



**City of Southport
Planning Board Special Meeting
Indian Trail Meeting Hall
113 W Moore St
Southport NC 28461
09/03/2025
9:00 am
MINUTES**

Present Members: Chair Lawrence N. Ashley, Vice Chair Fred Fiss, Maria Horton, Ed Ekert, John Bove, Bob Lambert, Doug Luehe, Kevin Locklin

Staff Present: Maureen Meehan, Planning Services Director, Wendell Biddle, City Planner, ChyAnn Ketchum, Public Information Officer, Tori Deviney, City Clerk

Absent: None

A. Call to Order

Chair Ashley called the meeting to order at 9:02 a.m.; and shared that the meeting would not have a public comment section.

B. Invocation

Chair Ashley provided the invocation

C. Pledge of Allegiance

Chair Ashley led members in the recitation of the Pledge

D. Approval of Agenda

A motion was made by Ms. Horton and Seconded by Mr. Lambert to approve the agenda.

The motion carried unanimously

E. New Business

1. Establishment of the Planning Board Rules of Procedure.

Chair Ashley shared that Kevin Locklin would be joining via Microsoft Teams; and discussed the policy concerning alternate members; the policies of the Planning Board related to Unified Development Ordinance (UDO); Rules and Procedures; and shared other city's processes and best practices; and spoke to the purpose of the Planning Board as an advisory board to the Board of Aldermen; and the need to provide concise advice and recommendations to the Board of Aldermen; and to seek oversight concerning the creation of the Rules and Procedures by the Board of Alderman when necessary.

Mr. Fiss addressed the UDO in reference to the City's ordinance and the definition under Article III, Section G; and questioned whether the language needs to be in both places: the UDO, and the Rules and Procedures.

- "In cases where appointments are not made by the Board of Aldermen by June 30th, those members whose seats expire on June 30th of that year will continue to serve as full members until such time that the Board of Aldermen appoint members to those expiring seats."

Mr. Luehe raised concerns about avoiding redundancy and recommended ensuring that all relevant language be consolidated into a single packet.

Ms. Horton noted NC General Statutes, Chapter 160D and Municode, and spoke to the Rules and Procedures; and noted the reference included in the City Ordinance; and where the language was found on the website under "Committees".

Chair Ashley shared that he was aware that the website contained the language but stated that he had seen a reference somewhere from 2010.

Ms. Horton noted that it was imperative to be succinct in the wording to ensure that every detail is captured.

Chair Ashley reviewed the draft pages of the Rules and Procedure and discussed the ordinance, its language, and the language outlined in the general Rules and Procedures; and emphasized the need for clarity in referencing City ordinances with respect to UDO.

Mr. Bove arrived at 9:22 a.m.

Mr. Luehe shared that ordinances are set by the Board of Aldermen, and the Rules and Procedures are set by the Planning Board; and addressed Robert's Rules of Order and asked if it was necessary to comply with it in its entirety or if a limited capacity would suffice.

Ms. Horton shared that Robert's Rules of Order were not universally applied and practiced by all NC Municipal Boards.

Mr. Luehe emphasized the necessity to provide any new board member with the most concise language possible.

Ed Ekert arrived at 9:25 a.m.

Chair Ashely spoke to the legalities of the Rules and Procedures; and noted changes to the City website; and spoke to creating a general link on the City website for residents to find the Rules and Procedures; and emphasized that all dates of revisions would be identified there.

Mr. Luehe addressed the need to have a place (website) where residents can find the Rules and Procedures along with ordinances and all changes; and spoke to creating an outline of the rules; and to the uses of Robert's Rules among larger bodies in contrast to smaller municipal boards and committees; and the requirement to adhere to Robert's Rules of Order as it is a trusted source for ensuring the decorum of meetings.

Chair Ashley spoke to the section titled "Purposes" outlined in the Planning Board Rules and Procedures, Chapter 13, Article 2.

Mr. Luehe asked if there was any rubric available that outlined the articles in the Rules and Procedures.

Chair Ashley shared that the Rules and Procedures were taken from what other NC municipalities had adopted.

Mr. Fiss noted that if the Rules and Procedures from other municipalities had been included, asked if the wording had been edited.

Chair Ashley asked the Board if there were any changes or comments for "Purposes"; and inquired of the City Clerk if the language can be changed, and if so, would the City Ordinance be impacted.

City Clerk Deviney shared that she would review and provide an answer.

Ms. Horton spoke to the additions of Municode to be placed on the City website and have Staff add links to access items to locate specific language for simplicity.

Mr. Ekert spoke to the website and inquired about the new additions scheduled.

Public Information Officer, ChyAnn Ketchum, shared that the new website was scheduled for rollout in the upcoming fall season and that she would confer with Chair Ashley for any specific language that needed to be shared there.

Ms. Horton noted that each section should be a link on the website for ease of access to both citizens and Board members.

Mr. Bove suggested placing a general link to the codes to refer to a specific section and not to the overall documents.

Ms. Horton expressed agreement with the proposal offered by Mr. Bove.

City Clerk Deviney provided an answer to Chair Ashley's question, "if the language can be changed and if so, would the City Ordinance be impacted?", and shared that the language would stay the same unless the code is reorganized.

Mr. Fiss raised concerns regarding residents who rely on hard copies of the UDO and may not have access to updated language available online; and asked what best practices the City should follow to address this issue.

Ms. Horton suggested adding an asterisk on the first page of the UDO stating that it is the reader's responsibility to consult the most current and updated version of the document.

Chair Ashley suggested adding a preface that included directives that spoke to regularly checking the website for updates.

Discussion followed about the language to include in the preface to alert users of the website of revised or changed language; and efforts to ensure the website links can be accessed by all citizens and users so they are kept abreast of changes; and discussed the rollout of the new City website and to work with ChyAnn Ketchum to create effortless procedures to access the updated revisions.

Mr. Bove suggested adding dates to each page of the UDO.

Mr. Luehe suggested incorporating revisions directly into the current UDO to reduce the need for manual updates and to ensure the document remains streamlined and user-friendly.

Kevin Locklin joined via Microsoft Teams at 9:29 a.m.

Chair Ashley stated that he would work with Public Information Officer ChyAnn Ketchum to ensure that the most revised and updated version is always posted on the website.

Mr. Bove noted that after the document is finalized, the document could be referred to as the current edition.

Mr. Luehe discussed the importance of transparency and compliance with open meetings laws; and inquired about the cost of utilizing the Municode library and addressed the limitations of Robert's Rules of Order, noting what the rules do and do not require; and emphasized that the Board select Robert's Rules of Order as its primary authority concerning public meeting decorum; and expressed concern for following multiple procedural rule sets.

Chair Ashley expressed disagreement and shared that he was in favor of the NC Center for Government Guidance as it is tailored to meet the needs of the Planning Board.

Ms. Horton shared that she was comfortable with either; and noted that the real direction came from Municode and NC General Statutes, Chapter 160D; and that she accepted the use of Robert's Rules of Order.

Mr. Luehe asked the Board if members of the Board had read both Robert's Rules of Order and the North Carolina Public Leadership and Council of Government (NCDEQ).

The Board discussed Robert's Rules of Order in comparison with guidance from North Carolina Public Leadership and the Council of Governments to determine best practices for meeting conduct and decorum; and considered potential biases within each resource; and discussed the Board's latitude compared to larger governing bodies; and the need to adopt a single procedural framework to avoid confusion; and expressed support for a less stringent set of procedural rules to facilitate efficient conduct of business.

Mr. Locklin addressed the Board's decision-making process and suggested utilizing both North Carolina Public Leadership/Council of Governments guidance and Robert's Rules of Order; and stated that this approach could help prevent excessive microanalysis that prolongs discussion and delays action.

Chair Ashley spoke to the articles in the Rules of Procedure; and shared they were bound by open meeting laws.

Mr. Luehe addressed Article I, Section A, concerning the language, and inquired about the value of the rule:

- "These rules do not encompass North Carolina Open Meeting Laws, or NCDEQ Records Retention Laws.";

and suggested amending the language to use the term “articulate” in place of “encompass”.

Ms. Horton noted that the sentence was written in the negative and recommended revisions for clarity; and suggested replacing “encompass” with “articulate,” inserting a comma after “laws,” and ending the sentence with “herein” to resolve the inconsistency in wording.

Chair Ashley amended the language to read:

- “These rules do not articulate North Carolina open Meetings Laws, herein, or NCDEQ Records Retention Laws”;
- and spoke to Section B where he suggested dropping the “s” on the acronym of Alternate Seated Members (ASMs).

And spoke to Article II and III and asked the Board for any suggestions or amendments.

The Board discussed procedures for swearing in new members and Alternates, including the language of Article III; and reviewed the Board of Aldermen’s rules regarding interviewing and swearing in Planning Board members, as well as ordinance provisions governing appointments to boards and committees; and discussion included Article III, Section G, addressing term expirations and the process followed by the Board of Aldermen when a member’s term concludes.

Chair Ashley asked City Clerk Deviney to explain the process for swearing in Alternate Members to Full Time Members.

City Clerk Deviney shared the process concerning the swearing in of an Alternate to Full Board Member.

Mr. Fiss noted there was no mention of interviewing new applicants.

Chair Ashley noted that it fell under the purview of the Board of Aldermen to set terms, and appointments.

Ms. Horton shared that the interview process could be found in the NC General Statutes, Chapter 160D; and shared the rule for expiring Planning Board members.

Mr. Luehe spoke about expired terms and the best practices for how to approach replacing those seats.

Chair Ashley spoke about the involvement of the mayor regarding expired Board Appointed Members; and recommended clearly stating the processes and procedures associated with appointment terms.

Discussion followed regarding the mayor's participation in selecting new members; interviewing of potential applicants; Municode language that notes the mayor's roles in the process of selecting potential new members; the UDO in contrast to Municode; and the need for consistency among the documents; and discussed the interview process the Board of Aldermen conduct, and the number of applicants.

Board of Aldermen Frank Lai spoke to the process of selecting new appointments; the number of applicants that each board receives; and shared the unintended roadblocks to meet the needs of all applicants.

Ms. Horton addressed the earnestness of the process regarding appointments in relation to other municipalities.

Mr. Luehe noted that the process of selecting appointments is specific to Southport.

Chair Ashley noted that the determination was made by the City Clerk's office and the Board of Aldermen; and addressed an email regarding the applicants and the requirement to defer to the Board of Aldermen on appointments.

Mr. Lai shared that an applicant would apply to numerous boards in the hopes of getting one but expressed concern with that practice; and provided more clarification on the Board of Aldermen's process of selecting applicants.

Mr. Bove noted that the Planning Board does not have the authority to select appointments.

Mr. Locklin questioned the issue since it was written in Article III, Section G, that a member can serve until the Board of Aldermen appoint a new member; and shared that the Planning Board should follow the rules as written.

Chair Ashley asked for any other questions or concerns regarding Article II, III, and IV.

Mr. Bove raised a concern regarding Article IV, Section B, subsection v. "to adjourn in an emergency meeting"; and sought clarification for when the Planning Board would need to hold an emergency meeting.

Chair Ashley suggested reviewing the subsection that spoke to the adjournment requirement; and asked if there were any special rules that apply to emergency meetings; and suggested striking the language concerning emergency meetings.

City Clerk Deviney spoke about the procedures regarding emergency meetings.

Discussion followed regarding whether there was a need for the Planning Board to ever call an emergency meeting; reasons for an emergency meeting to be called; and

whether the Planning Board acted in Quasi-Judicial Hearing capacity for which the need for an emergency meeting may be appropriate.

Ms. Horton read the General Statute regarding emergency meetings (GS143.318.12); and noted several key reasons that an emergency meeting would be called; and the need to list the rules in the Planning Board Rules and Procedures.

Chair Ashley shared that Article IV, Section B, subsection v. should state:

- “...to call an emergency meeting subject to NC G.S. 143.318.12”;

And spoke to subsection viii and the rule as it stands.

Chair Ashley introduced the next heading concerning the Chair voting in the case of a tie and asked for Board comments.

City Planner Biddle noted that the Board of Adjustment shares the same provision concerning the Chair’s vote in relation to resolving a tie.

Mr. Luehe spoke to Section C, that spoke to the impartiality of the sitting Chair, and the abilities of the vice Chair in the absence of the Chair; and emphasized the Board’s priority is to best serve the residents; and that without the voting Chair, the public is still being served.

Ms. Horton spoke about the Chair’s impartiality and the process of engaging in a fair discussion to ensure the best outcome is adopted for the City.

Chair Ashley stated that he is comfortable, remaining impartial in the matter; but emphasized that the Board Chair does have a voice and can speak to the Rules and Procedures; and noted that previous Chairs of the Planning Board only voted in the case of a tie.

Mr. Lai spoke to the Board of Aldermen’s process and shared additional details and anecdotes that exemplify the rule in practice.

Mr. Locklin spoke to the rule and provided clarification as it is written; the appearance of impartiality by the Chair and judgement of the Board; and when the big picture is considered; and noted that the number of times a tie was an issue had been minimal.

Mr. Ekert spoke about his time serving on other boards; and shared how those boards worked together to ensure a final vote was taken; and emphasized the need to reach a consensus.

Chair Ashley spoke about his role as Chair and the need to voice his opinions; the need to break a tie or provide a quorum; and noted that the addition of Section C is necessary.

Mr. Fiss inquired about voting and non-voting; tie breakers; and the duties outlined in the Rules and Procedures for the Chair to decide on a tie; the impartiality of the Chair and the judgement of the Board.

Mr. Luehe spoke about the responsibilities of the Chair.

Mr. Bove reiterated Mr. Luehe's explanation regarding the appearance of the Chair's impartiality.

Chair Ashley expressed his gratitude for the discussion and shared that the discussion will be good for future Board members.

City Planner Biddle spoke to the language as it is written; and noted that all three boards contain this language and expressed concern that the Planning Board's amendment to the language is not within the Board's purview but in the purview of the Board of Aldermen.

Chair Ashley shared that he did not think the language would change and would not need to go before the Board of Aldermen; and added that he is content with being a member of the Planning Board; and stressed that he would hope that other members would speak up in instances where the Chair was showing bias.

Mr. Luehe spoke to the language and the consistency of the Rules and Procedures and expressed their appreciation for a consensus of agreement among the Planning Board members.

Ms. Horton emphasized the need for consistency before the public, and the preservation of ethics and principles.

Mr. Ekert shared the differences between the terms "unanimity" and "consensus".

Chair Ashley noted that he wished to finish up the meeting before 11a.m.; and asked the Board to agree so Staff could return to work; and asked Staff for future dates to meet to continue discussing the Rules and Procedures.

Ms. Horton suggested that each Board member review the Rules and Procedures and submit their changes, comments, and alterations to the City Clerk for the follow-up meeting.

Mr. Bove asked for clarity about whom comments should be forward to for future meetings.

Chair Ashley asked that each Board member forward their amendments to him and the City Clerk for future review; and addressed the next Section, Article V, "Planning Staff"; and asked City Planner Biddle what City Staff reports to the City Manager.

City Clerk Deviney stated that all Department Heads report to the City Manager.

Ms. Horton addressed the redundancy of language captured under Section A, subsection ii and iii; and spoke to having the Planning Service Director keep the Board up to date; and inquired about setting a formal update process; and having those items delivered timely to ensure there is enough time to review before the meetings.

Chair Ashley shared a dashboard report (a fifty-thousand-foot overview) that provided a big picture view of the projects underway within the City; and shared that every project considered would be addressed and captured in the report; and requested these documents be provided in person.

Ms. Horton stated that the report did not have to be as detailed as that, but something that could provide the essential information.

Chair Ashley shared that Staff were working to provide a report to the Board going forward; and emphasized that it was the public that needed to know what is going on in the City.

Mr. Ekert asked if the report will be provided by Staff, or something the Board creates; and if there was a repository for these reports.

Chair Ashley stated that it would come from Staff; and they would work to create a repository for these reports; and discussed available software that could be implemented as a viable repository, as project tracking, and asked Staff what project software was being utilized at present.

City Planner Biddle shared they used Sharepoint and use it to track incoming requests.

Mr. Fiss shared that he had received a login for a portal but could not recall its name.

Ms. Horton shared background about Sharepoint and how it could be utilized for the Board.

Chair Ashley shared his time on previous boards and the method they used.

Mr. Fiss raised a comment on Item A, Subsection ii, as an opportunity to include the Board of Adjustment; and shared a previous example where an applicant was circumventing the Board of Adjustment to obtain information and spoke to opportunities to address this issue.

Ms. Horton shared her agreement but inquired whether it was a legal question as it pertains to Quasi-Judicial Hearings.

Mr. Ekert asked about the procedure concerning the Board of Adjustment; and asked what the Planning Board's connection was with the Board of Adjustment; and shared an example that if a UDO states 14', and the Board of Adjustment states that 15' is acceptable, why would the Planning Board continue to enforce 14'.

City Planner Biddle shared that it would be Staff's job to assess the project.

Ms. Locklin stated that there were no legal restrictions on having visibility on pending items regarding the Board of Adjustment; and the Board stated that it would like to be advised on what is pending to ensure that the Planning Board works within its purview; and, if allowed, to have meetings with the Board of Adjustment to collaborate on pending items.

Aldermen Lai spoke to situations where issues could arise and offered suggestions for how to best serve the public.

Mr. Locklin shared that he proposed a procedure to the City where the Planning Board is provided input from the Board of Adjustment, so the Planning Board had notice of an item pending before the Board of Adjustment; and once notice was provided, confer with the City Planning Department to determine the best procedure to follow.

Mr. Luehe asked Mr. Locklin to repeat his suggestion and to hold a meeting to discuss any matters pending before a board and determine if the proper procedure was followed; and noted that they should confer with Staff to setup these types of meetings.

Ms. Horton suggested having the language added to subsection ii to avoid bias; she shared that having the language added would allow for more transparency; and emphasized the role of the Planning Board as an advisory board.

City Planner Biddle expressed concern for upsetting the due process of an applicant; and spoke to the concerns of the Board to evaluate processes.

Chair Ashley asked the Board to voice any other concerns that needed address.

Mr. Bove noted that there should be consideration for legal counsel within the language.

Chair Ashley noted the addition of the language on page 13; and shared his desire to receive materials in writing rather than verbally.

City Planner Biddle suggested exchanging “Planning Services Director” for “UDO Administrator” as it is more commonly used as all Planning Staff work as UDO Administrator.

Ms. Horton shared that one person fills two positions and sought clarity for the difference between the two titles.

Mr. Luehe asked which paragraph City Planner Biddle was referencing in the document.

City Planner Biddle shared the paragraph and noted that he agreed with Ms. Horton.

Mr. Luehe asked if the City obtained, or hired, a new UDO Administrator, who would that person report to, and if it was the Planning Services Director.

City Planer Biddle shared that the UDO Administrator would report to the Planning Services Director.

Chair Ashley asked if the Board had any final comments.

Mr. Bove shared a housekeeping issue regarding Planning Staff on the City website as his name was misspelled.

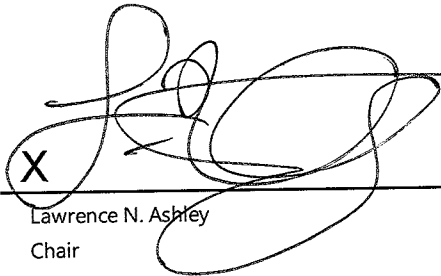
Chair Ashley assured the Board that the errors on the website would be ironed out in the coming weeks; and shared that he had a disagreement with the City Clerk concerning placing home addresses on the website; and it would be resolved.


F. Adjourn

A motion was made by Mr. Bove and seconded by Ms. Horton to adjourn.

The motion carried unanimously

The Planning Board adjourned at 11:10 a.m.

X 
Lawrence N. Ashley
Chair

X 
Scott Baillargeon
Deputy City Clerk

