, the person damaging such tree shall also be liable for costs of treatment or removal. Values of public trees or the amount of damages thereto will be determined by a certified arborist retained by the City of Southport.
- 4. The monies collected for damages and loss of value will be placed in the City of Southport Tree Mitigation Fund and are to be used solely for restitution for damages or for other costs incurred by the city for violation of this section.

L. HAZARD TREE

- 1. Every owner of any tree overhanging a street or sidewalk within the city is responsible for pruning the branches so that such branches shall not obstruct vehicles or pedestrians. Provided further, that all property owners within the city are hereby required to cause the removal of any dead or diseased trees on their property whenever such trees constitute a hazard to life and property or harbor insects or diseases which constitute a potential threat to other trees. Failure to take such action shall be a violation of this section.
- 2. The UDO Administrator or his designated representative shall give written notice to any owner violating the terms of this section of said violation and give said owner no less than 10 days to perform the duties in connection with his or her property as specified in (a). If said owner or occupant shall refuse or neglect to perform the

duties hereof, the UDO Administrator or his designee may seek an injunction, order of abatement or other equitable remedy in a court of competent jurisdiction against the property owner to ensure compliance in accordance with NC GS 160A-175.

3. In case the owner(s) of any lot or other real property is unknown or their whereabouts is not known after diligent efforts to identify and locate said person, then a copy of the written notice herein above referred to shall be posted upon the premises. The City Clerk shall make an affidavit setting out the facts and circumstances justifying the posting of said property.

M. PROTECTION OF UTILITIES

Public utilities shall exercise reasonable care and utilize best management practices to avoid damage and injury to public trees during the installation and maintenance of its facilities. The City's Public Services Director or their designee will provide assistance on any utility project to see that the public utilities can be installed or repaired with minimal damage to any public tree utilizing standards outlined in the City of Southport Urban Forest Management Plan (2011).

N. NOTIFICATION FOR WORK NEAR PUBLIC TREES

1. As part of any new construction project, no person or business shall perform any grading, excavation, place any fill, compact the soil or construct any building structure, street, sidewalk, driveway, pavement or public utility within 25 feet of any public tree without first notifying and consulting with the UDO Administrator. Any such work shall be conducted in accordance with this section.
2. Any public utility constructing or maintaining any overhead wires or underground pipes or conduits within 25 feet of public trees shall consult with the Public Services Director prior to performing work which may cause injury to public trees.

O. PRUNING REQUIREMENTS

A permit is not required for the pruning of trees. However, in order to prevent excessive pruning and topping of trees and to prevent pruning that will be hazardous to the health and natural appearance to the tree, compliance with approved pruning standards is required, and failure to meet these standards is a violation of this section. The UDO Administrator shall maintain on file at all times a copy of the current edition of Pruning Standards by the American Society of Consulting Arborists and shall make copies of such standards available for the cost of reproduction upon request.

P. PENALTIES FOR VIOLATIONS OF THIS SECTION

1. Any person removing any tree in violation of this section, in addition to mitigation requirements, shall be subject to a civil penalty of one hundred dollars (\$100.00) per inch diameter at breast height (DBH) of the tree.
2. Any person removing any regulated tree after notice of the requirements of this section, in addition to the mitigation requirements, shall be subject to a civil penalty of two hundred dollars (\$200.00) per inch DBH of the tree.

3. Any person removing any City Owned Tree in violation of this section, in addition to the mitigation requirements, shall be subject to a civil penalty of three hundred dollars (\$300.00) per inch DBH of the tree.

Q. CITY OF SOUTHPORT; RESPONSIBILITY

1. It is the responsibility of the City of Southport to maintain the City's iconic, Urban Maritime Forest. The City shall undertake a program of review, maintenance, and regulatory oversight in order to maintain the current and future health of our forest landscape.

R. FORESTRY COMMITTEE; RESPONSIBILITY.

1. The City of Southport Forestry Committee shall review and recommend actions to preserve and enhance the community's trees. The committee's actions will include protection of existing trees, tree replenishment, public education, and any other function related to the community's urban forest environment.

S. APPROVED TREE LIST

1. The City shall maintain a list of approved native trees for various applications. A copy of the approved native tree list can be found in Section 3.17.

T. DEVELOPMENT OF ANNUAL TREE PROGRAM.

1. The City Manager, in cooperation with the Forestry Committee, shall annually review its tree maintenance and installation needs including new projects, pruning of existing trees and replacement of diseased or damaged trees in conjunction with development of the City's annual budget. The City, in coordination with the Forestry Committee, will undertake an annual planting program, focusing on Southport's iconic live oaks (*Quercus virginiana*) on the City's public areas and rights of way. The Forestry Committee will identify planting locations with a focus on replacing trees that have been lost/removed as well as to expand the forest canopy.

U. COMMUNITY AWARENESS

1. The City shall undertake programs, as may be determined by the Forestry Committee, Director of Tourism, and/or the Director of Parks and Recreation, which enhance the community's awareness of the value of trees and qualify for points toward the Tree City, USA Growth Award. The City shall annually hold an Arbor Day Ceremony, planned and organized by the Southport Forestry Committee, which focuses attention on the value of trees in the urban environment, and encourages public participation in tree planting or other activities supporting Southport's urban forest.

V. MAINTENANCE OF PUBLIC TREES/PROJECTS

1. The Public Services department shall be responsible for the maintenance of trees on municipal property with the advice of the City Manager or his designee. The Public Works department and Forestry Committee will annually assess trees located on

public property and identify those that require maintenance or removal. The City will undertake any required maintenance utilizing City Staff, or when required, contract the work to be completed within current ANSI standards and/or International Society of Arboriculture (ISA) Best Management Practices.

2. The City shall have the right to prune, maintain and remove any tree on public grounds which interferes with the safe flow of traffic, any traffic control device or sign.
3. It shall be unlawful for any person to top or cut back to stubs the crown of any tree on City property or ROW.
4. Trees severely damaged by storms or other causes where required pruning practices are impractical may be exempted from this section as determined by the City Manager. This also includes dead, dying, or diseases determined by the City Manager or their designee and which pose a threat to the safety of the community.
5. All other City departments shall cooperate fully with the City Manager or his designee in carrying out the responsibilities of this section.
6. The planting, maintenance, and/or removal activities of public trees shall meet current arboricultural best management practices (ANSI A300 Standards) and follow guidelines outlined in the 2011 City of Southport Urban Forest Management Plan. City departments, contractors, community organizations and individuals performing tree related activities on City-managed property are required to adhere to these standards.

Further Questions:

- We need further input from legal representation on how to structure the penalties for removing trees without a permit. How can we structure it so a percentage of the penalties go to either a Tree Mitigation fund or Tree Maintenance fund for City trees? Would we need a local act from the General Assembly in order to do that?
- Would the city further consider a fee in lieu in situations where a developer is unable to meet the criteria of the ordinance?
- Could a Tax Lien be put on a violators property if they don't pay the tree violation penalty?

Regulated Tree. The subsurface roots, crown and trunk of any self-supporting woody perennial plant such as a large shade tree, which usually has one (1) main stem or trunk, and has a measured DBH as follows:

- A. A hardwood tree, having a single trunk at least eight (8) inches in DBH. Trees may have single or multiple trunks but at least one trunk must measure eight (8) inches in diameter.
- B. A coniferous tree, having a single trunk at least 12 inches in DBH.
- C. Any tree, of any species, with a DBH of 30" or more. (Specimen tree)

DRAFT



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

When conducting a review of proposed zoning text or map amendments pursuant to this section, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with any comprehensive plan that has been adopted and any other adopted plan that is applicable. The requirement for a plan consistency statement may also be met by a clean indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive plan. When adopting or rejecting any UDO text amendment, a statement analyzing the reasonableness of the proposed text amendment shall be approved by the governing board.

AMENDMENT: ZA 22-0809-01 (Tree Preservation)

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Board of Aldermen has reviewed the proposed text amendment of the Unified Development Ordinance and finds that it is consistent with the City's 2015 CAMA Core Land Use Plan, originally adopted November 13, 2014, and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with Policy 2.21, supporting the maintenance of environmentally sensitive areas, and Policy 7.9, encouraging development that supports its Vision and Core Values and preserve its atmosphere. The Board of Aldermen recommends action 2.5A, continually monitoring the need for possible revisions to the UDO. Further, the Board of Aldermen finds the proposed text amendment reasonable and in the public interest because it preserves and protects the City's character and heritage, the environment, and Southport's aesthetic beauty.

The statement and motion was seconded and passed _____.

Dorothy Dutton, City Clerk

Joseph P. Hatem, M.D., M.P.A.
Mayor, City of Southport

**ORDINANCE TO AMEND SECTION 3.18 TREE PRESERVATION OF THE
UNIFIED DEVELOPMENT ORDINANCE FOR THE
CITY OF SOUTHPORT, NORTH CAROLINA**

THAT WHEREAS, the City has enacted a set of development regulations that control land development and construction within the City's incorporated and extraterritorial jurisdiction areas; and

WHEREAS, in order to promote public health, safety, and general welfare and to promote the best interests of the City and community, it is necessary from time to time for the Planning Board and Board of Aldermen to consider appropriate revisions, modifications, and updates to the City's development regulations; and

WHEREAS, the Planning Board, along with City staff, has prepared and submitted an update to the development regulations; and

WHEREAS, the Planning Board has thoroughly reviewed this matter and found the proposed zoning text amendment to be consistent with the City of Southport CAMA Core Land Use Plan and recommends its approval; and

WHEREAS, pursuant to N.C. General Statutes and City ordinances, a public hearing, properly noticed, was held on September 8, 2022, where public comment was heard and considered by the Board of Aldermen regarding this issue; and

WHEREAS, the Board of Aldermen, after considering the public hearing response and the recommendation of the Planning Board, hereby finds that it is consistent with the City's 2015 CAMA Core Land Use Plan, originally adopted on November 13, 2014, and subsequently amended. More specifically, the proposed amendment is consistent with Policy 2.21 (Southport supports the maintenance of environmentally sensitive areas), Policy 7.9 (the City will encourage development that supports its Vision and Core Values and preserve its atmosphere), and recommended action 2.5A (The City will monitor the need for possible revisions to the UDO.); and

WHEREAS, the Board of Aldermen further finds the proposed amendment is reasonable and in the public interest because it (i) protects and preserves the City's character and heritage, (ii) protects the environment, and (iii) it preserves Southport's aesthetic beauty;

NOW, THEREFORE, BE IT ORDAINED by the City of Southport Board of Aldermen that the proposed zoning text amendment of Article 3: Zoning, as shown in EXHIBIT A, is hereby adopted and shall become effective immediately.

Adopted this the 8th day of September 2022.

Dorothy Dutton, City Clerk

Joseph P. Hatem, M.D., M.P.H.
Mayor, City of Southport



BOARD OF ALDERMEN

MEMORANDUM

To: Mayor and Members of the Board of Aldermen

From: Dorothy Dutton, City Clerk

Wes MacLeod and Sam Shore, CFCOG

Re: UDO Text Amendments: Section 3.7.F. Mixed Use; Section 3.9 Dimensional Requirements;
Section 3.11.C. Building Design Standards; Section 3.14.D. Minimum Off-Street Ratios;
Section 3.17 Landscape Buffers

Date: September 8, 2022

BACKGROUND

The Board of Aldermen and Planning Board have prioritized updating sections of the Unified Development Ordinances, as needed for clarity, but also to preserve the character of Southport.

The Planning Board recently asked a review committee to focus on the standards in the Central Business District and Business District. The proposed changes include reducing the maximum height of any new building, limiting the number of stories that can be built, redefining the amount of parking that might be available based on the use, change of use, and dimensions of the parcel. The proposed amendments are highlighted. A copy of the existing ordinance has been included for comparison.

PROCESS

The Planning Board has reviewed the amendment, adopted a statement of Land Use Consistency, and made the recommendation to the Board of Aldermen to approve the amendment. A duly advertised public hearing is scheduled for this Board of Aldermen meeting, where the public can comment and provide feedback on the amendment. The Board of Aldermen must approve a statement of land use consistency and adopt the zoning text amendment to amend the UDO.

POSSIBLE ACTION ITEM

If the Board of Aldermen supports the amendment, the Statement of Land Use Consistency can be adopted, and the UDO text amendment to Section 3.7.F. Mixed Use; Section 3.9 Dimensional Requirements; Section 3.11.C. Building Design Standards; Section 3.14.D. Minimum Off-Street Ratios; Section 3.17 Landscape Buffers can be adopted, as presented, or with the following changes: _____

_____.



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

When conducting a review of proposed zoning text or map amendments pursuant to this section, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with any comprehensive plan that has been adopted and any other adopted plan that is applicable. The requirement for a plan consistency statement may also be met by a clean indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive plan. When adopting or rejecting any UDO text amendment, a statement analyzing the reasonableness of the proposed text amendment shall be approved by the governing board.

AMENDMENT: **ZA 22-0811-01 (CBD & BD Amendments)**

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Board of Aldermen has reviewed the proposed text amendment of the Unified Development Ordinance and finds that it is consistent with the City's 2015 CAMA Core Land Use Plan, originally adopted November 13, 2014, and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with Policy 7.3, Southport will guide development so as to encourage protection of scenic vistas and view corridors, and Policy 7.9, encouraging development that supports its Vision and Core Values and preserve its atmosphere. The Board of Aldermen recommends action 2.5A, continually monitoring the need for possible revisions to the UDO. Further, the Board of Aldermen finds the proposed text amendment reasonable and in the public interest because it preserves and protects the City's character and heritage, the environment, and Southport's aesthetic beauty.

The statement and motion was seconded and passed _____.

Dorothy Dutton, City Clerk

Joseph P. Hatem, M.D., M.P.A.
Mayor, City of Southport

**ORDINANCE TO AMEND SECTIONS 3.7, SECTION 3.9, SECTION 3.11,
SECTION 3.14, AND SECTION 3.17 OF THE
UNIFIED DEVELOPMENT ORDINANCE FOR THE
CITY OF SOUTHPORT, NORTH CAROLINA
ZA 22-0811-01**

THAT WHEREAS, the City has enacted a set of development regulations that control land development and construction within the City's incorporated and extraterritorial jurisdiction areas; and

WHEREAS, in order to promote public health, safety, and general welfare and to promote the best interests of the City and community, it is necessary from time to time for the Planning Board and Board of Aldermen to consider appropriate revisions, modifications, and updates to the City's development regulations; and

WHEREAS, the Planning Board, along with City staff, has prepared and submitted an update to the development regulations; and

WHEREAS, the Planning Board has thoroughly reviewed this matter and found the proposed zoning text amendment to be consistent with the City of Southport CAMA Core Land Use Plan and recommends its approval; and

WHEREAS, pursuant to N.C. General Statutes and City ordinances, a public hearing, properly noticed, was held on September 8, 2022, where public comment was heard and considered by the Board of Aldermen regarding this issue; and

WHEREAS, the Board of Aldermen, after considering the public hearing response and the recommendation of the Planning Board, hereby finds that it is consistent with the City's 2015 CAMA Core Land Use Plan, originally adopted on November 13, 2014, and subsequently amended. More specifically, the proposed amendment is consistent with Policy 7.3 (Southport will guide development so as to encourage the protection of scenic vistas and view corridors), Policy 7.9 (the City will encourage development that supports its Vision and Core Values and preserve its atmosphere), and recommended action 2.5A (The City will monitor the need for possible revisions to the UDO.); and

WHEREAS, the Board of Aldermen further finds the proposed amendments are reasonable and in the public interest because it (i) protects and preserves the City's character and heritage, (ii) protects the environment, and (iii) it preserves Southport's aesthetic beauty;

NOW, THEREFORE, BE IT ORDAINED by the City of Southport Board of Aldermen that the proposed zoning text amendments of Article 3: Zoning, as shown in EXHIBIT A, is hereby adopted, and shall become effective immediately.

Adopted this the 8th day of September 2022.

Dorothy Dutton, City Clerk

Joseph P. Hatem, M.D., M.P.H.
Mayor, City of Southport

3.7 RESIDENTIAL USE STANDARDS

F. MIXED USES

Where permitted, the following shall apply:

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

3.9 DIMENSIONAL REQUIREMENTS

Table 3.2: Dimensional Requirements by Zoning District						
Zoning District	Minimum Lot Size (sq.ft.)	Minimum Lot Width (feet)	Minimum Front Setback (feet)	Minimum Rear Setback (feet)	Minimum Side Setback (feet)	Maximum Height Limit (feet)
CBD	0	0	0	0	0	30 (2)
BD	0	0	0	10	0	30 (2)

1. Where any side yard is provided, though not required, the same shall be not less than (4) feet.
2. In "Special Flood Hazard Areas" within CBD and BD, where regulatory flood protection elevations are required, the maximum height limit shall be (40) feet.

3.11 BUILDING DESIGN STANDARDS

C. DESIGN STANDARDS

1. The primary entrance of the structure shall be architecturally and functionally designed on the front façade of the primary street.

2. Except for corner lots, the front façade of the principal structure shall be parallel to the front lot line and street.
3. Façade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, dayglow, or neon colors shall be prohibited.
4. Ground mounted mechanical equipment, solid waste storage, and recycling storage shall be located to the rear or side yard and screened from the view of the street.
5. Outparcels shall be designed and integrated with the main project or principal structure.
6. No portion of a building facing a front or side lot line, unless a zero lot line common wall, shall be constructed of unadorned (unfaced) concrete masonry units or corrugated and/or sheet metal.
7. No single façade extending unbroken more than (35) feet in a horizontal plane may be visible from a public roadway. Compliance may be obtained through one of the following:
 - a.) The use of projections or recesses. When used, each projection or recess shall have a projection (or depth) dimension of no less than (18) inches and a width of no less than (36) inches.; or
 - b.) The use of columns or other architectural detail to provide visual interest. Where used, columns should be harmonious with the general design of the structure.
8. At least 25% of the first floor of the street façade(s) shall be transparent (including all sides facing a street right-of way). Street level windows shall be visually permeable. Mirrorized glass is not permitted in any location. False or display casements are not permitted in lieu of exterior window treatments for the frontage elevation. A window shall be measured as follows:
 - a.) Minimum area: 16 square feet
 - b.) Minimum width: 3 feet
 - c.) Minimum height: 4 feet
9. A pitched roof shall have eaves a minimum of (12) inches from the building face including gutters. This shall not apply to zero lot line structures.
10. No structure shall exceed two (2) stories.

3.14 PARKING

D. MINIMUM OFF-STREET PARKING RATIOS

1. The following tables 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 districts, 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 the 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.
Change of use or redevelopment whereby the floor area of the building or parcel is expanded by greater than 15%.	Additional parking required shall be calculated based on the increase in square footage in floor area, above the 15% threshold of the expanded building. All other applicable requirements of this section shall apply.
Change of use from a residential to nonresidential use.	50% of the required parking shall be provided. All other applicable requirements of this section apply.
Change of use from a nonresidential to residential use or the addition of residential uses.	Full compliance with residential off-street parking space minimum and all other requirements.

(Chart continues with no other proposed changes)

3.17 LANDSCAPE AND BUFFERS

I. BUFFERYARDS

1-5. No changes proposed.

6. Bufferyards range in width from 10 to 40 feet. The following table illustrates the required bufferyard widths:

Table 3.8 Bufferyard Width						
Adjacent Property Zoning and Required Buffer Width (feet)						
Applicant Zoning District	#1: OS	#2: R-10, R-20	#3: MF, MH, O & I	#4: BD, CBD	#5: HC	#6: HI, LI
#1: OS	0'	0'	0'	0'	0'	0'
#2: R-10, R-20	0'	0'	0'	0'	0'	0'
#3: MF, MH, O & I	20'	20'	0'	20'	20'	20'
#4: BD	10'	20'	10'	0'	0'	0'
#5: CBD	0'	20'	10'	0'	0'	0'
#6: HC	40'	40'	20'	0'	0'	20'
#7: HI, LI	40'	40'	40'	20'	20'	0'

3.7 RESIDENTIAL USE STANDARDS

F. MIXED USES

Where permitted, the following shall apply:

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

3.9 DIMENSIONAL REQUIREMENTS

Table 3.2: Dimensional Requirements by Zoning District						
Zoning District	Minimum Lot Size (sq.ft.)	Minimum Lot Width (feet)	Minimum Front Setback (feet)	Minimum Rear Setback (feet)	Minimum Side Setback (feet)	Maximum Height Limit (feet)
CBD	0	0	0	0	0	40
BD	0	0	0	10	0	40

3.11 BUILDING DESIGN STANDARDS

C. DESIGN STANDARDS

1. The primary entrance of the structure shall be architecturally and functionally designed on the front facade facing the primary street.
2. Except for corner lots, the front facade of the principal structure shall be parallel to the front lot line and street.
3. Façade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, dayglow, or neon colors shall be prohibited
4. Ground mounted mechanical equipment, solid waste storage, and recycling storage

EXISTING ORDINANCES TO COMPARE TO NEW STANDARDS

- shall be located to the rear or side yard and screened from view of the street.
5. Outparcels shall be designed and integrated with the main project or principal structure.
 6. No portion of a building facing a front or side lot line, unless a zero lot line common wall, shall be constructed of unadorned (unfaced) concrete masonry units or corrugated and/or sheet metal.
 7. No single facade extending unbroken more than 35 feet in a horizontal plane may be visible from a public roadway. Compliance may be obtained through one of the following:
 - a) The use of projections or recesses. When used, each projection or recess shall have a projection (or depth) dimension of no less than 18 inches and a width of no less than 36 inches; or
 - b) The use of columns or other architectural detail to provide visual interest. Where used, columns should be harmonious with the general design of the structure.
 8. At least 25% of the first floor of the street facade(s) shall be transparent (including all sides facing a street right-of-way). Street level windows shall be visually permeable. Mirrorized glass is not permitted in any location. False or display casements are not permitted in lieu of exterior window treatments for the frontage elevation. A window shall be measured as follows:
 - a) Minimum area: 16 square feet
 - b) Minimum width: 3 feet
 - c) Minimum height: 4 feet
 9. A pitched roof shall have eaves a minimum of 12 inches from the building face including gutters. This shall not apply to zero lot line structures.

3.14 PARKING

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%.

EXISTING ORDINANCES TO COMPARE TO NEW STANDARDS

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 Space.

Table 3.4: Minimum Off-Street Parking Spaces Required	
Change of Use or Redevelopment in the BD District	
A change of use or redevelopment whereby the floor area of the building or parcel is not expanded by greater than 25%.	No Parking required.
Change of use or redevelopment whereby the floor area of the building or parcel is expanded by greater than 25%.	Additional parking required shall be calculated based on the increase in square footage in floor area, above the 25% threshold of the expanded building. All other applicable requirements of this section shall apply.
Change of use from a residential to nonresidential use.	50% of the required parking shall be provided. All other applicable requirements of this section apply.
Change of use from a nonresidential to residential use or the addition of residential uses.	Full compliance with residential off-street parking space minimum and all other requirements.

3.17 LANDSCAPE AND BUFFERS

I. BUFFERYARDS (all other sections remain the same)

Table 3.8 Bufferyard Width						
Adjacent Property Zoning and Required Buffer Width (feet)						
Applicant Zoning District	#1: OS	#2: R-10, R-20	#3: MF, MH, O & I	#4: BD, CBD	#5: HC	#6: HI, LI
#1: OS	0'	0'	0'	0'	0'	0'
#2: R-10, R-20	0'	0'	0'	0'	0'	0'
#3: MF, MH, O & I	20'	20'	0'	20'	20'	20'
#4: BD	10'	10'	10'	0'	0'	0'
#5: CBD	0'	0'	0'	0'	0'	0'
#6: HC	40'	40'	20'	0'	0'	20'
#7: HI, LI	40'	40'	40'	20'	20'	0'



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

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

AMENDMENT: **ZA 22-0811-01** (Central Business District Standards)

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends the adoption of the proposed text amendment of the Unified Development Ordinance to the Board of Aldermen and finds that the proposed zoning text amendment is consistent with the 2015 CAMA Land Use Plan adopted on November 13, 2014, and as subsequently amended by the Southport Board of Aldermen. The Planning Board finds that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Southport by preserving the City's historic nature, and it continues to support a vibrant Central Business District in the Central Business District areas, specifically Goal Policies 7.1, 7.3, and 7.9, which recognize the historic character of the City while supporting commercial development and the local economy.

The statement and motion was seconded and passed August 18, 2022

Tanya Shannon

Deputy Clerk, Tanya Shannon

Sue M. Hodgkin

Planning Board Chair, Sue Hodgkin



BOARD OF ALDERMEN

MEMORANDUM

To: Mayor Hatem, and Members of the Board of Aldermen
From: Dorothy Dutton, City Clerk, CZO, CFM
Wes MacLeod, AICP, ASLA: Local Government Services Director, CFCOG
Gordon Hargrove, City Manager, CZO
Re: Indigo PUD Master Development Plan, Submitted by East-West Partners in partnership with Bald Head Island Limited, designed by LandDesign
Date: 09/08/2022

BACKGROUND

In partnership with Bald Head Limited, East-West Partners has submitted a PUD Master Development Plan and Rezoning application that would rezone 346.57 acres of undeveloped property adjacent to Smithville Woods, Cades Cove, and Indigo Plantation from R-20 to PUD. A small portion of the property is within our corporate limits, with the majority of it being located within the Extra-Territorial Jurisdiction. The entirety of the project is subject to the City's planning and development regulations. The developer has also submitted an annexation application in order to concurrently annex into the City if the Rezoning is approved.

PROCESS

A Planned Unit Development (PUD) is planned and developed as an integral unit, in a single development operation or a programmed series of development operations and according to an approved master development plan. All PUDs require an amendment to the City's zoning map and master development plan approval, followed by the major subdivision approval process. The minimum amount of land required for a PUD district is 9 acres of net buildable area within the corporate limits or 25 acres of net buildable area within the ETJ. This development is 346.57 acres; therefore, it meets the criteria.

The application for a PUD must be accompanied by an application to amend the zoning map (rezoning) to the planned unit development zoning district. The rezoning application should be submitted concurrently with the PUD master development plan. The approval process for a PUD Master Development Plan is the same as a zoning map amendment. The Planning Board typically provides an advisory recommendation on the PUD master development plan and rezoning within 90 days after introducing such a petition at a regularly scheduled meeting and

submits its recommendation to the Board of Aldermen. The Planning Board received an extension until July 21, 2022. In terms of timing, the PUD master development plan must be approved before the zoning map amendment. If the PUD master development plan is approved, it provides the framework for development within the PUD Zoning District. The master development plan includes the bubble diagram that illustrates the densities in different areas of the PUD, supporting information, and text which specifies the use or uses intended for the property, dimensional standards, and any development standards to be approved concurrently with the application. This could include features like parking, landscaping design guidelines, buffers, and streetscapes. The master development plan must also be prepared by and sealed by a licensed land surveyor, landscape architect, or engineer. A licensed landscape architect sealed this plan.

The City established a technical review committee for this project. The Planning Board has 90 days following the receipt of the PUD master development plan and zoning map amendment application to make a recommendation on both. The Planning Board shall advise and comment on whether the proposed text or zoning map amendment is consistent with the comprehensive plan or any other officially adopted applicable plans. The Planning Board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters deemed appropriate by the Planning Board. However, a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen.

It is important to understand that the PUD master site plan and zoning map amendment application are legislative decisions.. In this case, municipal legislative decisions are finalized by the Board of Aldermen as the local Governing Board after an advisory recommendation by the Planning Board. Because legislative decisions have such a significant impact on landowners, neighbors, and the public, state law mandates broad public notice and hearing requirements for these types of decisions. Much like legislative decisions in the General Assembly, broad public discussion and careful deliberation is vital for municipal legislative decisions. Substantial discretion is allowed in legislative decisions, and boards are not under any obligation to approve them.

PROPOSAL

The Indigo PUD master development plan comprises a tract of 346.57 acres. The overall size of the tract under ownership of Bald Head Island Limited is 375.08 acres. In terms of density, East-West Partners is proposing 1,542 dwelling units and 80,000 sf of non- residential use. This equates to an average of 4.1 dwelling units per acre. The UDO allows 6 units per acre for PUDs. The PUD Master Development Plan's bubble diagram shows the different planned areas of the development and how they will differ in density, allowable uses, and allowable housing types. There are five (5) different areas identified on the bubble diagram.

The first area is the Marina Village area. The proposed Marina Village area is 9.4 acres. In terms of residential uses, the developer proposes a mixture of Single-Family Townhomes, Duplexes, Multi-Family, and Condos in these areas totaling 188 units. This is equal to 20 dwelling units an acre for this portion of the tract. It is important to note that the product types may change, but the total number of units for each area will not change. The developers are also proposing retail, restaurant, and a commercial marina as non-residential uses for a total of 20,000 sf.

The second area is the Residential Core area. The proposed Residential Core area is comprised of 58.1 acres. This area will be composed of a mixture of single-family detached, single-family attached townhomes, multi-family, duplexes, assisted living, and senior living for a total of 581 units. This equals 10 dwelling units an acre. 60,000 sf of non-residential retail and office uses are also proposed.

The third area proposed is the Residential Center area. This area is 105 acres. Proposed residential uses are single-family detached, single-family attached, multi-family, and duplexes. The total amount of proposed units is 630 total units. This equals 6 dwelling units an acre. No non-residential areas are proposed in the Residential Center area.

The fourth area is the Residential Edge area. This area consists of 47.6 acres. The proposed uses in this area are single-family detached homes. The proposed units are 143 total units. This equals 3 dwelling units an acre.

The last area identified on the PUD master development bubble diagram is open space. In PUDs, 20% of the tract must be Open Space. Designated 404 wetlands are not allowed to be counted in this calculation. East-West Partners is proposing 75.4 acres of Open Space. 75 acres are required. The proposed PUD master development plan shows 39.3 acres for a nature park. The developers propose a dog park, swimming areas, walking trails, and ball fields. They are also proposing 20.9 acres for a Central Park and pocket park. The proposed uses for this area are a playground, docks, shaded areas, greens, and ball courts. The plan also shows 7.6 acres of linear greens. As shown on the plan, the linear greens will be composed of a green trail network.

INFRASTRUCTURE

The neighborhood's primary entrance is proposed to be located on Robert Ruark Drive. There will also be an additional village entrance off Indigo Plantation Drive on 9th street. For water and sewer, the City has communicated to the developer that it would be in their best interest to receive service from Brunswick County. The City does not have the excess capacity to serve this project, but the City is open to looping the project into the City's waterlines with an emergency valve for emergencies. For streets, three different types of rights-of-way (ROWs) are proposed. The first is the avenue Street. The avenue street is a 61 ft ROW with sidewalks and on-street parking on both sides of the street. The second street type is A-1. A-1 streets will be composed of 54 ft ROWs and will be located adjacent to park spaces where alley-loaded lots are designed to provide visitor parking.

Street type A-2 is a 49 ft ROW with ribbon curb and ditch/swale sections along the road. The last street type is Type B. Type B is a 47' ROW and is what the developer envisions as the typical street section in the community where front-loaded lots exist. There will also be 20 ft alleys for the rear entry areas. All street types will have pedestrian sidewalks on both sides. In the same format as early 20th-century villages and neighborhoods oriented towards pedestrian walkability, these street types are akin to traditional neighborhood street designs. The UDO allows ROWs

less than 60 ft with the approval of the Fire Chief/Fire Marshal and if they are designed to NCDOT's Subdivision Design Manual. In accordance with preliminary plat submittal and approval, the street designs shall be subject to NCDOT's guidelines and must be approved by the Fire Chief and Fire Marshal. The applicant has expressed the desire for the streets within the development to be publicly maintained. Public maintenance is preferable to the potential for private street networks. Private street networks often become dilapidated due to improperly funded Property Owner Association agreements, which may result in a request for the City to assume ownership and responsibility of substandard roadways in the future.

TRAFFIC IMPACT ANALYSIS (TIA) STUDY

The Traffic Impact Analysis (TIA) was completed by Jonathan Guy of Kimley-Horne. NCDOT approved the Project Indigo TIA on March 3rd, 2022. Robert Ruark Dr, 9th Street, and a large portion of the intersections examined are State roads, so NCDOT has been involved in this process from the start along with City staff. City Staff met with District Engineer Ben Hughes to review the required improvements. Of note is the first improvement. Ben Hughes mentioned that due to ROW constraints on Robert Ruark, some of the proposed improvements are not feasible. Mr. Hughes suggested that the City require additional access connections at 11th street or Lord Thomas Avenue to mitigate the impacts at the 211/87 intersection. NCDOT requires the following improvements:

- **NC 211 (N. Howe Street) at NC 87 (River Road)/SR 1852 (Robert Ruark Drive)** (Signalized 4-legged Intersection)
 - Construct an additional eastbound left-turn lane on Robert Ruark Drive to provide dual left-turn lanes with 350 feet of storage, 50 feet of full-width deceleration, and 100 feet of taper*
 - Construct a separate eastbound right turn lane on Robert Ruark Drive with 350 feet of storage, 50 feet of full-width deceleration, and 100 feet of taper*
 - Modify signal timing and phasing

*It is understood that right of way constraints will likely render the proposed roadway mitigations un-constructible. Alternate and/or additional access connections are recommended to reduce impacts at this intersection

- **NC 211 (N. Howe Street) at SR 1209 (9th Street)** (Signalized 4-legged Intersection)
 - Construct an exclusive southbound right turn lane on NC 211 with 300 feet of storage, 50 feet of full-width deceleration, and 100 feet of taper
 - Extend the existing eastbound left-turn lane on 9th Street up to the intersection of Lord Street
 - Optimize the signal timings

- **NC 211 (N. Howe Street) at 12th Street/Stuart Avenue** (Unsignalized 4-legged Intersection)
 - Install a traffic signal and the necessary communication equipment for the bordering signals on NC 211, including NC 87/Robert Ruark Drive, Fodale Avenue, and 9th Street
- **SR 1852 (Robert Ruark Drive) at Site Access 1** (Proposed unsignalized T-intersection)
 - Construct the site access with one ingress and two egress lane.
 - Provide stop control for the northbound approach.
 - Provide a 175-foot internal protected stem for the northbound approach.
 - Provide an exclusive westbound left turn lane on SR 1852 (Robert Ruark Drive) with 150 feet of storage, 50 feet of full-width deceleration, and 100 feet of taper

REVIEW COMMITTEE REPORTS

The Hub Review Committee most recently met on June 8th. The Hub Committee discussed the requested illustrations for housing units superimposed on the lots and requested available housing prototypes. Two area maps were presented to the committee. The additional maps have been provided by the applicant and will be included in the digital agenda packet. They will also be available for the Vibe Board. There was also discussion on where an archaeological or cemetery study had been initiated. There was not. The Hub committee also asked if a protected species study had been initiated or completed. The developer answered that they had not completed a specialized study but that the information on species found in that area could be found on the Wildlife Resources website.

The Environmental Concerns committee last met on June 13th. There was discussion on wetland protection, stormwater management, conservation of habitat, and open space allocation for each neighborhood. The committee also suggested redesigning the open space area to allow for larger wildlife corridors.

The Infrastructure Committee had questions about who bores the legal responsibilities for utilities. Brunswick County will provide the Water and Sewer Service so the City will not have to bear any responsibility for that. The committee's biggest question is whether the City will have to pay capital costs for an updated substation to serve the development. The City Manager has been in conversation with the City's legal representation on that. It will ultimately need to be negotiated with the developer if the project moves forward.

The Traffic Impacts committee reviewed the TIA to ensure that nothing was missed. The committee also suggested a connection to 11th street as a solution to help distribute the traffic and to have another access point. The committee also recommended that the proposed development further connects to the existing community with pedestrian walkways and bike paths to reduce vehicular traffic.

The Design & Character committee requested a variety of documents that to this point have not all been received in the detail that was requested. They requested a parcel plan (color coded) showing each parcel and section of the property, including roads, parcels, open space, areas that cannot be utilized, and stormwater retention ponds. They also requested a massing/building

location plan, a prototypical parcel for each building type, a 3D massing model of each building type, and schematic drawings of each building type. The developer did provide a schematic overlaid with the proposed zoning and some sample architectural photos. The level of detail requested was not provided. The Chair of the Design & Character committee suggested that the Board not recommend approval of the development since it is inconsistent with the CAMA Land Use Plan and CAMA Future Land Use Map.

ACTION ITEM:

The City of Southport Planning Board found the proposed rezoning and master plan inconsistent with the 2015 CAMA Land Use Plan adopted on November 13, 2014 and subsequently amended by the Board of Aldermen. More specifically, the proposed zoning map amendment is inconsistent with the CAMA Land Use Plan core value of preserving the City's historic character, Policy 7.9 (the City will encourage development that supports its Vision and Core Values, protect its resources, and preserve its atmosphere). The Planning recommends that the Board of Aldermen **DENY** the map amendment and master plan.

The Board of Aldermen **MAY** take the following actions:

- Adopt the Land Use Consistency Statement stating the proposed map amendment and master plan are NOT consistent with the 2015 CAMA Land Use Plan and Future Land Use Map.
- Adopt a Land Use Consistency Statement stating the proposed map amendment and master plan ARE consistent with the 2015 CAMA Land Use Plan and Future Land Use Map.
- Approve or deny the proposed PUD master plan and zoning map amendment, subject to a consistency determination, and in accord with any modifications requested. Any approval shall be subject to adoption of an ordinance specifying Land Use Plan consistency and conditions of approval.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

March 03, 2022

Jonathan Guy, PE

Kimley Horn

RE: Approval of the Traffic Impact Analysis (TIA) associated with the proposed
Project Indigo in Southport, NC.

The NCDOT and Brunswick County staffs have reviewed the Project Indigo TIA dated February 8, 2022. This development consists of:

- o 330 dwelling units: Single-Family Detached Homes (LUC 210)
- o 340 dwelling units: Single-Family Attached homes (LUC 220)
- o 480 dwelling units: Recreational Homes (LUC 260)
- o 120 dwelling units: Senior Adult Housing – Detached Homes (LUC 251)
- o 200 dwelling units: Senior Adult Housing – Attached Homes (LUC 252)
- o 80,000 square feet: Medical-Dental Office (LUC 720)
- o 8,000 square feet: Retail (LUC 820)
- o Build Year: 2032

Based on review of the analysis provided in the TIA report, the following improvements are required by the developer:

NC 211 (N. Howe Street) at NC 87 (River Road)/SR 1852 (Robert Ruark Drive)
(Signalized 4-legged Intersection)

- Construct an additional eastbound left-turn lane on Robert Ruark Drive to provide dual left turn lanes with 350 feet of storage, 50 feet of full-width deceleration and 100 feet of taper*
- Construct a separate eastbound right turn lane on Robert Ruark Drive with 350 feet of storage, 50 feet of full width deceleration and 100 feet of taper*
- Modify signal timing and phasing

*It is understood that right of way constraints will likely render the proposed roadway mitigations un-constructible. Alternate and/or additional access connections are recommended to reduce impacts at this intersection.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DISTRICT 3 ENGINEER'S OFFICE
300 DIVISION DRIVE
WILMINGTON, NC 28401-8883

Telephone: 910-398-9100
Customer Service: 1-877-368-4968

Website: ncdot.gov

Location:
300 DIVISION DRIVE
WILMINGTON, NC 28401

NC 211 (N. Howe Street) at 11th Street (Stop controlled 4-legged Intersection)

- No improvements are required.

NC 211 (N. Howe Street) at Fodale Avenue (Unsignalized T-Intersection)

- No improvements are required.

NC 211 (N. Howe Street) at SR 1209 (9th Street) (Signalized 4-legged Intersection)

- Construct an exclusive southbound right turn lane on NC 211 with 300 feet of storage, 50 feet of full width deceleration and 100 feet of taper
- Extend the existing eastbound left turn lane on 9th Street up to the intersection of Lord Street
- Optimize the signal timings

NC 211 (N. Howe Street) at SR 1194 (West Street) (Unsignalized 4-legged Intersection)

- No improvements are required.

NC 211 (N. Howe Street) at Moore Street (Signalized 4-legged Intersection)

- No improvements are required.

NC 211 (N. Howe Street) at 12th Street/Stuart Avenue (Unsignalized 4-legged Intersection)

- Install a traffic signal and the necessary communication equipment for the bordering signals on NC 211 including NC 87/Robert Ruark Drive, Fodale Avenue, and 9th Street

NC 211 (N. Howe Street) at Bay Street (Unsignalized T-Intersection)

- No improvements are required.

SR 1852 (Robert Ruark Drive) at Site Access 1 (Proposed unsignalized T-intersection)

- Construct the site access with one ingress and two egress lane.
- Provide stop control for the northbound approach.
- Provide a 175-foot internal protected stem for the northbound approach.
- Provide an exclusive westbound left turn lane on SR 1852 (Robert Ruark Drive) with 150 feet of storage, 50 feet of full width deceleration and 100 feet of taper

If changes are made to the proposed site driveways, land uses, land use intensity, or other study parameters, or if the build year studied in the report has passed, a revised Traffic Impact Analysis will be required for review by NCDOT. Any such changes will null and void this TIA approval.

The applicant is required to obtain all applicable Brunswick County and NCDOT permits for access to the road network. A copy of this TIA approval shall be included with any NCDOT driveway permit application. All applicable NCDOT and Brunswick County technical standards and policies shall apply.

Please contact me at 910-398-9100 with any questions regarding this approval.

Sincerely,



Benjamin T. Hughes, PE
District Engineer
Division 3, District 3

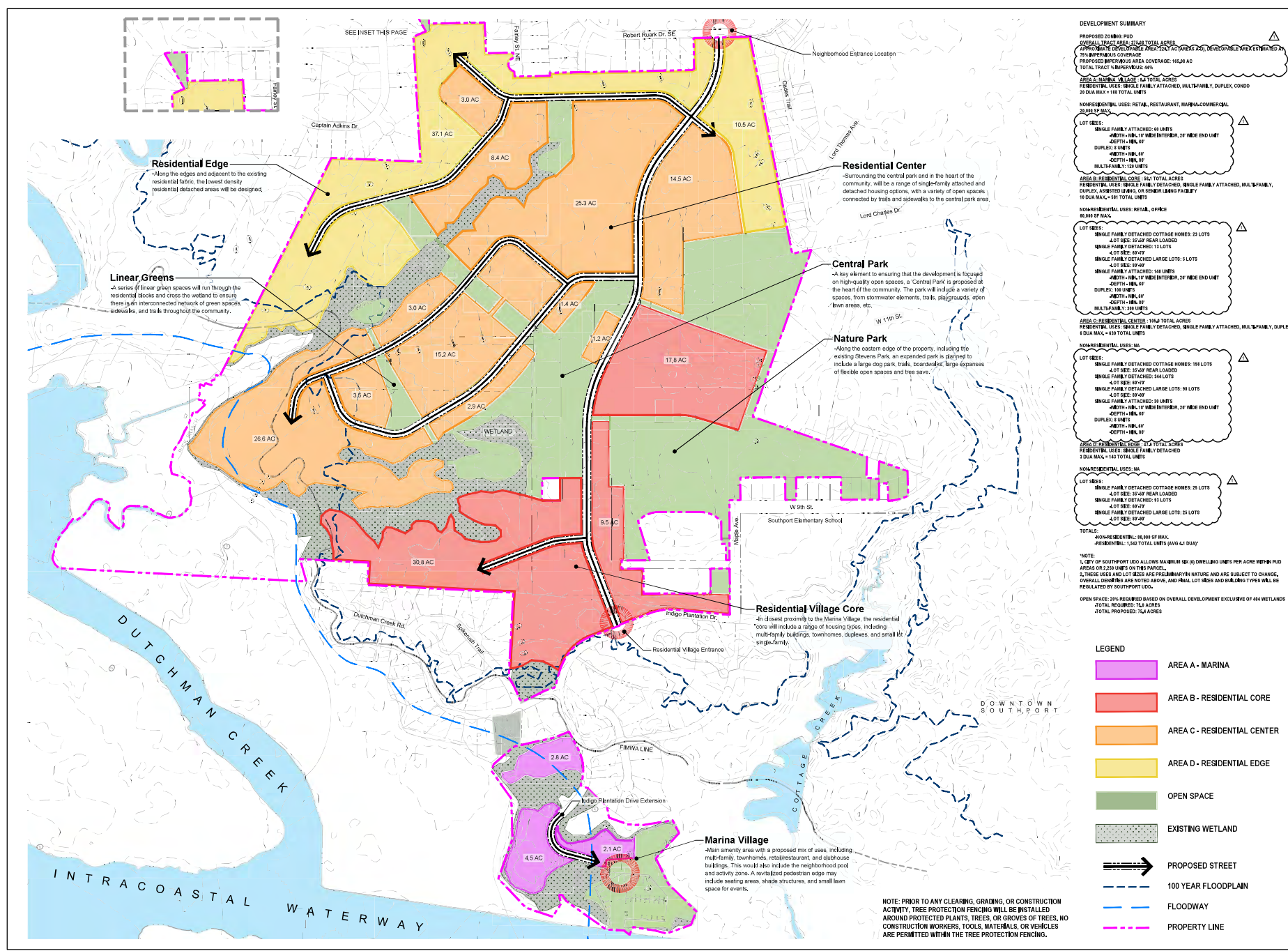
ec: Jon Roan, Deputy District Engineer, NCDOT
Aaron LeBeau, Assistant District Engineer, NCDOT
Jessi Leonard, PE, Division Traffic Engineer, NCDOT
Stonewall Mathis, PE, Deputy Division Traffic Engineer, NCDOT
Krupa Koilada, Senior Assistant Traffic Engineer, NCDOT
Marc Pages, Brunswick County Planning
Helen Bunch, Brunswick County Zoning Administrator
Thomas Llyod, Development Services Director, City of Southport

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DEVELOPMENT SUMMARY

PROPOSED DOWNTOWN SOUTHPORT TRACT AREA: 25.0 AC TOTAL ACRES
APPROXIMATE DEVELOPMENT AREA: 152.4 AC (WETLANDS, DEVELOPMENT AREA EXCLUDING A 15.0 AC WETLANDS COVERAGE)
PROPOSED DEVELOPMENT AREA COVERAGE: 165.4 AC
TOTAL TRACT WETLANDS: 44.0 AC

AREA A - MARINA VILLAGE: 14.7 AC TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY ATTACHED, DUPLEX, CONDO
20 DUA MAX = 180 TOTAL UNITS

NON-RESIDENTIAL USES: RETAIL, RESTAURANT, MARINA, COMMERCIAL
20 DUA MAX

LOT SIZES:
SINGLE FAMILY ATTACHED: 60 UNITS
WIDTH: 100 FT WIDE INTERIOR, 20 FT WIDE END UNIT
DEPTH: 100 FT
DUPLEX: 8 UNITS
WIDTH: 100 FT
DEPTH: 100 FT
MULTIFAMILY: 120 UNITS

AREA B - RESIDENTIAL CORE: 15.0 AC TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED, MULTIFAMILY, DUPLEX, ASSEMBLY, OR SENIOR LIVING FACILITY
15 DUA MAX = 180 TOTAL UNITS

NON-RESIDENTIAL USES: RETAIL, OFFICE
15 DUA MAX

LOT SIZES:
SINGLE FAMILY DETACHED COTTAGE HOMES: 20 LOTS
4.0 FT SEE: 30'x40' REAR LOADED
SINGLE FAMILY DETACHED: 13 LOTS
4.0 FT SEE: 30'x40'
SINGLE FAMILY ATTACHED LARGE LOTS: 5 LOTS
4.0 FT SEE: 30'x40'
SINGLE FAMILY ATTACHED: 140 UNITS
WIDTH: 100 FT WIDE INTERIOR, 20 FT WIDE END UNIT
DEPTH: 100 FT
DUPLEX: 10 UNITS
MULTIFAMILY: 120 UNITS

AREA C - RESIDENTIAL CENTER: 19.0 AC TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED, MULTIFAMILY, DUPLEX
15 DUA MAX = 180 TOTAL UNITS

NON-RESIDENTIAL USES: 10

LOT SIZES:
SINGLE FAMILY DETACHED COTTAGE HOMES: 18 LOTS
4.0 FT SEE: 30'x40' REAR LOADED
SINGLE FAMILY DETACHED: 14 LOTS
4.0 FT SEE: 30'x40'
SINGLE FAMILY ATTACHED LARGE LOTS: 10 LOTS
4.0 FT SEE: 30'x40'
SINGLE FAMILY ATTACHED: 20 UNITS
WIDTH: 100 FT WIDE INTERIOR, 20 FT WIDE END UNIT
DEPTH: 100 FT
DUPLEX: 10 UNITS
MULTIFAMILY: 120 UNITS

AREA D - RESIDENTIAL EDGE: 11.4 AC TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY DETACHED
20 DUA MAX = 180 TOTAL UNITS

NON-RESIDENTIAL USES: 10

LOT SIZES:
SINGLE FAMILY DETACHED COTTAGE HOMES: 20 LOTS
4.0 FT SEE: 30'x40' REAR LOADED
SINGLE FAMILY DETACHED: 13 LOTS
4.0 FT SEE: 30'x40'
SINGLE FAMILY ATTACHED LARGE LOTS: 20 LOTS
4.0 FT SEE: 30'x40'

TOTALS:
400 RESIDENTIAL: 8000 SF MAX.
RESIDENTIAL: 1 AC TOTAL UNITS (AVG 41 DUA)

NOTE:
1. CITY OF SOUTHPORT USDO ALLOWS MAXIMUM 18 (18) DWELLING UNITS PER ACRE WITHIN PUD AREAS OR 20 (20) UNITS ON THE PARCELS.
2. THESE USES AND LOT SIZES ARE PRELIMINARY IN NATURE AND ARE SUBJECT TO CHANGE, OVERALL DOWNTOWN SOUTHPORT AREAS, AND FINAL LOT SIZES AND BUILDING TYPES WILL BE REGULATED BY SOUTHPORT USDO.

OPEN SPACE: 20% REQUIRED BASED ON OVERALL DEVELOPMENT EXCLUSIVE OF 44 WETLANDS
TOTAL REQUIRED: 75.4 ACRES
TOTAL PROPOSED: 75.4 ACRES

LEGEND

[Pink Box]	AREA A - MARINA
[Red Box]	AREA B - RESIDENTIAL CORE
[Orange Box]	AREA C - RESIDENTIAL CENTER
[Yellow Box]	AREA D - RESIDENTIAL EDGE
[Green Box]	OPEN SPACE
[Blue Box]	EXISTING WETLAND
[Thick Black Arrow]	PROPOSED STREET
[Thin Blue Line]	100 YEAR FLOODPLAIN
[Blue Line]	FLOODWAY
[Dashed Pink Line]	PROPERTY LINE

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	11.01.2021
2	REZONING SUBMITTAL	02.09.2022

DESIGNED BY: XX
DRAWN BY: XX
CHECKED BY: XX

VERT: N/A
HORIZ: 1" = 300'

MASTER DEVELOPMENT PLAN

RZ-3

Indigo Plantation
Phase Two
PUD and Rezoning Submissions
Planning Board Report/
Recommendations
to the Southport Board of Aldermen

July 21, 2022

generation

375-
acre site

Southport

Intracoastal Waterway

original **concept**

GREEN FINGERS

pocket parks

HAMLETS

PARK ENTRY

CENTRAL PARK

multi-family

RESIDENTIAL VILLAGE

main entrance

medical office

duplexes + townhomes

MARINA VILLAGE

3-4 story
condo/apartments

development summary

Proposed Zoning: PUD

Overall Tract Area: 375.08 Total Acres

Approximate Developable Area: 220.01
Ac (Areas A-D)

Developable Area estimated at 75%
impervious coverage

Proposed impervious area coverage:
165.08 Ac

Total tract % impervious: 44%

NOTES

1. CITY OF SOUTHPORT UDO ALLOWS
MAXIMUM SIX (6) DWELLING UNITS PER ACRE
WITHIN PUD AREAS OR 2,250 UNITS ON THIS
PARCEL.

2. THESE USES AND LOT SIZES ARE
PRELIMINARY IN NATURE AND ARE SUBJECT
TO CHANGE.

3. OVERALL DENSITIES ARE NOTED ABOVE,
AND FINAL LOT SIZES AND BUILDING TYPES
WILL BE REGULATED BY SOUTHPORT UDO.

4. OPEN SPACE: 20% REQUIRED BASED ON
OVERALL DEVELOPMENT EXCLUSIVE OF 404
WETLANDS

development summary

Retail/Restaurant/Amenity	±30K
Office/Medical Office	±50K
Multi Family	±300 Units
Marina Village – Condo/Flats/Podium	±188 Units
Townhomes	±178
Duplexes	±108
Cottage Lot	±98
Residential Lot	±670
Total Residential Dwelling Units	1,542
Total Commercial / Amenity	80,000 SF

Planning Board's Recommendation

Approval of a project of this magnitude using incomplete information signifies a considerable risk for Southport. The Planning Board has determined that the Indigo Plantation Phase 2 Project – in a ‘big picture’ evaluation -- does not add overall value to the health, safety or welfare of Southport and its citizenry.

The Planning Board's recommendation to the Southport Board of Aldermen is that approval for the Indigo Plantation Phase 2 PUD and rezoning applications -- as submitted -- be denied.

INDIGO PLANTATION PHASE 2 DEVELOPMENT AND REZONING SUBMISSIONS
Planning Board Final Report and Recommendation to
Southport Board of Aldermen
July 21, 2022

The Planning Board's responsibility was to examine the submission's applicability to the Unified Development Ordinance, and what 'value' it (the submission) would add to Southport and, therefore, whether it would be in its best interest.

The Planning Board did not use the proposed tax-base increase in its considerations.

When the submission was presented to the Planning Board, a Hub Review Committee was established for oversight, and that Committee broke this submission down into areas considered most vital for consideration, establishing 4 subcommittees: Traffic Impacts, Infrastructure Issues, Character and Design, and Environment Issues.

Traffic Impacts Subcommittee

This Subcommittee was cognizant of the traffic increase that would come from developments underway already off Robert Ruark Drive, and then the communities springing up along the length of Hwy 211 down to Hwy 17. No doubt Southport will become a destination for all of these communities...no doubt our traffic will continue to increase. With the expansion of Hwy 211 itself, traffic will increase and snarl over the next couple years. And certainly, consideration has to be given to evacuation of Southport's citizenry for storms or any nuclear incident. These big-picture items versus Southport's small streets – intended for small neighborhood usage -- were discussed with the Developer.

Apparent was the substantial traffic-increase that would come for 9th Street and for the side streets feeding into 9th and Robert Ruark. As Southport grows, so will Elementary School traffic. So, as this Subcommittee looked at the impacts of a development with 1500 additional housing units, it surmised that

- **this Developer – if this submittal is approved – should be required, as a part of any Development Agreement executed, to create a third access point to the project on 11th Street.**

Another item the Subcommittee considered a Developer requirement:

- **establishing non-vehicle connectivity for Pedestrians, Bikes, and/or Electrical Vehicles to keep those separate from vehicular traffic.**

Section 4 (Subdivision Regulations) of the UDO drove the Subcommittee's concerns over these items.

Article 4: Subdivision Regulations, Page 4-7, 4.8 STREETS AND ROADWAY NETWORK, A. GENERAL 1. which states: *"The purpose of this section is to support the creation of a highly connected transportation system within the city in order to provide choices for drivers, bicyclists, and pedestrians; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; increase effectiveness of municipal service delivery; and free up arterial capacity to better serve regional long distance travel needs."*

Additionally, this Subcommittee recommends that the DOT proposed traffic signal be moved from 13th/Howe Street to 11th/Howe Street.

With DOT having expressed that there is insufficient room for more dedicated turning lanes and access points – in addition to the significant traffic increase this community would create -- **this Subcommittee asks the Aldermen to have the City's Traffic Issues weigh heavily in their considerations of this proposal.**

Environmental Issues Subcommittee

The primary topics of concern for this Subcommittee were wetland protection; stormwater management; conservation of habitat; and open space/density for each neighborhood of the development.

The Subcommittee had concerns and delineated specific areas that were left unaddressed by the Developer:

- Protection of wetlands, especially the Carolina Bay wetland area on the east side of the property
- Open space allocation and density for each neighborhood – specifically the Marina area
- There are several acres of open space designated, but also 20 dwelling units/acre and parking requirements for the Marina, restaurant, and retail spaces. There doesn't seem to be enough land to accommodate all of the uses and Open Space.

- The number of lots within the neighborhoods, while clustered to conserve habitat, cause concern due to the amount of impervious area of the individual lots. It has been documented that the impervious coverage is 75%.
- Open space corridor connectivity. The large parcels of open space need to be connected with larger corridors to meet the intent of the open space requirements. Discussion included removing several lots to make sure all of the areas had adequate connectivity.
- While the reports for the coal ash disposal were made available, further research and discussion would be needed for consideration/approval of uses appropriate for that area.

Further, questions regarding drainage patterns, habitat (flora and fauna) protection, historic remains, and soil conditions were discussion-items not answered during this Subcommittee's meetings with the Developer.

Land Use Plan and Unified Development Ordinance References

Future Land Use Plan Designation – Low Density Residential Open Space for all proposed development parcels, which is based on existing residential development patterns, constraints to development, and location of infrastructure, including transportation networks.

Allowable density is 0-3 dwelling unit/acre

Multifamily is not an appropriate use

Post-development runoff cannot exceed predevelopment levels

Storm inundation maps show that this area has high susceptibility of inundation especially during slow-moving storms of any category.

There are still questions regarding contiguous parcels being considered for the PUD.

Planned Unit Development (PUD) Applicability - UDO 4.15.B.

Calculations of open space may not meet the requirements. No detailed information other than gross open space was made available for each area of the development.

Open Space Usableness - UDO Section 4.14 G.d.

Infrastructure Issues Subcommittee

The Fiscal and Infrastructure Impact Studies presented July 18, 2022 proved most beneficial to *this* Subcommittee, giving more clarity to 'the big picture' pros and cons of the financial impact on Southport should Indigo Phase 2 be approved as submitted.

The water and sewer will be provided by the County at the Developer's expense. The item that remained unanswered from prior discussions was provision of electricity; more insight was provided on July 18 at the Studies' presentation.

The City currently does not have electrical capacity to service a new PUD. A new electrical substation was discussed as essential. The Subcommittee's question was if the City is obligated to provide electrical service at its expense, or does the Developer pay that expense? It was announced July 18 that the City would be required to partner with the Developer, sharing the costs of a new substation.

To upgrade electrical, a new 10 MVA load substation added with new feeder from Duke Energy would be needed. The expense for this would be approximately \$3 million.

The Developer suggested adding additional fees to homeowner tap fees to help mediate this expense and the Developer's costs for sewer/water hookups with the County.

In conclusion, the Fiscal and Infrastructure Studies revealed that the City would net an approximate \$1.4 million in annual tax benefits of the annexed area *on completion* of the build-out of 1542 units (\$908/unit). The Subcommittee has stated that the actual net appears less than indicated by the Studies when the City's partnership costs are factored in – and the fact that the full build-out may take 10 years or more.

Public comment submitted regarding this Subcommittee's work shows the citizenry vehemently opposed to absorbing costs or financing any part of the development's infrastructure. **The Subcommittee asks the Aldermen to consider how the outlined costs weigh against the burden the increased population will place on already-strained Southport.**

Character and Design Subcommittee

This Subcommittee has reached the following conclusions from its meetings with the Applicant and its review of applicable UDO citations.

1. Lack of Consistency with the existing Zoning (*UDO 2.9 C.7.*)

The Zoning dictates a maximum density of less than two dwellings per acre (R-20, UDO 3.9.2). UDO limits the maximum density to six dwellings per acre but requires a PUD to use a minimum lot area of 60% of the size of the lot in the prevailing zoning district. In this case, the prevailing Zoning is R-20, with a minimum lot size of 20,000 square feet which results in a lot size minimum for a PUD of 12,000 square feet. Consequently, the Indigo Project plan amply exceeds these limits. **The UDO unequivocally rules that consistency is a fundamental criterion for the evaluation of a PUD.**

2. Lack of Consistency with the Coastal Area Management Act (*Core Land Use Plan, CAMA*)

It designates the area of the proposed development as Low Density Residential which restricts the density as two to three units per acre (Core Land Use Plan, 12/10/2020, pages 142-145, Map 19). It also considers Multi-Family dwellings as an inappropriate use. The Indigo Project amply exceeds these density limits and includes proscribed Multi-Family dwellings. **The UDO regulations order that consistency shall be a fundamental criterion for the evaluation of a PUD.**

3. Potential Impacts and Benefits (*UDO 2.9 C.7.*)

The Indigo Project will not result in any urban benefits. On the contrary, it goes beyond the stipulated density limits as mentioned above, which will mean heavy damages regarding traffic, infrastructure, environment, over-burdened health services and retail. In general, it will deteriorate the manner in which the City of Southport currently functions. **The UDO rules that impacts and benefits shall be fundamental criterion for the evaluation of a PUD.**

4. Vested Rights (*Email from Gordon Hargrove, 04/25/2022*)

The Marina Area, incorporated as part of this proposal, was first zoned as Planned Residential District (PRD), which later changed designation to PUD. The approved and implemented use for this tract is for long-term parking, not Multi-Family dwellings. As a consequence, **there are no vested rights nor precedents for high density development.**

5. Applicability for a PUD (*UDO 4.15 B.*)

This article addresses land to be planned and developed as a unit. In the Extra Territorial Jurisdiction, it must be 25 acres or more on one or more contiguous parcels. The only exception to this adjacency refers to parcels on both sides of a street. **The Indigo Project comprises two distinct and separated parcels of land, and as such does not qualify for a PUD.**

6. Access for developments of 100 units or more (*UDO 3.7 A.2.*)

The UDO mandates that a project which surpasses the 100 units threshold, shall have two direct points of direct ingress and egress to onto a major or minor thoroughfare. **The Marina Village, which will have 188 dwellings, does not meet this criterion and thus will require an additional ingress and egress.**

7. Application Procedure and Documentation (*UDO 2.9 C.*)

The application process for a PUD enumerates documents to be presented illustrating the proposed plan. It is an extensive list, intended to clearly determine and solidify its characteristics. This definition guarantees that implementation will match the approved proposal.

In addition, the UDO authorizes the demand for any other information deemed necessary (UDO 2.9 C.3., and Table A.1, Submission Requirements, final item). A review of the submitted documents showed them to be imprecise and insufficient. The Indigo Project is of such magnitude and importance that it ought to have accurate information.

Requests for additional documentation were submitted to the Developer. The responses were a high-level conceptual sketch, and later additional drawings and architectural

design guidelines. The Developer team indicated that "considerable expense, time..." would be needed to furnish the information "and in lieu provided... alternatives that we feel achieve, or nearly achieve, the same ends." The material submitted does not suffice to determine and solidify the characteristic of the Development. **Approval of this project using incomplete information signifies a considerable risk for Southport.**

8. Dimensional Standards (*UDO 4.15 E.1.*)

The UDO mandates a lot size minimum of 12,000 square feet (60% of the size of the lot in the prevailing zoning district, as mentioned above) and a minimum frontage of 40 feet. In addition to the increased density, the lots proposed in the Indigo Project violate the ordinance: lot size for an attached single-family dwelling is 1,080 square feet, with a width of 18 feet. The lot size for a single-family cottage home is 1,750 square feet, with a frontage of 35 feet. The lot size for a single-family detached home on a large lot is 7,200 square feet. **No information was provided for multi-family lot dimensions.** (Drawing RZ- 3D, issued on 06/13/2022) **No dimensional information was provided for non-residential uses.**

9. Residential Use Standards (*UDO 3.7 A.*)

The UDO does not include a standard for detached single-family dwellings, of which there are 230 units (Drawing RZ- 3D, issued on 06/13/2022). Instead, the correct building type for this morphology is Multi-Family Townhouse. **The mandated maximum density for a lot (UDO 3.7 A 5) is 11 dwellings per acre. Using a lot size for the proposed attached single-family dwelling (which in fact is a Townhouse) of 1,080 square feet, the resulting density is 40 units per acre.**

10. Urban Character and Image

The information provided to evaluate this aspect of the project has been limited to a few photographs, taken out of context, unrelated to the drawings, and which provide insufficient information. Building footprint and massing diagrams are also missing.

No architectural or engineering information was submitted (though requested) to review the consistency and impact of character and image

of this development juxtaposed to the surrounding areas. The Applicant stated that provision of the information would go beyond the scope of this review.

Examining the information provided in the plans of the proposed density and buildings, it is possible to infer that **there will be a contrast in character to Southport, and the perceptual impact will be of visual overcrowding and congestion. The UDO mandates that consistency and impact shall be fundamental criteria for the evaluation of a PUD.**

The reasonings above cause this Subcommittee to recommend that the Indigo P2 PUD submission as presented not be approved.

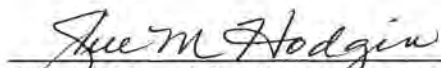
Planning Board's Recommendation

Approval of a project of this magnitude using incomplete information signifies a considerable risk for Southport. With the Subcommittees' findings, and citations of inconsistencies with applicable City Ordinance, the Planning Board has determined that the Indigo Plantation Phase 2 Project – in a 'big picture' evaluation -- does not add overall value to the health, safety or welfare of Southport and its citizenry.

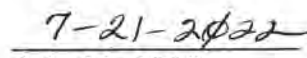
We would not be opposed to evaluation of a resubmission that takes into equal consideration the Developer's desire for maximum profits alongside the City's allegiance to preserving its historic character, small neighborhood feel and quaintness: a resubmission realistic with which our City can live.

The Planning Board's recommendation to the Southport Board of Aldermen is that approval for the Indigo Plantation Phase 2 PUD and rezoning applications -- as submitted -- be denied.

This recommendation was presented at the July 21, 2022 Planning Board meeting, and a unanimous vote taken by the Planning Board to advance these recommendations on to the Southport Board of Alderman.



Chair, City of Southport Planning Board



July 21, 2022



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

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

AMENDMENT: RZ-21-1104-01

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Board of Aldermen hereby finds that the proposed zoning map amendment is **not consistent** with the 2015 CAMA Land Use Plan (Comprehensive Plan) adopted November 13, 2014, and subsequently amended by the Board of Aldermen. More specifically, the proposed zoning map amendment is inconsistent with the future land use map that depicts 80% of the subject property as a Low-Density Residential future land use category. Low-Density Residential is defined as two (2) to three (3) dwelling units per acre in the 2015 CAMA Land Use Plan. Further, the Board of Aldermen find that the zoning map amendment is not reasonable nor in the public interest because (1) the proposed development density will negatively impact the City's transportation network, infrastructure, and natural environment; (2) the total number of dwelling units proposed will burden the proximal natural environment and local infrastructure to the detriment of the surrounding community; and (3) the total number of dwelling units proposed is approximately three (3) times greater than what is currently permissible on the site. The Board of Aldermen hereby **DENY** the zoning map amendment.

The statement and motion was seconded and passed _____.

Dorothy Dutton, City Clerk

Joseph P. Hatem, M.D., M.P.H.
Mayor, City of Southport



**Planning Board Meeting Minutes
Southport Community Building
223 E. Bay Street
August 18, 2022
6:00 P.M.**

Members Present: Sue Hodgkin, Will Hewett, Christopher Jones, Donnie Joyner, Fred Fiss, Mo Meehan, Scott Jones, and Dick Sloan

Members Absent: Gustavo Mibelli

Staff Present: Gordon Hargrove, City Manager
Dorothy Dutton, City Clerk
Tanya Shannon, Deputy Clerk
Tori Deviney, Permit Technician

Others: Sam Shore, Cape Fear Council of Government

Board of Aldermen Liaisons: Karen Mosteller and John Allen

A. Chair Sue Hodgkin called the meeting to order at 6:02 p.m.

B. Mr. Donnie Joyner gave the Invocation.

C. Chair Hodgkin led the Pledge of Allegiance.

In the absence of Mr. Gustavo Mibelli, Alternate Member Mr. Fred Fiss was appointed as a voting member.

D. Swearing in reappointed Planning Board Member Will Hewett.

E. Motion to approve the July 21, 2022, meeting minutes by Mr. Donnie Joyner and seconded by Mr. Scott Jones. ***Unanimous vote; motion carried.***

F. Motion to approve the Meeting Agenda by Vice-Chair Hewett and seconded by Mr. Fred Fiss. ***Unanimous vote; motion carried.***

G. Public Comment:

Vice-Chair Hewett motioned to enter Public Comment and was seconded by Mr. Sloan. ***Unanimous vote; motion carried.***

1. Bob Lambert, 109 W. Nash St, has concerns regarding the proposed mixed-use development at 115 N. Howe St. He said the feedback from the neighbors is not in favor of this development and discourages this type of use adjacent to residential properties. He suggested that the retail shops be located on the first floor, short-term rental units and

office space use the second, and the restaurant/roof-top bar move somewhere more appropriate. Decisions that are made will have consequences, and the neighborhood will have to bear the results.

2. Tracy Beaulieu, 206 W. Nash St, is opposed to the proposed development at 115 N. Howe St. She said this type of use and design does not fit with the character of Southport. She is concerned about the impact on the surrounding residents and the availability of parking for customers of the proposed use, especially for the restaurant and roof-top bar during parties and events. She implored the Planning Board and the Board of Aldermen to preserve the charm of Southport.

Being that there were no other questions or comments, Mr. Joyner made a motion to go out of public comment and was seconded by Mr. Sloan.

Unanimous vote; motion carried.

H. Old Business:

1. Zoning Text Amendment: Tree Preservation Changes (Article 3.18)

Mr. Sam Shore, with the Cape Fear Council of Government, gave an overview of the proposed amendment. The text amendment is proposed to provide new regulations and guidelines to the current Tree Preservation Article in the UDO, such as:

- Requiring an as-built tree survey for residential and non-residential new construction and subdivisions.
- Defining how to calculate mitigation credit for retaining Heritage Live Oak trees.
- Setting penalties for violations of the regulations.
- Defining the responsibilities of the City, the Forestry Committee, and the Citizens.
- Defining "Regulated Tree."

Staff has forwarded some legal questions to the City Attorney that the Review Committee submitted. Once there are answers, there may be further amendments to the Tree Preservation Ordinance.

The Review Committee, which included Ms. Meehan, Mr. Fiss, and Mr. Chris Jones, met to discuss the proposed revisions in detail. Along with recommendations from the Forestry Committee, the changes and modifications to the Article will be beneficial for clarification of some of the language and defining terms. The Board was provided the proposed language to the amendments in their Board packets for review.

Mr. Scott Jones asked for clarification on the proposed requirement for an as-built tree survey before a Certificate of Occupancy is issued. He asked if this would come from the landscape surveyor or from the final as-built provided by the developer/builder that has done their own tree survey. He questioned the fact that many people are ready to move in, but they do not have the landscaping as-built completed. He asked if the as-built tree survey would be a part of the building as-built survey or completely separate.

Mr. Sam Shore said that prior to issuance of the Certificate of Occupancy, a submission for the dwelling's final as-built survey and the as-built tree survey should be provided at the same time. Mr. Chris Jones agreed and said the intent of the language is to have them both sent simultaneously to ensure that nothing is missed and that they are meeting all the requirements.

Mr. Shore explained that the tree and landscape plan would need to be submitted for review and approval. But only the tree survey must be completed and submitted before the final CO is issued. Mr. Shore said that the proposed language may need to be revised, so there is no confusion.

Mr. Fiss suggested that a temporary CO could be issued, and then when the final as-built along with the tree-as-built is received, the final CO could be issued. Mr. Chris Jones recommended adding the as-built tree survey to a checklist for builders to remind them that this too will need to be included for issuance of the final CO. Mr. Fiss reiterated that this is to ensure that there will be a record of what the survey states will be planted. For example, if the record states that there are supposed to be 6 trees planted, and then they all die, that information can be verified to ensure that the intent of the Tree Preservation Ordinance is being regulated efficiently.

It was the consensus of the Board to make a recommendation to the Board of Aldermen for approval as drafted.

Mr. Chris Jones read the Statement of Consistency. He motioned to adopt the Consistency Statement that recommended approval of the Zoning Text Amendment for changes to the Tree Preservation Article 3.18 and was seconded by Mr. Fred Fiss.

Unanimous vote; motion carried.

2. Zoning Map Amendment: R-22-0701-01: 1403 Howe St; PUD to BD, submitted by RDK Investments.

Mr. Shore gave an over of the application. The zoning map amendment is for a 0.35- acre tract within the City limits. The property is located on N. Howe Street, at the corner of N. Howe and W. 14th Street. It is currently zoned PUD, and the applicant would like to rezone it to BD. The legal description indicates that it is part of the historic Southport Heights subdivision originally platted in 1910. The parcel is approximately 101 feet by 150 feet. The BD does not designate a minimum lot size, only a 10- foot setback, and a 40-foot maximum height. The proposed zoning map amendment would remove PUD zoning and replace it with BD zoning on the zoning map. This would match most of the adjacent properties and encourage the Business District's continuity.

The Board established a Review Committee on July 21, 2022 that included Vice Chair Hewett, Dick Sloan, and Chris Jones.

Since the applicant could not attend the meeting, it was the consensus of the Board to table the proposed amendment. A motion was made by Vice-Chair Hewett to table the proposed amendment and was seconded by Mr. Sloan. ***Unanimous vote; motion carried.***

3. Exterior Lighting Amendment.

During the Street Light Policy update process, the Street Light Committee recognized the need to also update the City's Code of Ordinances to include general exterior lighting consistent with the lighting ordinance in the UDO and the street light policy. While changes to the Code of Ordinances do not require Planning Board review, the Committee understands that lighting is important to the community at large and an essential element in the planning process. Prior to final consideration, the Committee, which consisted of Chair Hodgins, Vice-Chair Hewett, and Chris Jones, recommended submitting the draft language for the Exterior Lighting amendment to the Planning Board for review. After approval from the entire Board, it was the consensus to forward the amendment to the Board of Aldermen.

A motion was made by Vice-Chair Hewett to recommend approval of the Exterior Lighting Amendment to the Board of Aldermen and was seconded by Ms. Meehan.

Unanimous vote; motion carried.

I. New Business

1. Central Business District Committee: UDO Text Amendments

Chair Hodgkin gave an introduction and referred to Southport's CAMA Core Land Use Plan. She stated that in the Southport Vision and Core Values statement, the first Core Value is to "Preserve the City's Historical Character." She said that there is tremendous growth in Southport and, with that, the disappearance of open space. She said that people have moved to Southport to enjoy the quiet, quaint, and slow pace of the City but that it is being significantly altered. She reiterated the amount of growth that is also surrounding the City and bringing more people to the destination of Southport. She said one thing that is not growing in Southport is parking. When considering what can be done about the parking issues, the Board must always consider the impacts of their actions. She stated that included with the Vision and Core Values statement is the commitment to "Preserve the City's Residential Areas." She said there must be a consideration for the effects on the surrounding residential areas as there is contemplation regarding the proposed changes for business buildings and their use in the Central Business District. She stated the commitment to preserve the residential areas must include seeing to every side street and the overflow of parked cars in the ROW's. She said is not only a safety issue but also aesthetically unpleasing. She concluded by asking if it is the desire for Southport to allow the proposed modern, more considerable city-type changes in the CBD or to preserve the city's historical character and protect the city's residential areas in the CBD.

The Review Committee, which consisted of Chair Hodgkin, Mr. Fiss, and Mr. Sloan, met on August 9th. The Committee has some concerns about what is in the City's best interest and to change some of the standards in the Central Business District. These changes include reducing the maximum height of any new building, limiting the number of stories that can be built, and redefining the amount of parking that might be available based on the use, change of use, and dimensions of the parcel. The Board received the proposed amendments that were discussed and prepared by The Review Committee in their agenda packets. The proposed changes are highlighted. Once the Planning Board makes a recommendation to the Board of Aldermen, a public notice will be published with the date and time of a public hearing. After the Board of Aldermen holds the public hearing, they will be able to consider approving the ordinance amendments along with the Land Use Consistency Statement.

Mr. Sam Shore gave an overview of the Committee's review and proposed amendments for the standards for mixed uses, dimensional requirements, parking, and buffers. See the proposed draft language below.

Chair Hodgkin commented that after research and consultation with the Cape Fear Council of Government (Section 3.3 A. item 1. Parking Overlay Overlay Districts), it was determined that this item was unnecessary after the change in (section 3.14. Table 3.4) and the 15% modification that was amended previously but not fully enacted. Therefore, Section 3.3 Establishment of Overlay Districts can be disregarded from the draft.

Mr. Fiss commented that parallel to Section 3.11 BUILDING DESIGN STANDARDS (A) PURPOSE, which states: "The purpose of this section is to ensure architectural compatibility and the establishment and preservation of architectural character throughout the city." He said it's like the three C's, Compatibility, Character, and Co-existing. It is a unique situation in downtown Southport where there is a cemetery that borders residential neighborhoods and businesses that are adjacent to residential areas. He said it is

essential to have guidelines and standards for these areas to co-exist, and the proposed amendments are intended to preserve the character of Southport and protect the residential communities.

Ms. Meehan questioned section 3.14 Parking (D) Minimum Parking Off-Street Parking Ratios. She asked if the draft is removing that complete revision. She says, as it states now, there are 0 lot lines in that area for non-residential uses, and she feels it seems appropriate to include on-street parking. She said it would be lumping the CBD and BD districts together in the draft language.

Section 3.14 D. MINIMUM OFF-STREET PARKING RATIOS

Current UDO pg. 3-67 states:

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.

The proposed UDO Draft Text Amendment states:

2. In the CBD and BD zoning districts, 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 requirement shall not apply to residential uses.

Mr. Sam Shore proposed the following changes to the draft amendment as follows:

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 districts, 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.

It was the consensus of the Board to recommend approval of the proposed Central Business District UDO Text Amendments with the revisions stated.

Mr. Fiss read the Consistency Statement and motioned to adopt the Consistency Statement that recommended approval of the Central Business District UDO Text Amendment to the Board of Aldermen and was seconded by Ms. Meehan.

Unanimous vote; motion carried.

2. Revised Conditional Rezoning Request: BD to HC-CZ, 14th, and N. Howe St; submitted by Rhetson Companies.

Mr. Shore gave an overview of the application. He explained that the request is for a 2.07-acre tract currently in the Extraterritorial Jurisdiction (ETJ). The property is located on the corner of W.14th and N. Howe Street. It is currently zoned Business District (BD), and the applicant would like to rezone it to Highway Commercial-Conditional Zoning (HC-CZ). A conditional zoning district is intended for a development with a high level of certainty of being constructed and is typically accompanied by specified uses. Conditional zoning is only considered in nonresidential zoning districts. All proposals for conditional zoning must abide by the dimensional standards required by the underlying zoning district (HC).

Ms. Amy Shaffer, a representative of Rhetson Companies, said they first submitted an application for rezoning in April, but there were some challenges with that request. She said they are unfamiliar with conditional zoning but eager to follow this process. She thanked the Board and Staff for their time and consideration.

The Board established a Review Committee to discuss the application in more detail. Vice-Chair Hewett, Mr. Fiss, and Mr. Chris Jones were appointed to the Committee.

3. UDO Review Process: PUD and Subdivision Standards.

Chair Hodgkin stated that a City Government should never let policies and regulations go stagnant. The Unified Development Ordinance is a living document and must remain open for examination and revisions as certain circumstances warrant. She said that since the last revision in 2020 and with the recent growth in Southport, a review of the UDO should be done proactively for modifications and updates. She said that she thinks it is a good idea to evaluate the UDO periodically to make recommendations to the Aldermen for possible amendments. She said the Planned Unit Development and Subdivision Standards are an excellent place to start the review.

Mr. Mibelli, Vice-Chair Hewett, and Ms. Meehan were appointed to the Review Committee.

J. Other Business: None

K. Chair Hodgkin noted that the Members Table and Attendance Record are always in the back of the Board Agenda Packet.

L. Announcements: None

- Mr. Fiss was confirmed back to the alternate member position. There were no other questions or comments.

There being no further comments or questions, Vice-chair Hewett made a motion to adjourn and was seconded by Mr. Sloan. ***Unanimous vote; motion carried.***

Adjournment: 7:02 p.m.

Chair, Sue Hodgkin

Deputy Clerk, Tanya Shannon



September 1, 2022

Mayor and Board of Aldermen
City of Southport
1029 N. Howe Street
Southport, NC 28461

Dear Mayor and Board of Aldermen:

The Up Your Arts Board of Directors is pleased to provide the following monthly progress report regarding our “Save the Hall, Y’all” project to transform the historic Brunswick County Courthouse into a community-based center for creative and performing arts:

- The Up Your Arts Board of Directors approved the package of conceptual drawings and renderings completed by Lisle Architecture & Design last month.
- We are currently preparing to discuss them in a public forum with you on September 12 along with various other aspects of the project, including an overview of the building’s purpose and potential uses, a description of the plan we have envisioned for managing the project, and an outline of the building blocks we see as necessary to formation of the center’s board of trustees.
- Lisle Architecture & Design’s recently completed cost estimate for the building’s re-construction based on the above-noted conceptual drawings will be available for public presentation during the September 12 meeting, as well. Up Your Arts remitted \$14,100 to the firm in full payment of its schematic design contract.
- Up Your Arts conducted the first three of a series of planned interviews with the directors of existing community-based art centers on August 15-17: The ArtsCenter in Carrboro, NC; Floyd Center for the Arts in Floyd, VA; and Cary Arts Center in Cary, NC.

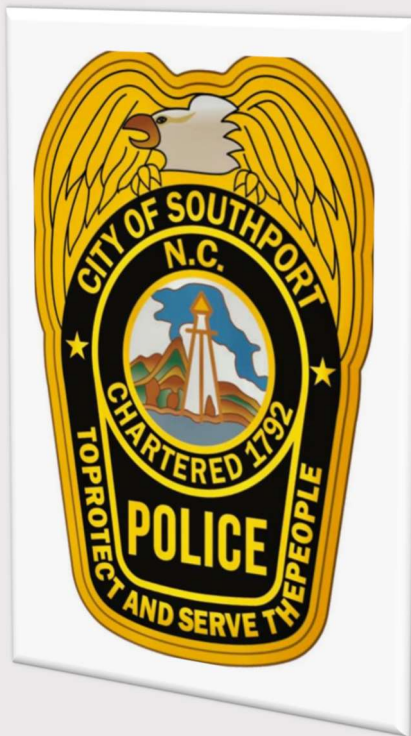
Thank you. I can be reached at 301.741.6698 or by email, bbray@upyourarts.org.

Sincerely,

Bonnie L. Bray, Treasurer



POLICE



Monthly Summary

AUGUST 2022

Chief Todd Coring
910-457-7913
tcoring@cityofsouthport.com
Facebook SouthportPoliceDepartmentNC

Southport Police Department

INCIDENT / OFFENSES

Total Calls for Service: 605

Below are some of the call types

General Calls

Alarms – 37
Meet Complainant – 40
Suspicious Persons/Activity – 37
Reports – 25
Shoplifter – 2
Disturbance & Domestic Calls – 19
911 Hang-Ups – 18

Traffic Calls

Traffic Stops – 137
Motor Vehicle Accidents – 10
Hit/Runs – 3
Drunk Driver/C&R/ATL -19
Assist Motorist – 14
Traffic Control - 1
Assist EMS – 84
Assist Fire – 12

ARREST / CITATION / CHARGES

Arrest – 23
Citations & Warnings – 49
Investigations – 40
ABC Applications – 3
City Permits (Noise/Events/FILM) – 16
Special Events/Checks/Patrols – 111



"We preform partnerships with communities to improve the quality of life for all citizens who visit or call Southport home."

Community, Professionalism & Integrity

SOUTHPORT FIRE

OFFICE OF THE FIRE CHIEF

AUGUST 2022 MONTHLY SUMMARY



Fire Division Calls for Service

Totals

Structural: 25 Vehicle: 0 MV Crash: 18

Woods/Brush: 1 Gas Spill/Leak: 2 Trash: 1

Water Rescue: 3 Electric: 7 Good Intent: 19

Mutual Aid: 6 Medical/CPR: 19 Other: 0

101

EMS Division Calls for Service

EMS Calls: 190 E- Transports: 66 NE-Transports: 10

210

Fire Prevention & Inspections

Permits: 8 Inspections: 42 Batteries: 21

Plan Reviews: 3 Smoke Alarm Installs: 12

Car Seats: 3 CPR Classes: 3 Tours: 28

120

Total Number of Fire Department Actions: 431

UPCOMING PROJECTS, GOALS, & EVENTS

The department was represented each Wednesday through the Summer at the Downtown Farmer's Market. Over 1000 contacts were made for fire prevention giveaways. Several fundraisers are planned in the month of September, a Fish Fry, Sept 2, and a boot drive, Sept 3. The 9/11 memorial ceremony will be held in front of Fire Headquarters on Sept. 11, 2022 at 9am. There will be 343 fire boots on display to remember the fallen firefighters, police and EMS will be represented as well. The annual SUPER HERO's Trunk or Treat is being planned and organized as well, for Halloween Night 5pm. An EMT class has started at Fire HQ with 18 students. The new hires are getting adjusted.

DEPARTMENT OF COMMUNITY RELATIONS
September Report 2022

August 2022:

Randy Jones,
Director of Community Relations

Number of Visitors **2,735**

Visitors' Center Donations (FYTD)	\$ 1,376.00
Film Permit Revenue (FYTD)	\$ 9,600.00
Community Building (FYTD)	\$ 37,365.01
Occupancy Tax (FYTD)	\$ 66,575.81
Fiscal Year Total	\$ 114,916.82

Tourism

- We met with Lora Sharkey regarding NatureFest 2023 on August 15th to begin planning. A date has been set for April 28th and 29th 2023. We will keep you updated as things continue to progress.
- Randy and Allayna attended the Ad Hoc Review Committee meeting for the Local Historic Commission on August 19th and on August 31st.
- Randy and Allayna attended the monthly Southport-Oak Island Chamber of Commerce Tourism meeting on August 24th. We discussed goals and objectives for the upcoming year under the new Tourism Chair, and we are looking forward to continuing this partnership with the Southport-Oak Island Chamber!
- Randy attended multiple meetings in regard to the North Carolina 4th of July Festival. We will keep you posted.
- We are happy to announce the new webpage, Southport on Film: <http://cityofsouthport.com/community-relations-department/#southport-on-film> This webpage is dedicated to cataloging the projects that have taken place in Southport, both large and small. The page will be updated as new releases are announced.
- The Netflix Original, *Echoes* was released: <http://cityofsouthport.com/echoes-on-netflix/>
- The Art Newton Centennial Celebration is Aug 31st - Sept 2nd: <http://cityofsouthport.com/event/art-newton-centennial-celebration-the-southport-historical-society/2022-09-02/>
- The Powerwalking Ministries is having a Fall School Shoe Drive, all September and October long: <http://cityofsouthport.com/event/powerwalking-ministries-fall-school-shoe-drive/2022-09-01/>
- The Southport Lions Labor Day Car Show is September 3rd: <http://cityofsouthport.com/event/southport-lions-labor-day-car-show/>
- The Wrightsville Beach Outrigger Canoe Club (WBOCC) is teaming up with the North Carolina Coastal Federation to paddle the entire coastline of North Carolina. Paddlers are expected to be seen in Southport on September 14th and 15th: <http://cityofsouthport.com/paddlers-set-off-on-120-mile-journey-up-nc-coast-with-nc-coastal-federation/>
- The Southport Summer Concert Series continues Thursday nights from 6p-8p, through September 1st: <https://cityofsouthport.com/the-2022-southport-summer-concert-series/>
- The Southport Summer Market wrapped up its season on August 31, 2022, it was a successful year <https://downtownsouthport.org/southport-summer-market/>
- The nightly flag-lowering ceremony began on Memorial Day and will continue through Labor Day, <https://cityofsouthport.com/event/southport-flag-ceremony-3/all/>
- The King Mackerel Tournament is September 29th-Oct 1st: <http://cityofsouthport.com/event/u-s-open-king-mackerel-tournament/2022-09-29/>
- The Southport Wooden Boat Show Committee met on August 26th to continue organizing for the November 5th event. <https://southportwoodenboatshow.com/events/>
- The "This is our Town" cleanup is set to return on September 10, 2022.

- The Beautification Committee has been building the Fort Johnston Visitors Center a shed for storage, and we are so thankful for their hard work!



Communications

- On August 1, we published a Community Update from Mayor Hatem regarding the Whittler's Bench area at Waterfront Park: <https://www.youtube.com/watch?v=hCDr6z-lf7I> and updated job listings for the City: <https://buff.ly/3PYRqir>
- August 2, we filmed the USDA grant presentation and acceptance at the special called BOA meeting
- August 3, we accompanied the Mayor to present Southport Elementary School with a donation of \$10,000 to be used this academic year.
- August 3, we filmed the special called BOA town hall meeting for citizens to ask questions and express concerns about the Indigo project
- August 5, Herring Road had an emergency sewer break. Allayna and I received the notice from Tom and were able to publish the information within 21 minutes from notification.
- Many Public Notices regarding Special Called and Committee Meetings were sent out this month.
- August 10, a new job posting went up for Accounting Technician II: <https://buff.ly/3dla7yW>
- August 12, we republished the Forestry Committee application on social media and updated the publication date on the website to make it more visible on the homepage and is open until filled.
- August 17, a new job posting for part-time Animal Protective Services On-Call Responder: <https://buff.ly/3SYJQGG>
- August 17, we were informed of a delay in trash pickup from Brush Bandit due to sickness and low staffing for the week. Trash was only delayed for residents by 1 day.
- August 19, A temporary road closure occurred on Cape Fear Dr between River Dr and Moore St due to a downed tree caused by the afternoon storm. The notice was published to social media and the website within 20 minutes of notification.
- August 22, a notice for applicants for the Zoning Board of Adjustments was published and is open until September 15.
- August 22, Brunswick County lifted the Stage 1 Water Conservation Alert and we shared the information on our channels
- August 24, we updated the job posting for Police Officer per Major Burke to include the revised application and a new QR code for easy access: <https://buff.ly/3LC0h8h>
- August 25, the first version of the City of Southport Brand Guidelines was completed and sent to Randy and Allayna for internal review. An updated draft was sent to Randy for another review on August 29. I am currently working on the secondary revisions and additions, which is slated to be ready for another internal review early next week.

Community Building

- Landmark A/V installed the A/V equipment August 29th-31st the new equipment will be ready for use at the September board meeting.
- We have started conducting research regarding the upcoming floor project, the first draft of the RFP has been completed by Allayna and we are now discussing next steps and timelines.
- The exterior updates on the building railing are continuing to progress. Jeremy has also completed maintenance on the exterior maintenance room door.

Aug-22

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
	Brunswick County Schools Retreat	Special Called Board Meeting	NCDEQ Program Town Hall on Indigo Plantation		Rehearsal	Wedding
7	8	9	10	11	12	13
		4th of July Meeting	Rehearsal	Board of Aldermen Meeting		Wedding Anniversary
14	15	16	17	18	19	20
		Maritime Museum	Chief's Quarterly Meeting	Planning and Zoning Meeting		Celebration of Life
21	22	23	24	25	26	27
			NCRWA Recertification	NCRWA Continuing Education	Rehearsal	Wedding
28	29	30	31			
	Landmark AV Installation	Landmark AV Installation	Landmark AV Installation			

UPCOMING CITY MEETINGS

Board of Aldermen
2nd Thursday of each month
September 8, 6 pm - (SCB)

Forestry Committee
2nd Tuesday of each month
September 13, 5 pm - (ITMH)

Park & Recreation Board
2nd Tuesday of each month
September 13, 6:30 pm - (ITMH)

ABC Board
2nd Wednesday of each month
September 14, 6:30 pm - (ITMH)

Planning & Zoning Board
3rd Thursday of each month
September 15, 6 pm - (SCB)

Beautification Committee
3rd Monday of each month
September 19, 5 pm - (ITMH)

Board of Adjustments
4th Tuesday of each month
September 27, 4:30 pm - (ITMH)

Planning & Zoning Board
3rd Thursday of each month
August 18, 6 pm - (SCB)

Board of Adjustments
4th Tuesday of each month
August 23, 4:30 pm - (ITMH)

UPCOMING EVENTS

Southport Summer Concert Series
September 1, 6 pm - 8 pm
Franklin Square Park

Southport Fire Dept Catfish Fry
September 2, 11 am
Southport Fire Department HQ

Southport Lions Labor Day Car Show
September 3, 10 am - 3 pm
Downtown Southport

Flag Lowering Ceremony
Nightly, at 7:30 pm, at the riverfront
Ends on September 4th

Southport's Annual Children's Crab Derby
September 5, Southport City Dock
Registration 8:30 am, Race 9 am

Remembering the 343, 9/11 Remembrance
September 11, 9 am
Southport Fire Department HQ

U.S. Open King Mackerel Tournament
September 29 - October 1
Dutchman Creek Park

*Southport Community Building (SCB) 223 East Bay Street
Indian Trail Meeting Hall (ITMH) 110 West Moore Street*

Randy Jones
Director of Community Relations
Southport, N.C. 28461
Work: 910-457-7927
Cell: 910-477-1484
Email: rjones@cityofsouthport.com



Southport Parks and Recreation Department

August 2022 Monthly Report

On-Going Activities

Toddler Time: Wednesday at 10 am at Jaycee Building

Before & After School Monday-Friday 6:45 AM to 6:00pm

Athletics

Open Gym

Senior Activities

Senior Preventative Exercise No impact stretching held at the Senior Building every MWF at 9AM

Senior Crafts Craft classes held every Monday at 10AM at the Senior Building

Senior Bowling Seniors travel to Wilmington to Bowl every Friday morning

Saturday Morning Seniors meet every Saturday morning for coffee and light breakfast at the building for fellowship.

Senior Luncheon Pot luck lunch held the 2nd Wednesday of every month.

Senior Pickleball Class held every Wednesday from 10 AM -3PM at the City Gym (co-sponsored with BSRI) *Will pick back up in the fall*

Fitness Classes

Aerobics Class Held at the Jaycee Building on M,T,Th, and Fri. at 8AM

Dance Class Monday, Tuesday, and Thursday 3:00pm – 7:00pm at Jaycee Building

Introduction to Yoga Wednesdays at 6:30PM at the Jaycee Building

Core & Body Sculpting Held at the Jaycee Building Tuesday at 7:15 AM and Wednesdays at 5:30PM

Cha Cha Fitness Held at the Jaycee Building every Thursday from 6 – 8PM

Buildings and Facilities Utilized and Rented out by Parks and Recreation

Franklin Square Park	Caviness Park	Historic Riverwalk
City Pier	Ft. Johnston Tennis Courts	Lowe/White Park
Kinglsey Park	City Gym	Garrison Lawn
Central Office	Jaycee Building	Keziah Park
Waterfront Park	Ft. Johnston Playground	Senior Building
Riverwalk Gazebo	City Dock	Bay Street Overloo
Atlantic Street Park	9 th Street Park(leased)	Taylor Field Park

- Taylor Field: Construction on the park continues. Still on schedule for completion around September 12th.
- All City Parks and Facilities are being rented out.
- Dr. Herstine continues the process for updating the Parks and Recreation Master Plan. The Recreation Advisory Committee should get the 1st rough draft in September.
- Summer Camp continued M-F. We had 30 kids. Camp trips included Jungle Rapids, bowling, swimming, movies, tennis camp with BCTA, Free lunch with the BCS at SBHS, and plenty more activities. Camp was held from 8 AM – 5PM, ending on August 26th.
- Before and Afterschool started back up on August 29th. We have 25 kids. We open at 7AM for drop off, transport to and from Southport Elementary School, and parent pick up by 5:30pm.
- Summer concerts began the 1st Thursday in June and are held in Franklin Square Park every Thursday from 6 – 8 PM.
- Kindergarten program concluded this month. It was held every Thursday in Lowe/White Park.
- Biennial report to the National Park Service for the Ft. Johnston property was sent August 30th.
- Spoke to the Southport Lions club regarding the addition of an inclusive playground at Taylor Field Park in the future.

Animal Protective Services Department

Kate Marshall

910-477-1486

kmarshall@cityofsouthport.com



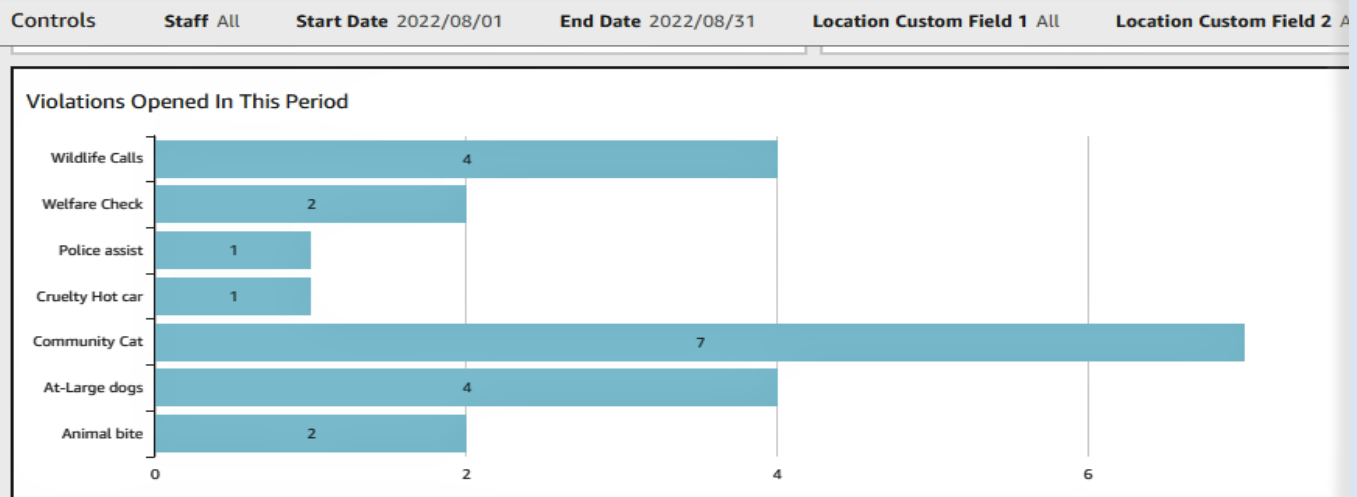
AUGUST 2022 MONTHLY REPORT

ANIMAL PROTECTIVE SERVICES

DOCUPET PET LICENSES: 20 YEAR TO DATE: 146

ANIMAL BITES: 2 YEAR TO DATE: 6

VIOLATIONS/CALLS FOR SERVICE



PROJECTS

1. Coordinating with Parks & Rec Department on the Taylor Field Dog Park opening.
2. Old Jail Annex clean-up and transition to APS office.
3. Interviews are ongoing for APS on-call responder position.

PROFESSIONAL TRAINING



North Carolina Department of Agriculture
Disaster Animal Response and Pet Sheltering Exercise
August 27, 2022



PERMIT REPORT 2022

Month	New Construct SFR	New Construct Multi Family	Commercial Bldg Projects	Acc Struct	Total Building	Demo	Elect	Plumb	Mech	Permits Issued	Revenue Collected
Jan	9	0	6	5	22	0	33	13	37	179	\$ 161,702.50
Feb	16	0	2	6	16	0	36	20	37	124	\$ 154,789.00
Mar	14	5	6	10	34	2	43	19	47	199	\$ 82,146.50
Apr	7	0	4	1	18	1	40	34	38	249	\$ 325,280.50
May	9	0	4	4	19	1	32	21	43	195	\$ 88,866.50
Jun	8	1	6	6	22	1	33	23	52	236	\$ 281,149.51
Jul	4	0	1	2	12	0	26	16	41	174	\$ 129,612.00
Aug	9	0	2	5	16	0	32	26	57	162	\$ 124,527.00
Sep											
Oct											
Nov											
Dec											
Totals	76	6	31	39	159	5	275	172	352	1518	\$ 1,348,073.51

CODE ENFORCEMENT MONTHLY REPORT

01AUG22

WEEK 31

115 E. Owens	MIN HOUSING	No Response
210 E. Brown St.	J/A/N	Four (4) J/A/N vehicles and one (1) boat all unregistered parked in the ROW.
306 Fodale	#2750	Possible illegal dumping. No investigation, under casual observation, along with SPD efforts.
320 College St.	J/A/N	White Ford Taurus parked in the ROW in front of the listed address, no visible registration, readable VIN- [REDACTED]. Courtesy Letter sent.
W. 11th St	#2750	Possible illegal dumping. No investigation, under casual observation, along with SPD efforts.
602 Clarendon	OVERGROWTH	No response. Possible Probate case.
608 Burrington	MIN HOUSING	No response. Possible Probate case.
616 Caswell	MIN HOUSING	No response. Possible Probate case.
712 Lord	J/A/N	No response.
718 Clarendon	J/A/N	Awaiting response.
732 Lord	MIN HOUSING	Ongoing Investigation.
813 Clarendon	MIN HOUSING	Awaiting Heirs & Probate
812 Caswell	CONEX	No response
930 Lord	ZONING	Ongoing Investigation
966 Cap'n Adkins	ZONING	Ongoing Investigation.
1101 Caswell	MIN HOUSING	SOLD – CASE CLOSED
1209 Howe	ZONING	Ongoing Investigation.

02AUG22

410 E Moore St. Public Works Was called by David Kelly to try and ascertain the whereabouts and/or owner of a white Mercedes vehicle that has been parked in the R.O.W at the cemetery. Need it moved due to tree trimming and work at the Moore Street Pump station. Located owner at 410, and she was not happy about moving the vehicle.

210 Herring ??? Typed up and mailed the listed property owner a N.O.V. letter for Overgrowth at the vacant property. Lot # 221MC00702 JC RENTALS LLC Was asked about the listed property and was told that the lot was clear-cut, and no Tree Permit was ever issued for that land. Upon inspection it was found that the land cleared consisted of 6-foot saplings and heavy tanglefoot. Owners are out of 107 VELLA LANE, WILMINGTON, NC 28411.

827 Howe St. Spt. Tap & Cellar Attempted meeting with the listed owners but caught them away from the store at the time, made a number of phone tags with them, will try to meet tomorrow: 03AUG22.

03AUG22

827 Howe St. SPT. Tap & Cellar Meet with the two listed owners of the establishment and went over the Permit process. Permit was then paid and then signed for by me and then officially entered.

CODE ENFORCEMENT MONTHLY REPORT

1008 Downrigger ???? Stopped me on the roadway while he was biking to tell me that I need to look at his house because there is a 3-inch gap from his driveway to the front porch and he was certain that this was illegal. Out of curiosity, I did drive by his listed address and discovered that he was referring to the 3-inch step that separates the driveway and front porch. ICMTSU.

210 N. Lord ???? Called from Virginia stating that he was concerned about bringing down his boat as he has no driveway and has to park it in the R.O.W., wanted to know what to do. I advised him to bring the boat, it is public property, and I advised the difference between parking and storing.

813 Clarendon Ave. ???? Called regarding the family property next to him wanting to know what the city is going to do about it. I was unable to answer the phone for this call and this was all on voicemail.

04AUG22

211 Nash ???? Called in to say that all the construction workers have parked all around and in front of the fire hydrant there. I asked him why he didn't call for Police assistance, and he replied with a lot of mouth breathing. I forwarded the situation onto the Police Department.

City of Southport #2750 Drove the lengths of Howe, Leonard, Rob Gandy, Jabbertown, Moore, and 9th Streets and found no improper signage.

08AUG22

WEEK 32

318 E. Nash Forestry Was informed of a broken/ fallen limb in front of the Old Jail at the listed address. Crew from Public Works was able to take care of it in record time. Bravo Zulu!

City of Southport #2750 Drove the lengths of Howe, Leonard, Rob Gandy, Jabbertown, Moore, and 9th Streets and found no improper signage.

1029 Howe St. #2750 Assisted in Planning Board preparation.

09AUG22

109 W. Nash ???? Called regarding the owner of the address was cutting and trimming trees without a permit. Stopped by the address and talked to the property owner and found that he did not have a permit while attempting to trim 2 large oaks that were both within the setbacks and one was half in the R.O.W. the 2nd one was showing issues of disease and trimming it would prolong the tree life. I strongly advised the property owner to immediately fill out the information for a Tree Permit. UPDATE- was notified via alert that the property owner did submit a request for a tree permit, and I approved his permit.

304 W. 11th Street ???? Sent an email regarding the listed address and proposed building at that site. Was concerned about a number of trees on the property and need clarification. E-mail replied to via Mrs. Deviney at the front desk.

City of Southport #2750 Drove the lengths of Howe, Leonard, Rob Gandy, Jabbertown, Moore, and 9th Streets and found no improper signage.

1029 Howe St. #2750 Assisted in Planning Board preparation.

CODE ENFORCEMENT MONTHLY REPORT

ITMH Forestry Com. Monthly meeting

10AUG22

110 Nash	????	Tree removal follow up inspection.
322 Brunswick	????	Tree removal permit submitted and inspected.
6226 Pebble Shore	????	Tree removal follow up inspection.

Southport Crossing Tractor Supply Was notified that there was extensive tree clearing going on at that location. A permit could not be located, and arrangements were made to shut down the crew there. D. Dutton then stated that all is ok there and to allow the clearing.

City of Southport #2750 Drove the lengths of Howe, Leonard, Rob Gandy, Jabbertown, Moore, and 9th Streets and found six (6) improper signage, which were promptly removed.

1029 Howe St #2750 T. Stanley, Director of Public Works, called regarding a barrier that was erected across the 11th street extension. Stated that there was a name and phone number written on the barrier and wanted to know if that was legal. We looked it up on GIs and found that the City Limits do continue at that site and access is needed to physically contact utilities. T. Stanley stated that he would call the number and find out the why and what for of the barrier.

1109 Caswell ???? Called regarding a work shutdown at the listed property. Wanted to know why, me too actually, found that the tree removal and building permit were all submitted under the name of the previous owner and thus negated. K. Barefoot did the shutdown.

1029 Howe St. #2750 Assisted in Planning Board preparation.

11AUG22

322 Brunswick #2750 Inspected tree on listed property along with Scott Len of the Forestry Committee.

109 Nash Grounds Inspected tree on listed property along with Scott Len of the Forestry Committee.

1029 Howe St. ???? Called regarding the Sign ordinance of the city. After answering numerous questions about various sign limitations, it was determined that her sign was to be posted outside of the city on Long Beach Rd. I was able to direct her to the Brunswick County website and also gave her 2 phone numbers.

11th Street Ext. ???? T. Stanley called and spoke with the new owner of the property abutting the R.O.W at that location regarding the chain and sign that blocks the R.O.W. For most of the conversation, things were civil. I was advised by T. Stanley that Mr. Martin may or may not be calling me or coming to City Hall.

Southport Crossing Tractor Supply Permit issued in person to the personnel out at the site.

CODE ENFORCEMENT MONTHLY REPORT

12AUG22

City of Southport #2750 Drove the lengths of Howe, Leonard, Rob Gandy, Jabbertown, Moore, and 9th Streets and found no improper signage.

1029 Howe Street #2750 Opengov activities.

1029 Howe Street #2750 Assisted in Planning Board preparation.

15AUG22

WEEK 33

City of Southport #2750 Drove the lengths of Howe, Leonard, Rob Gandy, Jabbertown, Moore, and 9th Streets and found no improper signage.

1029 Howe Street #2750 Opengov activities.

1029 Howe Street #2750 Assisted in Planning Board preparation.

16AUG22

City of Southport #2750 Drove the lengths of Howe, Leonard, Rob Gandy, Jabbertown, Moore, and 9th Streets and found no improper signage.

1029 Howe Street #2750 Opengov activities.

115 E Owens ??? Typed up and mailed a Notice of Violation letter to the listed property owner regarding a zoning issue.

210 Herring ??? Typed up and mailed a Notice of Violation letter to the listed property owner regarding a zoning issue.

320 College ??? Typed up and mailed a Notice of Violation letter to the listed property owner regarding a zoning issue.

712 Lord Street ??? Typed up and mailed a Notice of Violation letter to the listed property owner regarding a zoning issue.

718 Clarendon Ave. ??? Typed up and mailed a Notice of Violation letter to the listed property owner regarding a zoning issue.

104 8th Street ??? Wanted to know about the permitting information regarding Food vendor and the like. Was informed that the equipment he 'found' was a beach hot dog cart that he wants to roll out in front of the establishment there and sell hot dogs. As it is already property of the establishment, I advised him to contact the County Health Department. I was also able to relay the idea to several member of the City Hall and we, collectively, are also going to continue looking into this.

17AUG22

614 Clarendon ??? [REDACTED] called regarding the listed address. Stated that they had just purchased the property and asked several questions about zoning and other issues. All were answered to the best of my abilities and the lady seemed content with the answers.

CODE ENFORCEMENT MONTHLY REPORT

City of Southport #2750 Drove the lengths of Howe, Leonard, Rob Gandy, Jabbertown, Moore, and 9th Streets and found no improper signage.

322 Brunswick ??? After numerous phone tag incidents, was able to contact Mr. Blakely personally and relayed the information concerning his tree Permit, which was denied. I was able to advise him regarding a future Building permit AND Tree Permit.

1029 Howe St ??? [REDACTED], Bib Massey called and asked numerous questions about restaurants codes, and Food vendor codes, and catering ordinances. I was able to answer every one of them and then through some questions of my own found out that the restaurant in question was in fact OUT of the city limits and almost in BSL.

18AUG22

414 Burrington ??? Attempted to deliver a rendering on the Ms. Horton's complaint. Upon arrival, met with the husband who then asked numerous questions concerning the non-existent property line in the R.O.W. in front of their house and the neighboring house. He even interrupted many times while I was trying to explain the decision of "No Decision". The "What-if" game then began being mentioned in every question and I could feel my PTSD rapidly taking over, so I bowed out of the conversation and as politely as possible, left the scene.

Port Haven UNK [REDACTED], called regarding questions they had about their house being built there. The specific questions dealt with how they can remove trees to put in a pool. All questions were answered, the Citizen was happy. Upon further inspection of the area, I'm not sure which property is the one in question, but it appears that there is NO room for a pool on any of these properties.

136 Stuart Ave ??? Went to the listed address and met with the property owner there regarding a phone message she had with the front desk. Ms. Jones stated that there was a pickup truck that was parked in the R.O.W. at 138 and that there was a large pool of water in the back breeding mosquitos. I asked if she wanted the truck moved and she replied, "No". I then asked if she wanted D. Kelly from the Buildings and Grounds to spray in the area and she replied, "No". She repeated that that she was doing her civic duty by informing the city that there was what she considered a problem.

6118 River Sound ??? TP-22-33 Inspection of the property for Tree Removal Permit.

22AUG22

WEEK 34

216 Nash	???	TP-22-4	Inspected, Approved, & Completed
405 Clarendon	???	TP-22-6	Inspected, Approved, & Completed
250 E. 11th Street	???	TP-22-13	Inspected, Approved, & Completed
6210 Navigator Way	???	TP-22-17	Inspected & Approved.
215 Stuart	???	TP-22-15	Inspected & Approved.
1107 Caswell	???	TP-22-12	Inspected, Approved, & Completed
9th & Hanks-	???	TP-22-21	Inspected & Approved.
6202 Pebble Shore	???	TP-22-23	Inspected & Approved.
230 Caswell	???	TP-22-27	Inspected & Approved.
6118 River Sound	???	TP-22-33	Inspected & Approved.
5128 Price's Creek	???	TP-22-34	Inspected & Approved.

CODE ENFORCEMENT MONTHLY REPORT

210 Port Haven	????	TP-22-35	Inspected & on hold awaiting building permit.
228 River Road	????	TP-22-36	Intake

23AUG22

822 N. Lord St. ???? Was contacted by the city manager regarding the blight and overall trash that has accumulated around this residence, several Aldermen have noticed also. Typed up and mailed a Courtesy Letter to listed owner.

108 St George ???? An improper complaint was submitted by Matt Thome of 501 Howe Street concerning the possible rodent infestation of the vacant building there. A Courtesy Letter was typed up and mailed to the listed owner.

222 Caswell Ave	????	TP-22-19	Intake
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City of Southport #2750 Drove the lengths of Howe, Leonard, Rob Gandy, Jabbertown, Moore, and 9th Streets and found no improper signage.

24AUG22

222 Caswell	????	TP-22-19	Inspected
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228 River Road	????	TP-22-36	Inspected
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203 8th Street	????	Inspection	
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205 8th Street	????	Inspection	
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1029 Howe St. ???? ██████████ called and asked about certain addresses he had been hired for and wanted to know which were in the city so as to which jurisdiction he needed permits in. All questions were answered, and Mr. Ashley was happy.

303 Howe St. Lexi B's Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

412 Howe St. Camouflage Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

417-A Howe St. Side Street Bakery Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

417-B Howe St. Southport Cheese Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

424 Howe St. Beach Life Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

505 Howe St. Saucy Southerner Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

512 Howe St. Inn @ River Oaks Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

CODE ENFORCEMENT MONTHLY REPORT

701 Howe St. Wades Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

708 Howe St. Candy & Company Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

717 Howe St. Balance Boutique Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

806 Howe St. Throw Baxe Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

807 Howe St. 3 Sisters Consignment Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

808 Howe St. Burney's Bakery Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

822 Howe St. Art Shak Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

1130 Howe St. Circle K Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

1427 Howe St. Hamilton Realty Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

1616 Howe St. Hardee's Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

25AUG22

114 Park ????

Called regarding a tree problem, stating that Brunswick electric ran the underground cable and now his tree is dead and wants the city to remove it. Meeting on site with him to see exactly what the problem is and how WE can find a solution.

211 11th St. ????

Spoke with me @ City Hall concerned about a few trees on his neighbor's property that appear dead and are leaning towards his home.

1029 Howe St. ????

██████████. Called and left a voicemail regarding the Turtlewood Development. Called back and answered a number of questions on tree & building permits to her satisfaction.

228 Riiver Dr. ????

TP-22-36 Inspected and Approved

1107 Caswell ????

Inspected and Approved

29AUG22

WEEK 35

806 Howe St. Throw Baxe Called and requested information regarding the specs on 'sandwich boards' for advertising. Was not sure on the exact specs, so I advised him that I'd get back with him. Printed out a copy of the Zoning Ordinance and gave it to him at his place of business.

CODE ENFORCEMENT MONTHLY REPORT

1105 Spincast ???? Called regarding a street sign that was erected directly in the middle of his driveway during the construction of his residence at the listed address. Went to the site and observed that he was not lying. After confirming that the sign was not a city sign, I directed Mr. Knowlft to his HOA.

614 Port Haven ???? TP-22-37 Inspected the site for a tree Removal Permit, will have to deny the permit until construction of the residence is finished and a building permit for the pool, as they stated in the request, is submitted.

1029 Howe St. #2750 Demonstrated how to use the computer in the lobby to a distinguished Alderman. The demonstration was to show how easy/difficult the permit process can be for various permits.

424 Howe St. Beach Life Called just to verify the removal of the Feather Flag that was touched on earlier last week. Business owner just needed verification.

5189 Eason St. Take 5 Oil Change Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

5177 Howe St. Bella Cucina Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

1636 Howe St. CIS Thrift Store Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

1206 Howe St. Jenny's Pet Groom Business was notified of UDO Zoning violation: 19-D-9 in person and supplied a copy of the Courtesy Letter and a copy of the ordinance.

1427 Howe St. Hamilton Realty Business manager called regarding the 'feather flag' issue, wanted to know what they could put up. I suggested reading the UDO section on Signs and she stated that that she didn't know how to get a copy of the UDO. I emailed a copy of the SIGN portion of the UDO to her.

30AUG22

210 Herring ???? Called regarding the notice she received in the mail, wanted to know what was wrong with the property. Stated that she was going to use a church group to get the property in compliance. 3362029245

424 Trout Lilly ???? TP-22-40 Inspected and Approved dead oak.

210 Port Haven ???? TP-22-35 Inspected & on hold awaiting building permit. Called and wanted to know why the permit was denied. Advised him that once the residence is built then process the building permit for the pool and the tree permit will be automatic.

5980 Turtlewood. ???? Was concerned about a number of trees at this property that were tagged for possible cutting down. She is the HOA and wanted to check to see if they were approved for such a thing because the ones that are tagged go against the HOA guidelines. After checking, I found that there was no permit applied or approved for. Will go out to the property later and

CODE ENFORCEMENT MONTHLY REPORT

tag some Door Hangers onto the trees to advise the owner. BRUCE & COLETTE WHITNEY 8795
ROBINSON FOREST DR. CHARLOTTE, NC 28277-2351

1029 Howe St. #2750 [REDACTED], unknown caller who wanted to know the regulations and limitations on building a huge deck on the back of his house, I directed him to Kiley Barefoot.

900 W. West St. #2750 On the direction of T. Deviney, went down there to inspect the progress on the property. At this point, I don't know what I should be looking for, but heading there anyway. Hopefully, I should receive some guidance prior to my arrival. Had to check for any structures on the property, I did not see any sheds, shacks, or shanties.

31AUG22

216 Nash ??? Called regarding the large Oak on the property, wishing to meet with me and Scott Len to discuss and inspect the tree for some limb removal and trimming. Attempting to coordinate a time and date that is beneficial for all of us.

114 Park ??? Received a call from Eli @ Public Works concerning the listed address. Was advised by him that he has called their office to demand that they take the tree down that he claims was killed by Brunswick Electric. Eli stated that he needed a background on what I advised him versus what he stated to him.

1029 Howe St. ??? Returned a voicemail left by Ms. Hankins. No answer. Left a message [REDACTED]. Ms. Hankins returned phone call and vehemently stated that there is no critter infestation of her building, and that the critters are there for the food being cooked at the neighboring restaurant which she has no control over.

1029 Howe St. ??? [REDACTED] Called about a tree permit, wanted me to return her phone call. Attempted and talked with her regarding 208 8th street.

606 Port Haven ??? Called and left a voicemail regarding how to properly remove some trees from the property that is currently being built on by her contractor. Despite being 8 months away from being completed and ready to move in she would like to remove trees for a 'possible pool installation'. Not unlike the other 5 future residents that have called about the same thing. Returned the call and Ms. Marotti did not answer, so a message was left on her phone that I called.

City of Southport #2750 Drove the lengths of Howe, Leonard, Rob Gandy, Jabbertown, Moore, and 9th Streets and found no improper signage.

1029 Howe St. #2750 Fuel Log



To: City of Southport
From: Cheryl Taylor, Senior Financial Analyst
Subject: 2022 ElectriCities Membership Dues – July 2022
Date: August 10, 2022

A statement of your current 2022 ElectriCities membership dues as of July 1, 2022, is enclosed.

As was noted in the January 2022 membership dues letter, on January 28, 2022, the ElectriCities Board of Directors approved funding for the Value of Public Power (VOPP) campaign. This funding was approved after the initial dues statements were sent, and it was mentioned in the dues cover letter that approval of the campaign would create a need for a second billing in 2022.

The Value of Public Power campaign supports our collective efforts to increase public power's brand awareness and reputation and strengthen the effectiveness of our policy advocacy. The campaign reaches across membership, deploying tactics including advertising, sponsorships, and locally-customizable communications tools – all created to reach the largest number of customers and legislators close to public power.

Raising awareness and educating the public and legislators requires a sustained effort, and the information gained from the early work has shown the campaign to be effective.

If you have questions, please do not hesitate to call me at 919-760-6222.

Enclosure



NCEMPA
1427 MEADOW WOOD BLVD.
RALEIGH, NC 27604

Power Billing Statement

North Carolina Eastern Municipal Power Agency

MEMBER	BILL DATE	DUE DATE	FOR SERVICE	TOTAL DUE
SOUTHPORT	08/10/22	08/20/22	07/01/22 - 07/31/22	\$487,644.79

Wholesale Power Service Schedule FR-7

DESCRIPTION	RATE	QTY	AMOUNT
Demand Charges:			
All Demand	\$21.84/kW	11,642	254,261.28
Energy Charges:			
Monthly Energy Charge	\$.02558/kWh	7,060,817	180,615.70

Additional Charges

DESCRIPTION	RATE	QTY	AMOUNT
Rider 1 FRPPA True-Up Charge/(Credit)			0.00
Rider 2 Delivery Surcharge	\$0.06/kW	11,642	698.52
Rider 3B Leased Facilities Surcharge	\$0.88/kW	13,798	12,142.24
Rider 6A NCEMPA Generation Credit			(1,306.25)
Rider 6B NCEMPA Generation Credit			(2,277.15)
Rider 7A Power Agency Service (PAS) Charge			8,397.75
Rider 7B Renewable Energy Portfolios Standards (REPS) Charge			2,357.10
Rider 8 Debt Defeasance Support Charge			31,359.60
Other Charges/(Credits)			1,396.00

Power Bill payment made by ACH Debit

TOTAL AMOUNT DUE

\$487,644.79

If you have any questions concerning this bill, call Gail Duke at 919-760-6212



Power Billing Statement
North Carolina Eastern Municipal Power Agency

MEMBER	BILL DATE	FOR SERVICE	MEMBER NCP	MEMBER CP
SOUTHPORT	08/10/22	07/01/22 - 07/31/22	07/07 @ 1500 / 13,798 kW	11,642 kW

DEP System Peak = 07/06/22 @ 1700 12,849 Megawatts

DEMAND DATA

(A)	(B)	(C)	(D)	(E)	(F=D-E)
DELIVERY POINT	NCP Date & Time	NCP kW	CP kW	SEPA kW	BILLED DEMAND
SOUTHPORT DP	07/07/22 @ 1500	13,798	11,642	0	11,642
TOTAL			11,642	0	11,642

ENERGY DATA

	(G)	(H)	(I=G-H)		
DELIVERY POINT	METERED kWh	SEPA kWh	BILLED kWh	METERED KVAR	EXCESS KVAR
SOUTHPORT DP	7,060,817	0	7,060,817	2,596,375	0
TOTAL	7,060,817	0	7,060,817	2,596,375	0



MEMBER	BILL DATE	FOR SERVICE
SOUTHPORT	08/10/22	07/01/22 - 07/31/22

Billing Summary

	CALENDAR YEAR (JAN22 - JUL22)	FISCAL YEAR (JUL22 - JUL22)
Total Bill	\$2,934,276.55	\$487,644.79
Metered Energy (Includes SEPA kWh)	36,449,629	7,060,817
SEPA Energy	0	0



MEMBER	BILL DATE	FOR SERVICE
SOUTHPORT	08/10/22	07/01/22 - 07/31/22

Summary of Billing Determinants at Metering Point

DEP ID	METERING POINT	NCP DATE TIME	NCP kW	CP kW	METERED kWh	MAX. LAGGING kVAR	EXCESS kVAR	MAX. LEADING kVAR
240	SOUTHPORT MP	07/07 @ 1500	13,798	11,642	7,060,817	5,616	0	0
TOTAL				11,642	7,060,817			



MEMBER	BILL DATE	FOR SERVICE
SOUTHPORT	08/10/22	07/01/22 - 07/31/22

Other Charges/Credits

TYPE	NOTES	AMOUNT
ECD	EC Dues II for the year 2022	\$1,396.00

Total Charges/(Credits) \$1,396.00



Power Billing Statement

North Carolina Eastern Municipal Power Agency

MEMBER	BILL DATE	FOR SERVICE
SOUTHPORT	08/10/22	07/01/22 - 07/31/22

Summary of Distributed Generation Credits

	Rider 6A	Rider 6B
Total CP kW	15,510	19,670
Total Transmission kW	15,507	19,670
Total Energy (kWh)	576,179	790,183
Member % of Revenue	0.7826%	0.8961%
CP Demand (kW)	122	176
Transmission (kW)	122	176
Energy (kWh)	4,509	7,081
CP Demand Credit(\$)	(2,394.38)	(3,454.18)
Transmission Demand Credit(\$)	(240.58)	(347.08)
Energy Credit(\$)	(121.78)	(191.26)
Distributed Generation Credit(\$)	(2,756.74)	(3,992.52)
Power Agency Expense(\$)	1,450.49	1,715.37
TOTAL MONTH CREDIT(\$)	(1,306.25)	(2,277.15)



MEMBER	BILL DATE	FOR SERVICE
SOUTHPORT	08/10/22	07/01/22 - 07/31/22

Rider 7A - Power Agency Services (PAS) Charge

The Power Agency Service Charge on the wholesale power billing statement is based on costs and services approved by the North Carolina Eastern Municipal Power Agency Board of Commissioners and by the ElectriCities Board of Directors and is undertaken and operated by the Power Agency for the benefit of the Members. These costs include: NERC and SERC compliance activities; APPA dues; legislative, financial, and legal support, including territorial issues and other member services; Power Agency operations, billing activities, and rate support, economic development, communications, training and Power Agency administrative and general expenses.

The Power Agency Services charge 2022 projection is reflected in the January 2022 billing data.

The Power Agency Services charge 2021 True-Up adjustment of \$ (400.77) is applied to the April 2022 through March 2023 billing data.

Power Agency Service Charge(\$)	\$8,397.75
Power Agency Service %	0.80 %

Rider 7B - Renewable Energy Portfolio Standards (REPS) Charge

The Renewable Energy Portfolio Standards (REPS) Charge 2022 projection is reflected in the January 2022 billing data.

The Renewable Energy Portfolio Standards (REPS) Charge 2021 True-Up adjustment of \$ (1,099.87) is applied to the April 2022 through March 2023 billing data.

Renewable Energy Portfolio Standards Charge(\$)	\$2,357.10
Renewable Energy Portfolio Standards %	0.80 %

Rider 8 - Debt Defeasance Support Charge

The Defeasance Debt Service Support Charge line on the wholesale power billing statement is the Member's share of monthly support costs, as defined in the Debt Service Support Contract. This monthly debt charge will be assigned to and recovered from the Member in accordance with the terms and conditions of the Full Requirements Power Sales Agreement and the Debt Service Support Contract. The planned repayment term of the defeasance bond is ten years.

Debt Service Support Charge(\$)	\$31,359.60
Debt Service Support %	0.74 %

No.	WOID	Request Date	Description	Assigned To	Actual Completion Date
1	18710	7/25/2022	COOKIE SAYS THERE IS A CLOGGED TOILET IN THE GIRLS ROOM. HP	Harlan Pyles	7/25/2022
2	18721	7/25/2022	PLEASE HANG SIGNS ABOVE DOORS FOR MISS ROBIN	Jeremy Kennedy	7/28/2022
3	18725	7/26/2022	AIR CONDITIONER IS NOT WORKING PROPERLY AT THE CITY GYM. reset the unit, JK	Jeremy Kennedy	7/26/2022
4	18734	7/28/2022	RETURN WHITTAKER'S BENCH AND HISTORICAL SIGN LOCATED IN THE OLD JAIL. RANDY CAN HELP WITH LOCATION.	Mike Spicer	7/28/2022
5	18735	7/28/2022	PRUNE 3 OAK TREES AT FORT JOHNSON "SAFETY ISSUE"	David Kelly	7/28/2022
6	18736	7/26/2022	LOCATE 1125 & 1142 SPINCAST RD, INSTALLING ELECTRIC LINE	Tyrus Davis	7/27/2022
7	18737	7/25/2022	LOCATE 101 E BROWN ST/N HOWE, INSTALLING SIGN	Tyrus Davis	7/27/2022
8	18738	7/26/2022	LOCATE 105 N LORD ST	Tyrus Davis	7/27/2022
9	18739	7/26/2022	LOCATE 717 N ATLANTIC AVE/E 8TH ST	Tyrus Davis	7/27/2022
10	18740	7/26/2022	LOCATE 209 PARK AVE EXT/E LEONARD ST, INSTALL WATER/SEWER TAP	Tyrus Davis	7/27/2022
11	18741	7/26/2022	LOCATE 205 WILLIS DR/E NASH ST	Tyrus Davis	7/27/2022
12	18742	7/28/2022	LOCATE 405 E LEONARD ST/E 8TH ST, INSTALLING GAS LINE	Tyrus Davis	7/28/2022
13	18743	7/27/2022	LOCATE E NASH ST/N RHETT ST, INSTALL ELECTRIC CONDUIT		7/28/2022
14	18744	7/26/2022	LOCATE 6166 RIVER SOUND CIRCLE, INSTALLING WATER/SEWER TAP	Tyrus Davis	7/28/2022

15	18745	8/1/2022	DISASSEMBLE THE OLD ICE MACHINE/PIPES AND DISPOSE OF.	Harlan Pyles	8/3/2022
16	18746	8/2/2022	CHECK/TIGHTEN SCREWS AND BOLTS ON THE SWINGS AND BENCHES AT THE WATERFRONT PARK. WAITING ON LUMBAR YARD TO RECEIVE NEW SHIPMENT FOR ROTTING WOOD ON A SWING.	Harlan Pyles	8/4/2022
17	18747	8/2/2022	LOCATE 116 W WEST ST/N LORD ST, SEWER TAP	Mike Spicer	8/3/2022
18	18748	8/1/2022	LOCATE 116 W WEST/N LORD ST, REPAIR WATER SEWER	Mike Spicer	8/3/2022
19	18749	8/2/2022	LOCATE 414 RAVEN GLEN DR, INSTALLING ELECTRIC LINE	Tyrus Davis	8/3/2022
20	18750	7/29/2022	LOCATE 410 RAVEN GLEN DR, BURY MAIN CABLE.	Mike Spicer	8/2/2022
21	18751	7/28/2022	LOCATE 1125 E LEONARD ST/ROB GANDY BLVD, REPAIR WATER MAIN	Tyrus Davis	8/2/2022
22	18752	7/29/2022	LOCATE 414 RAVEN GLEN DR/HIGHLAND PARK AVE	Mike Spicer	8/2/2022
23	18753	7/29/2022	LOCATE 611 N LORD ST, WATER/SEWER	Mike Spicer	8/2/2022
24	18754	7/26/2022	LOCATE 708 N ATLANTIC / E OWENS, INSTALLING POOL	Tyrus Davis	7/28/2022
25	18755	7/26/2022	LOCATE 303 W 10TH /N CASWELL, INSTALLING GAS LINE	Tyrus Davis	7/28/2022
26	18756	7/26/2022	LOCATE 515-815 W ST GEORGE/QUARTER MASTER DR, GRADING AND UTILITIES	Tyrus Davis	7/28/2022
27	18757	7/26/2022	LOCATE 618 W ST GEORGE ST, NEW CONSTRUCTION	Tyrus Davis	7/28/2022
28	18758	7/26/2022	LOCATE 403 W ST GEORGE ST/CLARENDON AVE, INSTALL FENCE	Tyrus Davis	7/28/2022

29	18759	7/26/2022	LOCATE 506 CLARENDON AVE, INSTALLING ELECTRIC LINE	Tyrus Davis	7/28/2022
30	18760	7/26/2022	LOCATE 614 N HOWE ST/E OWENS ST, REMOVING SHRUBS	Tyrus Davis	7/28/2022
31	18761	7/25/2022	LOCATE 1107 N CASWELL AVE, FENCE	Tyrus Davis	7/28/2022
32	18762	8/3/2022	LOCATE 5024 BALLAST RD/WINDLASS RD, BUIRY PHONE DROP	Tyrus Davis	7/28/2022
33	18765	7/28/2022	LOCATE 6010 SPIKERUSH TRAIL, SERVICE BURY DROP	Mike Spicer	8/3/2022
34	18766	8/1/2022	LOCATE 614 MARSH GRASS CT, NEW CONSTRUCTION	Mike Spicer	8/3/2022
35	18767	7/28/2022	LOCATE 616 ARABELLA LANE/W OWENS ST	Mike Spicer	8/3/2022
36	18768	8/2/2022	LOCATE 215 E LEONARD ST/N ATLANTIC	Mike Spicer	8/3/2022
37	18769	8/1/2022	LOCATE 1022 SOFTWIND WAY, LANDSCAPING	Mike Spicer	8/3/2022
38	18770	7/29/2022	LOCATE 202 RIVER DR/S FODALE AVE, BURY SERVICE DROP	Tyrus Davis	8/3/2022
39	18771	8/4/2022	LOCATE 406 HERRING DR/MITCHELL ST, INSTALL WATER/SEWER TAP	Tyrus Davis	8/4/2022
40	18773	8/2/2022	LOCATE J SWAIN BLVD, INSTALL TEMP SIGN	Mike Spicer	8/4/2022
41	18774	8/1/2022	LOCATE 5189 EASON ST, REPAIR BAD UNDГ WIRE	Mike Spicer	8/4/2022
42	18775	8/1/2022	LOCATE 5187 EASON ST, REPAIR BAD UNDГ WIRE	Mike Spicer	8/4/2022
43	18776	8/3/2022	LOCATE 110 HIGHLAND PARK AVE, UNDГ ELECTRIC	Mike Spicer	8/4/2022

44	18777	8/1/2022	LOCATE 141 PARK AVE/E LEONARD ST, BURY DROP	Mike Spicer	8/4/2022
45	18778	8/3/2022	134 PARK AVE/E LEONARD, NEW GAS SERVICE	Mike Spicer	8/4/2022
46	18779	8/1/2022	LOCATE 707 E MOORE ST, BURY DROP	Mike Spicer	8/4/2022
47	18780	8/1/2022	LOCATE 707 E MOORE ST, BURY DROP	Mike Spicer	8/4/2022
48	18781	8/3/2022	LOCATE 403 W ST GEORGE/CLARENDON, INSTALL FENCE	Mike Spicer	8/4/2022
49	18782	8/3/2022	LOCATE 1109 N CASWELL AVE/W 11TH ST, NEW CONSTRUCTION	Mike Spicer	8/4/2022
50	18783	8/3/2022	LOCATE SANDY LANE/HWY211, FORCE MAIN INSTALLATION	Mike Spicer	8/4/2022
51	18784	8/3/2022	LOCATE 414 RAVEN GLEN DR/YAUPON DR, NEW GAS SERVICE.	Mike Spicer	8/4/2022
52	18785	8/1/2022	6035 SPIKERUSH TRAIL, BURY SERVICE DROP	Mike Spicer	8/4/2022
53	18786	8/2/2022	LOCATE 1456 N HOWE/RIVER RD, CABLE	Tyrus Davis	8/5/2022
54	18787	8/2/2022	LOCATE 1456-1424 N HOWE ST, RIVER RD SE, CABLE	Tyrus Davis	8/5/2022
55	18788	8/2/2022	LOCATE 1133 SPINCAST RD, INSTALLING ELECTRIC LINE	Tyrus Davis	8/5/2022
56	18789	8/2/2022	LOCATE 1138 SPINCAST RD, INSTALLING ELECTRIC LINE	Tyrus Davis	8/5/2022
57	18790	8/2/2022	LOCATE 1137 SPINCAST RD, ELECTRIC LINE	Tyrus Davis	8/5/2022
58	18791	8/2/2022	LOCATE 1141 SPINCAST RD, INSTALLING ELECTRIC LINE	Tyrus Davis	8/5/2022

59	18792	8/2/2022	LOCATE 1100 SPINCAST RD, INSTALLING ELECTRIC LINE	Tyrus Davis	8/5/2022
60	18793	8/2/2022	LOCATE 1154 SPINCAST RD, INSTALLING ELECTRIC LINE	Tyrus Davis	8/5/2022
61	18794	8/2/2022	LOCATE 1151 SPINCAST RD, INSTALLING ELECTRIC LINE	Tyrus Davis	8/5/2022
62	18795	8/3/2022	LOCATE WOODSIDE DR/HWY211 FORCE MAIN INSTALLING.	Tyrus Davis	8/5/2022
63	18796	7/28/2022	LOCATE 201 HERRING DR/E NASH ST, WIDENING THE DRIVEWAY	Tyrus Davis	8/5/2022
64	18797	8/2/2022	LOCATE 1021 DOWNRIGGER TRAIL, INSTALLING ELECTRIC LINE.	Tyrus Davis	8/5/2022
65	18798	8/1/2022	LOCATE 210 W WEST ST/S LORD ST, GRADING	Tyrus Davis	8/5/2022
66	18799	7/29/2022	LOCATE 410 HIGHLAND PARK AVE, BURY MAIN CABLE.	Tyrus Davis	8/5/2022
67	18800	7/29/2022	LOCATE 409 HIGHLAND PARK AVE/STUART AVE, BURY MAIN CABLE.	Tyrus Davis	8/5/2022
68	18801	8/1/2022	LOCATE 606 W WEST ST, NEW CONSTRUCTION	Tyrus Davis	8/5/2022
69	18802	8/8/2022	LOCATE 421 TROUTLILY LANE, NEW GAS SERVICE	Tyrus Davis	8/8/2022
70	18803	8/2/2022	LOCATE 1424 N HOWE ST/RIVER RD SE, CABLE	Tyrus Davis	8/5/2022
71	18804	8/2/2022	LOCATE 1628 N HOWE ST/WOODSIDE DR, INSTALL FORCE MAIN	Tyrus Davis	8/5/2022
72	18805	7/28/2022	LOCATE QUARTER MASTER DR/COTTAGE POINT WAY, UTILITIES	Tyrus Davis	8/5/2022
73	18806	7/27/2022	LOCATE 411 TREVALLY CT/11TH ST, INSTALLING IRRIGATION MAIN.	Tyrus Davis	8/5/2022

74	18807	7/27/2022	LOCATE 393-409 TREVALLY CT, INSTALLING IRRIGATION MAIN.	Tyrus Davis	8/5/2022
75	18808	7/27/2022	LOCATE 381-391 TREVALLY CT/W 11TH ST, INSTALLING IRRIGATION MAIN	Tyrus Davis	8/5/2022
76	18809	7/27/2022	LOCATE 360-370 TREVALLY CT, INSTALLING IRRIGATION MAIN.	Tyrus Davis	8/5/2022
77	18810	7/27/2022	LOCATE 350-358 TREVALLY CT/W 11TH ST, INSTALLING IRRIGATION MAIN	Tyrus Davis	8/5/2022
78	18811	8/4/2022	LOCATE 1625 HWY 211/SANDY LANE, UTILITY GRADING	Tyrus Davis	8/8/2022
79	18812	8/4/2022	LOCATE 421 TROUT LILY LANE/FIREFLY LANE, NEW GAS SERVICE	Tyrus Davis	8/8/2022
80	18813	8/9/2022	Need bushes cut back on Wills and E Nash as they are protruding into the road pushing bicyclist and walkers into the road, also Wills an E Moore st the jungle is growing out into the bicycle lane forcing you into the road, one last item the pedestrian walk ways are not working I had to exit my bike on Howe street as not to be struck by a car, are we going to wait for someone to get hit be fired we enforce the law, very concerned Thank you Gary	David Kelly	8/10/2022
81	18814	8/10/2022	PLEASE DELIVER 3/4 YARDS OF GRAVEL BEHIND FORT JOHNSTON	Mike Spicer	8/10/2022
82	18815	8/10/2022	314 LORD ST, CITY TREE HAS A DEAD BRANCH THAT RUNS ACROSS THE STREET.	David Kelly	8/11/2022
83	18816	8/10/2022	LOCATE 1424-1427 N HOWE ST, CABLE.	Tyrus Davis	8/8/2022
84	18817	8/10/2022	LOCATE BURRIFNGTON AVE/W LEONARD ST, GRADING	Tyrus Davis	8/8/2022
85	18818	8/9/2022	TREE LIMB ON NASH STREET	David Kelly	8/9/2022
86	18819	8/4/2022	LOCATE 1643 N HOWE ST, CABLE	Tyrus Davis	8/9/2022

87	18820	8/4/2022	LOCATE 1629 N HOWE ST, CABLE	Tyrus Davis	8/9/2022
88	18821	8/4/2022	LOCATE 1635 N HOWE ST, CABLE	Tyrus Davis	8/9/2022
89	18822	8/10/2022	LOCATE 1142 SPINCAST RD, REPORT DAMAGE	Tyrus Davis	8/10/2022
90	18823	8/8/2022	LOCATE 310 COLLEGE ST/E WEST ST, INSTALLING WATER/SEWER TAP	Tyrus Davis	8/10/2022
91	18824	8/8/2022	LOCATE 102 W NASH ST/N HOWE ST, INSTALLING ELECTRICAL CONDUIT	Tyrus Davis	8/10/2022
92	18825	8/5/2022	LOCATE 653 SPARTINA CT/COTTAGE CREEK RD, FENCE INSTALL	Tyrus Davis	8/10/2022
93	18826	8/4/2022	LOCATE 1675 N HOWE ST, CABLE	Tyrus Davis	8/10/2022
94	18827	8/11/2022	REMOVE CRACKED BRANCH 110 W NASH ST	David Kelly	8/11/2022
95	18828	8/12/2022	PLEASE SEE ATTACHED EMAIL & PICTURES WITH COMMUNITY BLDG CONCERNS.	Jeremy Kennedy	8/16/2022
96	18829	8/15/2022	DEBRIS ON BROWN STREET FROM MAGNOLIA	David Kelly	8/15/2022
97	18830	8/15/2022	TRIM AND CUT VINES AROUND GARBAGE AREA AT COMMUNITY BLDG.	David Kelly	8/15/2022
98	18831	8/15/2022	PLEASE PAINT RESERVED ON THE PARKING SPOT NEXT TO COMMUNITY BLDG. PICTURE ATTACHED.	Mike Spicer	8/18/2022
99	18832	8/8/2022	LOCATE 6105 TURTLEWOOD DR/E MOORE ST, CHANGE IRRIGATION AND INSTALL TAP		8/11/2022
100	18833	8/8/2022	LOCATE 360 TREVALLY CT/N CASWELL AVE, PLACING UNDG PIPING	Tyrus Davis	8/11/2022
101	18834	8/10/2022	LOCATE 611 N LORD ST, WATER/SEWER	Tyrus Davis	8/11/2022

102	18835	8/10/2022	LOCATE HWY211/SANDY LANE, FORCE MAIN INSTALLATION	Tyrus Davis	8/11/2022
103	18836	8/11/2022	LOCATE 360 TREVALLY CT/N CASWELL AVE, PLACING UNG PIPING	Tyrus Davis	8/11/2022
104	18837	8/11/2022	LOCATE 403 W ST GEORGE/CLARENDON, INSTALL FENCE	Tyrus Davis	8/11/2022
105	18838	8/11/2022	LOCATE 403 W ST GEORGE/CLARENDON, INSTALL FENCE	Tyrus Davis	8/11/2022
106	18839	8/10/2022	LOCATE 823 CAPE HARBOR DR/N FODALE AVE, REPAIR, REPLACE WATER LINE.	Tyrus Davis	8/12/2022
107	18840	8/10/2022	LOCATE 506 CLARENDON AVE/W LEONARD ST, NEW WATER AND SEWER LINES	Tyrus Davis	8/12/2022
108	18841	8/9/2022	LOCATE 402 STUART AVE, NEW GAS SERVICE	Tyrus Davis	8/12/2022
109	18842	8/15/2022	MULTIPLE LIGHTBULBS OUT AT THE VISITOR CENTER. NEEDS TO BE WORKED ON BEFORE 10:00 A.M. IF POSSIBLE.	Jeremy Kennedy	8/16/2022
110	18843	8/11/2022	LOCATE 277 BONNET WAY SE/FOREST OAKS DR SE, BURY SERVICE DROP	Tyrus Davis	8/15/2022
111	18844	8/16/2022	MOVE HURRICANE SHUTTERS FROM FRONT STAIRWELL TO OUR AREA FOR A NIGHT.	Mike Spicer	8/16/2022
112	18845	8/16/2022	MOVE SHELIVING THAT IS IN BACK STAIRWELL TO THE OLD JAIL ANNEX.	Mike Spicer	8/16/2022
113	18846	8/16/2022	PLEASE TRIM DEAD BRANCHES THAT YOU SEE IN FRANKLIN SQUARE PARK.	David Kelly	8/16/2022
114	18847	8/11/2022	LOCATE 5102 HOLLOW TREE DR/FERNWOOD DR, BURY SERVICE DROP	Tyrus Davis	8/15/2022
115	18848	8/11/2022	LOCATE HIGHLAND PARK AVE/STUART AVE, SITE WORK	Tyrus Davis	8/15/2022
116	18849	8/11/2022	LOCATE 104 HIGHLAND PARK AVE, INSTALLING POOL	Tyrus Davis	8/15/2022

117	18850	8/16/2022	LOCATE 823 CAPE HARBOR DR/N FODALE AVE, REPAIR WATER LINE.	Tyrus Davis	8/16/2022
118	18851	8/12/2022	LOCATE 5002 ROBERT RUARK DR SE, INSTALLING BUILDING	Tyrus Davis	8/16/2022
119	18852	8/12/2022	LOCATE 411 CADES TRAIL/LORD BENJAMIN ST, SERVICE DROP	Tyrus Davis	8/16/2022
120	18853	8/18/2022	LOCATE 411 CADES TRAIL/LORD BENJAMIN ST, BURY SERVICE DROP	Tyrus Davis	8/16/2022
121	18854	8/12/2022	LOCATE 6017 SPIKERUSH TRAIL/DUTCHMAN CRREEK RD, BURY SERVICE DROP	Tyrus Davis	8/16/2022
122	18855	8/12/2022	LOCATE 1107 N CASWELL AVE/W 11TH ST, BURY SERVICE DROP	Tyrus Davis	8/16/2022
123	18856	8/12/2022	LOCATE 211 RIVER DR/CAPE FEAR DR, BURY SERVICE DROP	Tyrus Davis	8/16/2022
124	18857	8/12/2022	LOCATE 614 MARSH GRASS CT, NEW CONSTRUCTION	Tyrus Davis	8/16/2022
125	18858	8/12/2022	LOCATE 624 MARSH GRASS CT, NEW CONSTRUCTION	Tyrus Davis	8/16/2022
126	18859	8/11/2022	LOCATE 5115-815 W ST GEORGE/QUARTER MASTER DR, GRADING AND UTILITIES	Tyrus Davis	8/16/2022
127	18860	8/11/2022	LOCATE 515-815 W ST GEORGE/QUARTER MASTER, GRADING & UTILITIES.	Tyrus Davis	8/15/2022
128	18861	8/11/2022	LOCATE 206 E NASH ST/DRY ST, SERVICE DROP	Tyrus Davis	8/15/2022
129	18862	8/11/2022	LOCATE ATLANTIC AVE/E 13TH ST, SITE WORK	Tyrus Davis	8/15/2022
130	18863	8/16/2022	LOCATE 421 TROUT LILY LANE/FIREFLY LANE, NEW GAS SERVICE.	Tyrus Davis	8/16/2022
131	18864	8/16/2022	LOCATE 414 RAVEN GLEN DR/YAUPON DR, NEW GAS SERVICE.	Tyrus Davis	8/16/2022

132	18865	8/12/2022	LOCATE 1005 CAPTAIN ADKINS DR SE/BUSSELLS TURN SE, BURY SERVICE DROP	Tyrus Davis	8/17/2022
133	18866	8/17/2022	LOCATE 606 W WEST ST, NEW CONSTRUCTION	Tyrus Davis	8/17/2022
134	18868	8/19/2022	SEE ATTACHED EMAIL REQUEST FOR PAINTING A METAL DOOR AT THE COMMUNITY BLDG.	Jeremy Kennedy	8/23/2022
135	18869	8/16/2022	LOCATE 231 JOSHUAS WAY/E BROWN ST, LANDSCAPING	Tyrus Davis	8/18/2022
136	18870	8/16/2022	LOCATE 1006 N HOWE ST/N FODALE AVE, SETTING POLES	Tyrus Davis	8/18/2022
137	18871	8/17/2022	LOCATE 304 FIRE FLY LANE/E LEONARD ST, TREE WORK	Tyrus Davis	8/18/2022
138	18872	8/15/2022	LOCATE 141 PARK AVE/E MOORE ST, SEWER	Tyrus Davis	8/18/2022
139	18873	8/22/2022	PLEASE MOVE 2 BASKETBALL HOOPS FROM THE HALLWAY TO OUTSIDE.	Al Cochran	8/23/2022
140	18874	8/15/2022	LOCATE 209 PARK AVE EXT/E LEONARD ST, INSTALLING WATER/SEWER TAP	Tyrus Davis	8/18/2022
141	18875	8/15/2022	LOCATE 110 W 14TH ST/N HOWE ST, INSTALLING WATER/SEWER TAP	Tyrus Davis	8/18/2022
142	18876	8/15/2022	LOCATE 319 N LORD ST/W BROWN ST, DIGGING FOR PAVERS	Tyrus Davis	8/18/2022
143	18877	8/15/2022	LOCATE QUARTER MASTER DR/COTTAGE POINT WAY, UTILITIES	Tyrus Davis	8/18/2022
144	18878	8/15/2022	LOCATE 109 PARK AVE/E MOORE ST, INSTALLING WATER/SEWER TAP	Tyrus Davis	8/18/2022
145	18879	8/15/2022	823 CAPE HARBOR DR/N FODALE AVE, REPLACE WATER LINE	Tyrus Davis	8/18/2022
146	18880	8/18/2022	LOCATE 630 N FODALE AVE/CAPE HARBOR DR, GAS LEAK REPAIR	Tyrus Davis	8/19/2022

147	18881	8/16/2022	LOCATE 313 E NASH ST, INSTALLING ELECTRIC LINE	Tyrus Davis	8/22/2022
148	18882	8/16/2022	LOCATE 409 E NASH ST, INSTALLING ELECTRIC LINE	Tyrus Davis	8/22/2022
149	18883	8/24/2022	LOCATE 411 E MOORE ST, INSTALLING ELECTRIC LINE	Tyrus Davis	8/22/2022
150	18884	8/17/2022	LOCATE 5002 ROBERT RUARK DR SE, RELOCATE SERVICE	Tyrus Davis	8/22/2022
151	18885	8/17/2022	LOCATE 200 FIREFLY LANE/E LEONARD ST, STUMP GRINDING	Tyrus Davis	8/22/2022
152	18886	8/17/2022	LOCATE 406 HERRING DR/E NASH ST, CONNECTING TO CITY WATER	Tyrus Davis	8/22/2022
153	18887	8/25/2022	REPAIR CLEAN OUT AT 230 RIVER DR THAT WAS BROKEN OFF.	Mike Spicer	8/26/2022
154	18888	8/17/2022	LOCATE 712 E MOORE ST/RIVER DR, BURY MAIN CABLE.	Tyrus Davis	8/22/2022
155	18889	8/17/2022	LOCATE 102 RIVER DR, BURY MAIN CABLE.	Tyrus Davis	8/22/2022
156	18890	8/17/2022	LOCATE 209 PARK AVE EXT/LEONARD ST SW, CONNECTING TO CITY WATER/SEWER	Tyrus Davis	8/22/2022
157	18891	8/17/2022	LOCATE 1002 NEWTON DR SE, ADDITION	Tyrus Davis	8/22/2022
158	18892	8/17/2022	LOCATE 205 WILLIS DR, CONNECTING TO CITY WATER	Tyrus Davis	8/22/2022
159	18893	8/17/2022	LOCATE 115 THOMPSON DR/RIVER DR, EXCAVATION AREA	Tyrus Davis	8/22/2022
160	18894	8/22/2022	LOCATE 311-313 E MOORE ST/N RHETT ST, IRRIGATION	Tyrus Davis	8/23/2022
161	18895	8/19/2022	LOCATE BURRINGTON AVE/W LEONARD ST, GRADING	Tyrus Davis	8/23/2022

162	18896	8/19/2022	LOCATE 1625 HWY211/SANDY LANE	Tyrus Davis	8/23/2022
163	18897	8/19/2022	LOCATE WOODSIDE DR/HWY211, FORCE MAIN INSTALLATION	Tyrus Davis	8/23/2022
164	18898	8/18/2022	LOCATE 1424 N HOWE ST, CABLE	Tyrus Davis	8/23/2022
165	18899	8/18/2022	LOCATE 1456-1424 N HOWE ST/RIVER RD SE, CABLE	Tyrus Davis	8/23/2022
166	18900	8/18/2022	LOCATE 1456 N HOWE ST/RIVER RD SE, CABLE	Tyrus Davis	8/23/2022
167	18901	8/18/2022	LOCATE 1628 N HOWE ST/WOODSIDE DR, INSTALL FORCE MAIN	Tyrus Davis	8/23/2022
168	18902	8/23/2022	LOCATE 4471 WILLOW MOSS WAY/ROBERT RUARK DR SE, DRAINAGE	Tyrus Davis	8/23/2022
169	18903	8/23/2022	LOCATE 1004 CAPTAIN ADKINS DRIVE SE/BUSSELLS TURN SE, REPAIR WATER MAIN	Tyrus Davis	8/24/2022
170	18904	8/22/2022	LOCATE 61056 TURTLEWOOD DR, LANDSCAPING	Tyrus Davis	8/24/2022
171	18905	8/22/2022	LOCATE 6105 TURTLEWOOD DR, LANDSCAPING	Tyrus Davis	8/24/2022
172	18906	8/19/2022	LOCATE 408 E MOORE ST/S RHETT ST, BURY SERVICE DROP	Tyrus Davis	8/24/2022
173	18907	8/22/2022	LOCATE 195 ST BRENDAN CT, LANDSCAPING	Tyrus Davis	8/24/2022
174	18908	8/22/2022	LOCATE 134 PARK AVE, E LEONARD ST, NEW GAS SERVICE	Tyrus Davis	8/24/2022
175	18909	8/19/2022	LOCATE 1418 N HOWE ST/W 14TH ST, BURY SERVICE DROP	Tyrus Davis	8/24/2022
176	18910	8/22/2022	LOCATE 513 W OWENS ST, GRADING	Tyrus Davis	8/24/2022

177	18911	8/22/2022	LOCATE 415 FIREFLY LANE, GRADING	Tyrus Davis	8/24/2022
178	18912	8/22/2022	LOCATE SANDY LANE/HWY211, FORCE MAIN INSTALLATION	Tyrus Davis	8/24/2022
179	18913	8/19/2022	LOCATE HWY211/SANDY LANE, FORCE MAIN INSTALLATION	Tyrus Davis	8/24/2022
180	18914	8/23/2022	LOCATE 202 FRINK DR/E NASH ST	Tyrus Davis	8/26/2022
181	18915	8/23/2022	LOCATE 5104 FERNWOOD DR./HOLLOW TREE DR, TRENCHING FOR WATER LINE	Tyrus Davis	8/26/2022
182	18916	8/22/2022	LOCATE JOSHUAS WAY/E BROWN ST, TAKING DOWN TREE	Tyrus Davis	8/26/2022
183	18772	8/5/2022	PLEASE INSTALL WINDOWS IN THE JAYCEE BLDG.	Harlan Pyles	
184	18867	8/19/2022	RANDY REQUESTS SHINGLES TO BE PUT ON THE NEW STORAGE SHED BEHIND THE GARRISON	Jeremy Kennedy	

Utility Billing

000012-08-2022	8/2/2022	Active	Install SEWER TAP
000037-08-2022	8/9/2022	Active	Check Water Meter - NO CONSUMPTION PER MINET FOR 5 MONTHS BUT THERE IS A TENANT LIVING THERE
000049-08-2022	8/11/2022	Active	Check Water Meter CUSTOMER SAYS THE METER IS NOT WORKING, IT SHOWS THE SAME READ EVERY DAY. HE IS THERE EVERYDAY AND HAD USAGE. MINET SHOWS ZERO USAGE EVRYDAY DESPITE THERE BEING NORMAL USAGE.
000053-08-2022	8/12/2022	Active	Inspect RPZ/Install IRR Meter
000054-08-2022	8/12/2022	Active	Install Water Sewer Tap
000055-08-2022	8/12/2022	Active	Install Water Meter
000056-08-2022	8/15/2022	Active	Install Water Sewer Tap
000057-08-2022	8/15/2022	Active	Install Water Meter
000058-08-2022	8/15/2022	Active	Install Water Sewer Tap
000059-08-2022	8/15/2022	Active	Install Water Meter
000060-08-2022	8/15/2022	Active	Install Water Sewer Tap
000061-08-2022	8/15/2022	Active	Install Water Meter
000066-08-2022	8/18/2022	Cancel	Check Water Meter - states she has no water. rdm is on
000070-08-2022	8/22/2022	Active	Leak Detected - CUST STATES THE WATER MAIN IS LEAKING
000071-08-2022	8/22/2022	Active	Check Water Meter - is meter spinning? billing for 53,730 gallons of consumption. No history in minet
000082-08-2022	8/24/2022	Active	Extension

000083-08-2022	8/24/2022	Active		Miscellaneous - URGENT PLUMBER IS WORKING AT THIS LOCATION AND NEEDS THE SHUT OFF VALVE LOCATED. PLEASE CALL TIM TERMAN: 304-276-8306
000084-08-2022	8/24/2022	Active		Extension GRANTED UNTIL 9/4/2022 AMOUNT DUE 191.70
000087-08-2022	8/25/2022	Active		Extension granted utnil 9/4/2022 amount due 143.28
000091-08-2022	8/25/2022	Active		Extension 188.23 TO BE PAID BY 9/4/2022
000092-08-2022	8/25/2022	Active		Extension #3 113.54 TO BE PAID 9/4/2022
000093-08-2022	8/25/2022	Active		Extension 1 158.58 DUE 9/14/2022
000103-08-2022	8/26/2022	Active		Extension GRANTED UNTIL 9/4/2022 IN THE AMOUNT OF 197.07
000127-08-2022	8/31/2022	Active		Install Water Meter
000129-08-2022	8/31/2022	Active		Remove Meter - Account is being closed & customer has asked to have meter removed & disconnect all services.
000001-08-2022	8/1/2022	Closed	8/1/2022	Inspect RPZ - customer is requesting his annual rpz inspection
000002-08-2022	8/1/2022	Closed	8/1/2022	Turn meter off - CUST ON DISCONNECT LIST NON PAY - STILL USING WATER. RDM SHOWS OFF - LOCK METER
000003-08-2022	8/1/2022	Closed	8/1/2022	Reconnect - PAID 7/29/2022
000004-08-2022	8/1/2022	Closed	8/1/2022	Reconnect - PAID 7/31/2022
000005-08-2022	8/1/2022	Closed	8/1/2022	Reconnect received pledge for 175.56
000006-08-2022	8/1/2022	Closed	8/2/2022	Inspect RPZ/Install IRR Meter
000007-08-2022	8/2/2022	Closed	8/2/2022	Check Water Meter; Customer said no water at the house since acct transferred back to her name; If off, please leave off as she won't be there today in the event of a leak.
000008-08-2022	8/2/2022	Closed	8/2/2022	Check Water Meter HAS WORRIES OF A POSSIBLE LEAK

000010-08-2022	8/2/2022	Closed	8/2/2022	Check Water Meter - CUST FEELS LIKE THE LEAK FROM 7/13-7/25 IS A CITY ISSUE. CUST STATES SHE HAS BEEN TURNING THE METER ON & OFF AT ST. I ADVISED THIS WAS METER TAMPERING.SHE STATES THE PLUMBER COULD NOT "HEAR" OR FIND LEAK
000011-08-2022	8/2/2022	Closed	8/2/2022	Reconnect - PLUMBER @ HOUSE TO REPAIR LEAK (LEAK ALERT)
000013-08-2022	8/2/2022	Closed	8/2/2022	Miscellaneous - cust requesting info about possible hydrant use for pool fill. Please call Heather Newsome 843-337-7990 verbal to Tom Stanley
000016-08-2022	8/3/2022	Closed	8/4/2022	Check Water Meter CUSTOMER SAYS THAT THE METER IS LEAKING AND THERE IS A PUDDLE OF WATER AROUND IT
000018-08-2022	8/3/2022	Closed	8/4/2022	Reconnect PAID
000019-08-2022	8/4/2022	Closed	8/4/2022	TURN METER OFF /DISCONNECT
000021-08-2022	8/4/2022	Closed	8/4/2022	Check Water Meter Judy Gordon 910-269-1370 is concerned with the billing read & believes that the meter has not been read correctly for the last several billing cycles. location is constantly on the manual read list & there isn't any history in Minet
000023-08-2022	8/4/2022	Closed	8/4/2022	Meter Change Out
000020-08-2022	8/4/2022	Closed	8/5/2022	Install Irrigation Tap
000022-08-2022	8/3/2022	Closed	8/5/2022	Check Water Meter / cust concerned with LEAK
000025-08-2022	8/5/2022	Closed	8/5/2022	Miscellaneous; cut shrubs, tree limbs etc were left in her yard and she thinks the City workers may have left them or the gas company (she was out of town last week) and she would like someone to pick them up.
000014-08-2022	8/2/2022	Closed	8/8/2022	Inspect RPZ/Install IRR Meter -
000015-08-2022	8/2/2022	Closed	8/8/2022	Install Irrigation Tap
000024-08-2022	8/4/2022	Closed	8/8/2022	Install Irrigation Tap
000026-08-2022	8/8/2022	Closed	8/8/2022	Cut-Off Non-Pay
000027-08-2022	8/8/2022	Closed	8/8/2022	Cut-Off Non-Pay

000030-08-2022	8/8/2022	Closed	8/8/2022	Turn meter off: HOUSE SOLD 7/29/2022 NO NEW CUSTOMERS HAVE COME FORWARD TO TRANSFER UTILITIES INTO THEIR NAME
000031-08-2022	8/8/2022	Closed	8/8/2022	Reconnect - PAID
000032-08-2022	8/8/2022	Closed	8/8/2022	Reconnect PAID
000017-08-2022	8/3/2022	Closed	8/9/2022	Miscellaneous CUSTOMERS FEEL THAT THEIR METER WAS PLACED TOO HIGH WANTS TO KNOW IF IT CAN BE LOWERED? PLEASE CONTACT THE CUSTOMER WHEN YOU ARE ARE THERE. KIM: 910-568-7332
000028-08-2022	8/8/2022	Closed	8/9/2022	Install Irrigation Tap
000033-08-2022	8/8/2022	Closed	8/9/2022	Reconnect
000034-08-2022	8/9/2022	Closed	8/9/2022	Leak Detected CUSTOMER WHO LIVES IN TOP APARTMENT STATES THAT THERE SEEMS TO BE A BUSTED PIPE IN FRONT OF THE BUILDING, WATER IS SPRAYING OUT.
000035-08-2022	8/9/2022	Closed	8/9/2022	Reconnect - PAID
000039-08-2022	8/9/2022	Closed	8/9/2022	Meter Change Out
000040-08-2022	8/9/2022	Closed	8/9/2022	Reconnect - PAID
000041-08-2022	8/9/2022	Closed	8/9/2022	Meter Change Out
000042-08-2022	8/9/2022	Closed	8/9/2022	Meter Change Out
000009-08-2022	8/2/2022	Closed	8/10/2022	Check Water Meter IRRIGATION cust came in to office requesting reading. could not provide b/c Minet has not read. a service req wassubmitted 12/22/21 w/no response from pw. MS. Hardesty would like a call or knock on door regarding 910-599-8426
000036-08-2022	8/9/2022	Closed	8/10/2022	Inspect RPZ/Install IRR Meter
000038-08-2022	8/9/2022	Closed	8/10/2022	Check Water Meter Customer says that their is water in the meter box.
000043-08-2022	8/10/2022	Closed	8/10/2022	Meter Change Out

000044-08-2022	8/10/2022	Closed	8/10/2022	Meter Change Out
000045-08-2022	8/10/2022	Closed	8/11/2022	Install Water Sewer Tap
000046-08-2022	8/10/2022	Closed	8/11/2022	Install Water Meter
000047-08-2022	8/11/2022	Closed	8/11/2022	Check Water Meter WATER IS GUSHING OUT OF THE METER
000048-08-2022	8/11/2022	Closed	8/11/2022	Leak Detected - LEAK ALERT RECEIVED ON IRRIGATION 50g A HOUR CUST STATES NO WATER LEAKING
000050-08-2022	8/11/2022	Closed	8/11/2022	Turn meter off - CUST REQ WATER TO BE TURNED OFF AT METER HAS A LEAK IN HER SHOWER
000051-08-2022	8/11/2022	Closed	8/11/2022	Inspect RPZ/Install IRR Meter
000052-08-2022	8/12/2022	Closed	8/12/2022	Miscellaneous WE NEED ASSISTANCE FIXING THE CASH REGISTER DRAWER. HAVING ISSUES OPENING IT.
000062-08-2022	8/16/2022	Closed	8/16/2022	Check Water Meter customer states his irrigation meter still has very low pressure. MC went out 5/4/2022 & swapped meter. cust has repaired lines but states still no pressure. Meter is loctaed on river dr side of property
000063-08-2022	8/16/2022	Closed	8/16/2022	Leak Detected - PLEASE TURN OFF METER PER CUST REQUEST
000064-08-2022	8/16/2022	Closed	8/16/2022	Reconnect PLUMBER IS PRESENT AND NEEDS THE WATER ON TO SEE IF LEAK IS FIXED.
000065-08-2022	8/18/2022	Closed	8/18/2022	Install Water Meter
000067-08-2022	8/18/2022	Closed	8/18/2022	Check Water Meter - meter & tap should be at 209 WILLIS DR. Per T. Deviney 205 Willis was subdivided & the tap needs to be at 209 Willis instead of 205.
000069-08-2022	8/18/2022	Closed	8/19/2022	Reconnect
000079-08-2022	8/23/2022	Closed	8/19/2022	Meter Change Out
000097-08-2022	8/25/2022	Closed	8/20/2022	Meter Reading Needed & CHECK METER. READING BACKWARDS (NEGATIVE CONSUMPTION) IN MINET CUSTOMER LIVES @ ADDRESS. READING NEEDED FOR BILLING
000099-08-2022	8/25/2022	Closed	8/20/2022	Meter Reading Needed FOR BILLING ON METER 16046902
000100-08-2022	8/25/2022	Closed	8/20/2022	Meter Reading Needed FOR BILLING

000101-08-2022	8/25/2022	Closed	8/20/2022	Meter Reading Needed FOR BILLING
000102-08-2022	8/25/2022	Closed	8/20/2022	Meter Reading Needed FOR BILLING
000073-08-2022	8/23/2022	Closed	8/23/2022	Miscellaneous CUSTOMER NEEDS METERS LOCATED
000074-08-2022	8/23/2022	Closed	8/23/2022	Leak Detected - customer states there is leak & water is coming out of ground
000078-08-2022	8/23/2022	Closed	8/23/2022	Inspect RPZ/Install IRR Meter
000072-08-2022	8/22/2022	Closed	8/24/2022	Miscellaneous Customer mentioned broken pieces and a cap that she believes belongs to the sewer clean out?
000080-08-2022	8/23/2022	Closed	8/24/2022	Miscellaneous CUSTOMERS HAS CONCERNS ABOUT WATER METER, ITS LOCATION AND DAMAGES TO THE LID. PLEASE CALL THE CUSTOMER WHEN YOU ARRIVE. MR. GOLDMAN 919-264-8499
000085-08-2022	8/24/2022	Closed	8/25/2022	Install Irrigation Tap
000086-08-2022	8/24/2022	Closed	8/25/2022	Inspect RPZ/Install IRR Meter
000089-08-2022	8/25/2022	Closed	8/25/2022	Miscellaneous TURN OFF, CUSTOMER HAS A LEAK AND WANTS WATER TUNRED OFF UNTIL ISSUE IS FIXED.
000098-08-2022	8/25/2022	Closed	8/26/2022	Meter Reading Needed PROVIDE READING FOR BOTH METERS FOR BILLING
000088-08-2022	8/25/2022	Closed	8/29/2022	Extension GRANTED UNTIL 9/4/2022 IN THE AMOUNT OF 111.43
000105-08-2022	8/29/2022	Closed	8/29/2022	Remove Meter
000107-08-2022	8/29/2022	Closed	8/29/2022	Reconnect PAID
000108-08-2022	8/29/2022	Closed	8/29/2022	Reconnect - PAID
000109-08-2022	8/29/2022	Closed	8/29/2022	Reconnect - PAID
000110-08-2022	8/29/2022	Closed	8/29/2022	Reconnect PAID
000111-08-2022	8/29/2022	Closed	8/29/2022	Reconnect - PAID

000112-08-2022	8/29/2022	Closed	8/29/2022	Reconnect PAID
000113-08-2022	8/29/2022	Closed	8/29/2022	Reconnect PAID
000114-08-2022	8/29/2022	Closed	8/29/2022	Reconnect PAID
000115-08-2022	8/29/2022	Closed	8/29/2022	Reconnect PAID
000116-08-2022	8/29/2022	Closed	8/29/2022	Reconnect PAID
000117-08-2022	8/29/2022	Closed	8/29/2022	Reconnect PAID
000118-08-2022	8/29/2022	Closed	8/29/2022	Reconnect PAID
000119-08-2022	8/29/2022	Closed	8/29/2022	Reconnect CUSTOMER WILL PAY AFTER HOURS FEE
000120-08-2022	8/29/2022	Closed	8/29/2022	Reconnect PLEDGE FROM BFA -WILL PAY AFTER HOURS FEE
000121-08-2022	8/29/2022	Closed	8/29/2022	Reconnect PAID
000122-08-2022	8/30/2022	Closed	8/30/2022	Check Water Meter NO FLOW DETECTED ALERT IN MINET. THIS IS IRRIGATION . PLEASE VERFY THAT METER IS FUNCTIONING & PROVIDE READING (HAVE BILLED ZERO USAGE SINCE MAY)
000123-08-2022	8/30/2022	Closed	8/30/2022	Reconnect paid
000124-08-2022	8/30/2022	Closed	8/30/2022	Reconnect paid
000126-08-2022	8/31/2022	Closed	8/30/2022	Reconnect
000068-08-2022	8/18/2022	Closed	8/31/2022	Extension GRANTED UNTIL 9/4/2022 IN THE AMOUNT OF 377.30
000125-08-2022	8/31/2022	Closed	8/31/2022	Reconnect PAID
000128-08-2022	8/31/2022	Closed	8/31/2022	Reconnect

**COLLECTIONS MONTHLY TOTALS REPORT
BRUNSWICK COUNTY
08 Aug2022 MonthEnd Run Date: Sep 1 2022 7:15AM**

CI21ADVL TAX - SOUTHPORT MOTOR VEHICLE TAX REPORT

TAX YEAR	ORIGINAL LEVY	+LATE LIST	+DISCOVERIES	=CURRENT LEVY	-RELEASES	-WRITE-OFFS	-PRINCIPLE	=BALANCE	% COLL
2010	\$39,986.22		\$0.00	\$39,986.22	\$0.00	\$0.00	\$0.00	\$0.00	100.00
2011	\$56,588.70		\$0.00	\$56,588.70	\$0.00	\$0.00	\$0.00	\$0.00	100.00
2012	\$66,577.93		\$135.31	\$66,713.24	\$0.00	\$0.00	\$0.00	\$0.00	100.00
2013	\$39,000.09		\$281.30	\$39,281.39	\$0.00	\$0.00	\$0.00	\$707.08	98.20
2014	\$0.00		\$199.02	\$199.02	\$0.00	\$0.00	\$0.00	\$51.44	74.15
2015	\$0.00		\$339.73	\$339.73	\$0.00	\$0.00	\$238.81	\$0.00	100.00
2016	\$0.00		\$115.42	\$115.42	\$0.00	\$0.00	\$0.00	\$0.00	100.00
TOTAL	\$202,152.94		\$1,070.78	\$203,223.72	\$0.00	\$0.00	\$238.81	\$758.52	99.63
TOTAL INTEREST COLLECTED				\$137.32					

CI21ADVL TAX - SOUTHPORT PROPERTY TAX REPORT

TAX YEAR	ORIGINAL LEVY	+LATE LIST	+DISCOVERIES	=CURRENT LEVY	-RELEASES	-WRITE-OFFS	-PRINCIPLE	=BALANCE	% COLL
2011	\$1,774,724.46	\$853.88	\$0.00	\$1,775,578.34	\$0.00	\$0.00	\$0.00	\$1,681.14	99.91
2012	\$1,688,037.74	\$1,118.81	\$5,634.34	\$1,694,790.89	\$0.00	\$0.00	\$0.00	\$1,937.29	99.89
2013	\$1,696,968.97	\$663.08	\$5,642.58	\$1,703,274.63	\$0.00	\$0.00	\$0.00	\$1,833.16	99.89
2014	\$1,741,170.53	\$974.86	\$15,048.68	\$1,757,194.07	\$0.00	\$0.00	\$0.00	\$1,784.06	99.90
2015	\$1,725,593.21	\$1,606.70	\$8,008.53	\$1,735,208.44	\$0.00	\$0.00	\$0.00	\$1,209.25	99.93
2016	\$1,820,832.09	\$2,730.04	\$18,965.09	\$1,842,527.22	\$0.00	\$0.00	\$17.61	\$1,597.93	99.91
2017	\$2,319,187.36	\$2,803.03	\$11,820.85	\$2,333,811.24	\$0.00	\$0.00	\$76.07	\$3,164.71	99.86
2018	\$2,360,474.90	\$1,746.79	\$1,906.02	\$2,364,127.71	\$0.00	\$0.00	\$21.20	\$1,614.50	99.93
2019	\$2,902,214.84	\$2,330.39	\$4,575.41	\$2,909,120.64	\$0.00	\$0.00	\$350.68	\$3,220.38	99.89
2020	\$3,013,421.42	\$5,692.80	\$22,461.51	\$3,041,575.73	\$0.00	\$0.00	\$266.50	\$3,792.61	99.88
2021	\$3,103,177.33	\$3,492.77	\$23,431.70	\$3,130,101.80	\$0.00	\$0.00	\$3,526.65	\$17,606.64	99.44
2022	\$3,936,134.46	\$1,157.56	\$1,667.33	\$3,938,959.35	\$372.31	\$0.00	\$378,017.51	\$3,313,174.45	15.89
TOTAL	\$28,081,937.31	\$25,170.71	\$119,162.04	\$28,226,270.06	\$372.31	\$0.00	\$382,276.22	\$3,352,616.12	88.12
TOTAL INTEREST COLLECTED				\$311.45					
GRAND TOTAL	\$28,284,090.25	\$25,170.71	\$120,232.82	\$28,429,493.78	\$372.31	\$0.00	\$382,515.03	\$3,353,374.64	88.20
GRAND TOTAL INTEREST COLLECTED				\$448.77					

**COLLECTIONS MONTHLY TOTALS REPORT
BRUNSWICK COUNTY
08 Aug2022 MonthEnd Run Date: Sep 1 2022 7:15AM**

FR14FFEEFEE - SOUTHPORT FIRE PROPERTY TAX REPORT

TAX YEAR	ORIGINAL LEVY	+LATE LIST	+DISCOVERIES	=CURRENT LEVY	-RELEASES	-WRITE-OFFS	-PRINCIPLE	=BALANCE	% COLL
2010	\$617,230.00		\$0.00	\$617,230.00	\$0.00	\$0.00	\$0.00	\$0.00	100.00
2011	\$624,470.00		\$0.00	\$624,470.00	\$0.00	\$0.00	\$0.00	\$130.85	99.98
2012	\$630,950.00		\$290.00	\$631,240.00	\$0.00	\$0.00	\$10.00	\$110.00	99.98
2013	\$639,550.00		\$0.00	\$639,550.00	\$0.00	\$0.00	\$10.00	\$120.00	99.98
2014	\$652,650.00		\$0.00	\$652,650.00	\$0.00	\$0.00	\$10.00	\$120.00	99.98
2015	\$674,560.00		\$0.00	\$674,560.00	\$0.00	\$0.00	\$10.00	\$130.00	99.98
2016	\$702,680.00		\$0.00	\$702,680.00	\$0.00	\$0.00	\$10.00	\$130.00	99.98
2017	\$897,246.88		\$290.00	\$897,536.88	\$0.00	\$0.00	\$83.81	\$189.34	99.98
2018	\$1,006,111.57		\$0.00	\$1,006,111.57	\$0.00	\$0.00	\$13.75	\$462.80	99.95
2019	\$1,027,492.82		\$0.00	\$1,027,492.82	\$0.00	\$0.00	\$111.35	\$945.49	99.91
2020	\$1,059,241.57		\$55.00	\$1,059,296.57	\$0.00	\$0.00	\$238.64	\$2,312.45	99.78
2021	\$1,082,561.57		\$0.00	\$1,082,561.57	\$0.00	\$0.00	\$1,237.80	\$10,507.22	99.03
2022	\$1,602,106.25		\$40.00	\$1,602,146.25	\$1,162.50	\$0.00	\$182,197.36	\$1,300,664.00	18.82
TOTAL	\$11,216,850.66		\$675.00	\$11,217,525.66	\$1,162.50	\$0.00	\$183,932.71	\$1,315,822.15	88.27
TOTAL INTEREST COLLECTED									
GRAND TOTAL	\$11,216,850.66		\$675.00	\$11,217,525.66	\$1,162.50	\$0.00	\$183,932.71	\$1,315,822.15	88.27
GRAND TOTAL INTEREST COLLECTED									

COLLECTIONS MONTHLY TOTALS REPORT
BRUNSWICK COUNTY
08 Aug2022 MonthEnd Run Date: Sep 1 2022 7:15AM

CI21LIENFEE - CI21LIENFEE SOUTHPORT PROPERTY TAX REPORT									
TAX YEAR	ORIGINAL LEVY	+LATE LIST	+DISCOVERIES	=CURRENT LEVY	-RELEASES	-WRITE-OFFS	-PRINCIPLE	=BALANCE	% COLL
2020	\$0.00		\$1,750.00	\$1,750.00	\$0.00	\$0.00	\$0.00	\$0.00	100.00
TOTAL	\$0.00		\$1,750.00	\$1,750.00	\$0.00	\$0.00	\$0.00	\$0.00	100.00
TOTAL INTEREST COLLECTED									
GRAND TOTAL	\$0.00		\$1,750.00	\$1,750.00	\$0.00	\$0.00	\$0.00	\$0.00	100.00
GRAND TOTAL INTEREST COLLECTED									

**COLLECTIONS MONTHLY TOTALS REPORT
BRUNSWICK COUNTY
08 Aug2022 YTDMonthEnd Run Date: Sep 1 2022 9:04AM**

CI21ADVL TAX - SOUTHPORT MOTOR VEHICLE TAX REPORT

TAX YEAR	ORIGINAL LEVY	+LATE LIST	+DISCOVERIES	=CURRENT LEVY	-RELEASES	-WRITE-OFFS	-PRINCIPLE	=BALANCE	% COLL
2010	\$39,986.22		\$0.00	\$39,986.22	\$359.75	\$801.93	\$38,824.54	\$0.00	100.00
2011	\$56,588.70		\$0.00	\$56,588.70	\$1,100.98	\$1,089.50	\$54,398.22	\$0.00	100.00
2012	\$66,577.93		\$135.31	\$66,713.24	\$1,307.35	\$1,104.48	\$64,301.41	\$0.00	100.00
2013	\$39,000.09		\$281.30	\$39,281.39	\$627.45	\$125.98	\$37,820.88	\$707.08	98.20
2014	\$0.00		\$199.02	\$199.02	\$0.00	\$0.00	\$147.58	\$51.44	74.15
2015	\$0.00		\$339.73	\$339.73	\$0.00	\$0.00	\$339.73	\$0.00	100.00
2016	\$0.00		\$115.42	\$115.42	\$0.00	\$0.00	\$115.42	\$0.00	100.00
TOTAL	\$202,152.94		\$1,070.78	\$203,223.72	\$3,395.53	\$3,121.89	\$195,947.78	\$758.52	99.63
TOTAL INTEREST COLLECTED				\$6,587.40					

CI21ADVL TAX - SOUTHPORT PROPERTY TAX REPORT

TAX YEAR	ORIGINAL LEVY	+LATE LIST	+DISCOVERIES	=CURRENT LEVY	-RELEASES	-WRITE-OFFS	-PRINCIPLE	=BALANCE	% COLL
2011	\$1,774,724.46	\$853.88	\$0.00	\$1,775,578.34	\$130,557.11	\$303.63	\$1,643,036.46	\$1,681.14	99.91
2012	\$1,688,037.74	\$1,118.81	\$5,634.34	\$1,694,790.89	\$11,714.66	\$203.89	\$1,680,935.05	\$1,937.29	99.89
2013	\$1,696,968.97	\$663.08	\$5,642.58	\$1,703,274.63	\$7,143.40	\$210.92	\$1,694,087.15	\$1,833.16	99.89
2014	\$1,741,170.53	\$974.86	\$15,048.68	\$1,757,194.07	\$4,180.41	\$190.76	\$1,751,038.84	\$1,784.06	99.90
2015	\$1,725,593.21	\$1,606.70	\$8,008.53	\$1,735,208.44	\$4,628.37	\$75.54	\$1,729,295.28	\$1,209.25	99.93
2016	\$1,820,832.09	\$2,730.04	\$18,965.09	\$1,842,527.22	\$1,005.08	\$84.78	\$1,839,839.43	\$1,597.93	99.91
2017	\$2,319,187.36	\$2,803.03	\$11,820.85	\$2,333,811.24	\$2,076.09	\$56.59	\$2,328,513.85	\$3,164.71	99.86
2018	\$2,360,474.90	\$1,746.79	\$1,906.02	\$2,364,127.71	\$2,584.47	\$49.04	\$2,359,879.70	\$1,614.50	99.93
2019	\$2,902,214.84	\$2,330.39	\$4,575.41	\$2,909,120.64	\$3,741.06	\$47.50	\$2,902,111.70	\$3,220.38	99.89
2020	\$3,013,421.42	\$5,692.80	\$22,461.51	\$3,041,575.73	\$4,995.16	\$47.85	\$3,032,740.11	\$3,792.61	99.88
2021	\$3,103,177.33	\$3,492.77	\$23,431.70	\$3,130,101.80	\$2,806.85	\$60.66	\$3,109,627.65	\$17,606.64	99.44
2022	\$3,936,134.46	\$1,157.56	\$1,667.33	\$3,938,959.35	\$372.31	\$40.15	\$625,372.44	\$3,313,174.45	15.89
TOTAL	\$28,081,937.31	\$25,170.71	\$119,162.04	\$28,226,270.06	\$175,804.97	\$1,371.31	\$24,696,477.66	\$3,352,616.12	88.12
TOTAL INTEREST COLLECTED				\$142,061.31					
GRAND TOTAL	\$28,284,090.25	\$25,170.71	\$120,232.82	\$28,429,493.78	\$179,200.50	\$4,493.20	\$24,892,425.44	\$3,353,374.64	88.20
GRAND TOTAL INTEREST COLLECTED				\$148,648.71					

COLLECTIONS MONTHLY TOTALS REPORT
BRUNSWICK COUNTY
08 Aug2022 YTDMonthEnd Run Date: Sep 1 2022 9:04AM

FR14FFEEFEE - SOUTHPORT FIRE PROPERTY TAX REPORT

TAX YEAR	ORIGINAL LEVY	+LATE LIST	+DISCOVERIES	=CURRENT LEVY	-RELEASES	-WRITE-OFFS	-PRINCIPLE	=BALANCE	% COLL
2010	\$617,230.00		\$0.00	\$617,230.00	\$910.00	\$338.88	\$615,981.12	\$0.00	100.00
2011	\$624,470.00		\$0.00	\$624,470.00	\$720.00	\$0.00	\$623,619.15	\$130.85	99.98
2012	\$630,950.00		\$290.00	\$631,240.00	\$120.00	\$0.00	\$631,010.00	\$110.00	99.98
2013	\$639,550.00		\$0.00	\$639,550.00	\$210.00	\$0.00	\$639,220.00	\$120.00	99.98
2014	\$652,650.00		\$0.00	\$652,650.00	\$210.00	\$0.00	\$652,320.00	\$120.00	99.98
2015	\$674,560.00		\$0.00	\$674,560.00	\$160.00	\$0.00	\$674,270.00	\$130.00	99.98
2016	\$702,680.00		\$0.00	\$702,680.00	\$110.00	\$0.00	\$702,440.00	\$130.00	99.98
2017	\$897,246.88		\$290.00	\$897,536.88	\$137.50	\$0.00	\$897,210.04	\$189.34	99.98
2018	\$1,006,111.57		\$0.00	\$1,006,111.57	\$27.50	\$0.08	\$1,005,621.19	\$462.80	99.95
2019	\$1,027,492.82		\$0.00	\$1,027,492.82	\$192.50	\$0.00	\$1,026,354.83	\$945.49	99.91
2020	\$1,059,241.57		\$55.00	\$1,059,296.57	\$0.00	\$0.00	\$1,056,984.12	\$2,312.45	99.78
2021	\$1,082,561.57		\$0.00	\$1,082,561.57	\$123.75	\$0.00	\$1,071,930.60	\$10,507.22	99.03
2022	\$1,602,106.25		\$40.00	\$1,602,146.25	\$1,162.50	\$0.00	\$300,319.75	\$1,300,664.00	18.82
TOTAL	\$11,216,850.66		\$675.00	\$11,217,525.66	\$4,083.75	\$338.96	\$9,897,280.80	\$1,315,822.15	88.27
TOTAL INTEREST COLLECTED									
GRAND TOTAL	\$11,216,850.66		\$675.00	\$11,217,525.66	\$4,083.75	\$338.96	\$9,897,280.80	\$1,315,822.15	88.27
GRAND TOTAL INTEREST COLLECTED									

RUN DATE: 9/1/2022 11:25 AM

COLLECTIONS MONTHLY TOTALS REPORT
BRUNSWICK COUNTY
08 Aug2022 YTDMonthEnd Run Date: Sep 1 2022 9:04AM

CI21LIENFEE - CI21LIENFEE SOUTHPORT PROPERTY TAX REPORT									
TAX YEAR	ORIGINAL LEVY	+LATE LIST	+DISCOVERIES	=CURRENT LEVY	-RELEASES	-WRITE-OFFS	-PRINCIPLE	=BALANCE	% COLL
2020	\$0.00		\$1,750.00	\$1,750.00	\$0.00	\$0.00	\$1,750.00	\$0.00	100.00
TOTAL	\$0.00		\$1,750.00	\$1,750.00	\$0.00	\$0.00	\$1,750.00	\$0.00	100.00
TOTAL INTEREST COLLECTED									
GRAND TOTAL	\$0.00		\$1,750.00	\$1,750.00	\$0.00	\$0.00	\$1,750.00	\$0.00	100.00
GRAND TOTAL INTEREST COLLECTED									