



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

December 15, 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. Changes to this policy may occur, as needed to help prevent the spread of the Coronavirus.

The regular monthly meeting of the Planning Board will be held at 6:00 p.m. on the third Thursday of each month. All members are asked to attend.

- A) Call to Order**
- B) Invocation**
- C) Pledge of Allegiance**
- D) Approval of Minutes**
  - 1. November 17, 2022
- E) Approval of Agenda**
- F) Public Comment**
- G) Old Business**
  - 1. Update on Bullfrog Corner
  - 2. Update on 115 N. Howe St.
  - 3. Update on Sunny Point Property
  - 4. Update on Short-Term Rental Ordinance
  - 5. Update on Submission Guidelines Review
- H) New Business**
  - 1. Abandonment of a Portion of an Alley that runs parallel with N. Caswell.
- I) Other Business**
  - 1. Discussion Review Committee Scheduling
- J) Announcements**

**K) Adjourn**



**Planning Board Meeting Minutes  
Southport Community Building  
223 E. Bay Street  
November 17, 2022  
6:00 P.M.**

**Members Present:** Sue Hodgin, Will Hewett, Christopher Jones, Gustavo Mibelli, Scott Jones, Dick Sloan, Donnie Joyner, and Fred Fiss.

**Members Absent:** None

**Staff Present:** Dorothy Dutton, City Clerk  
Tanya Shannon, Deputy Clerk  
Mo Meehan, City Planner  
Travis Henley, Development Services Director

**Others:** Bob Doherty, a representative from Stanley Martin Homes

**Board of Aldermen** Karen Mosteller and John Allen  
**Liaisons:**

**A.** Chair Sue Hodgin called the meeting to order at 6:01 p.m.

**B.** Mr. Donnie Joyner gave the Invocation.

**C.** Chair Hodgin led the Pledge of Allegiance.

Chair Hodgin introduced Mr. Travis Henley as the new Development Services Director and said she is looking forward to working with him.

Mr. Fred Fiss was designated an In-City voting member for this meeting, acting in the seat left vacant at Ms. Maureen Meehan's resignation.

**D.** Motion to approve the October 20, 2022, meeting minutes By Vice-Chair Hewett and seconded by Mr. Donnie Joyner. ***Unanimous vote; Motion carried.***

**E.** Motion to approve the Meeting Agenda by Mr. Dick Sloan and seconded by Vice-Chair Hewett. ***Unanimous vote; Motion carried.***

**F.** Public Comment:

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

1. Ms. Marjorie Jones, 136 Stuart Avenue, had concerns regarding the development of the proposed Oakton subdivision. She explained that there are multiple accesses in the proposal, one of those being directly across from her driveway. She said this would cause hardship to her ability to enter and back out safely from her driveway. She requested that the Board review the plan's access points and recommend removal of the access directly across from her drive.

There were no further comments or questions from the public. Mr. Scott Jones made a Motion to close the Public Comment Period, seconded by Vice-Chair Hewett.

***Unanimous vote; Motion carried.***

**G. Old Business:**

**1. Bullfrog Corner, 101 E. Moore Street**

Development Services Director Travis Henley gave an update on the project. He stated that the developer has submitted a new site plan. The Review Committee consisting of Mr. Scott Jones, Chair Sue Hodgins, and Mr. Fred Fiss will schedule a meeting for review and discussion of the most recent submission.

**2. Carr Insurance Building, 115 N. Howe Street**

Mr. Henley stated that the Review Committee, which consists of Mr. Gustavo Mibelli, Chair Sue Hodgins, and Mr. Fred Fiss, has a meeting set for November 30. Mr. Henley said that City Staff who had participated in the Technical Review for this Application would also be attending: the Fire Chief, Fire Marshal, Police Chief, and Public Services Director. The Chair asked when the Technical Review was held, and Mr. Henley responded that it was in late September. The Chair requested the Technical Review notes and any supporting information be made available for the Review Committee's review before the Committee's next meeting.

**3. City of Southport's Sunny Point Property**

Mr. Henley stated that the Board of Aldermen and Planning Board had seen The Polote Corporation presentation regarding purchasing or leasing property on the City's acreage at Sunny Point, and both boards have received information regarding the interest of the Wildlife Resources Commission and the Military Ocean Terminal Sunny Point (MOTSU).

With interest now from three potential entities, he said the Board of Aldermen had refined the task before the Planning Board: since the City is no longer building its own sewer plant (the original intent for this land-tract), the Aldermen ask that the Planning Board consider and make a recommendation of whether it is in the best interest of the City to sell the tract, with its limitations, or to consider an acquisition of other land that would better serve the future needs of Southport's Public Works? Mr. Henley said that a Review Committee had been established comprised of Vice-Chair Hewett, Mr. Fiss, and Mr. Joyner, and they will be scheduling a date to meet soon.

**4. Short-term Vacation Rental Ordinance**

Mr. Henley reported that Staff has begun work on its recommended text revisions for the Board of Aldermen for the Planning Board to review UDO text amendments to UDO Article 3 Section 3.8 *Short-Term Rental Vacation Rentals* regarding registration and payment of annual registration renewal fees, in light of a recent court case regarding the unconstitutionality of the fees. Mr. Chris Jones, Mr. Sloan, and Chair Hodgins are the designated Review Committee members and will soon be scheduling a meeting to review and discuss Staff's amendment recommendations. When completed, the text amendments will be presented to the Board of Aldermen for its discussion and vote.

**5. City Development Application Submission Guidelines**

Mr. Henley said that he is eager to begin the process of setting guidelines for the review and refinement of the overall application submission process for the City of Southport. The new Development Services staff is already compiling its ideas and suggestions, he said, for helping ensure

that submissions are all held to equal standards and are properly and efficiently reviewed before being accepted and forwarded to the Planning Board. A Review Committee consisting of Mr. Chris Jones, Mr. Fred Fiss, and Chair Hodgins will be meeting with Staff to discuss and offer suggestions for standards inclusions and the full application process.

Mr. Fiss welcomed Development Services Director Henley and asked him to give the Board his background. Mr. Henley stated is a Richmond, Virginia native and a 2016 graduate of James Madison University with degrees in Public Policy and Political Science. He said he had a professor at JMU who was an alum of UNC-W's Master of Public Administration Program, and that he relocated to Wilmington to become his TA. He became Pender County's Senior Planner in 2018 and was appointed as its Planning Director in 2020.

## **H. New Business**

### **1. Major Subdivision Review: Oakton**

City Planner Maureen Meehan gave an overview of the Oakton application. She said that since the application was first submitted in 2021, the only change in the plan is Lot 23 -- at the northwestern corner of Fodale Avenue's intersection with the proposed Rosin Drive -- which does not meet the 10,000 square-foot minimum lot size requirements for the R-10 zoning. She said that it has been revised, and now all of the lots meet the minimum lot size requirements. She explained that the preliminary plat has been received and was submitted by Hanover Design on behalf of Stanley Martin Homes.

The subject property is approximately 20.51 acres in size and is located between Fodale and Stuart Avenues, west of The Hammocks subdivision and east of Leonard Street. There are 42 proposed lots with a gross density of 2.05 units per acre. She said all the proposed homes within the subdivision would be served by the City for water and sewer. The property is currently zoned R-10, with a minimum lot size of 10,000 sf. The proposed subdivision has four points of access to existing roadways: off Stuart Avenue, and Sand Dollar Way within The Hammocks subdivision to meet (proposed) Oakton Drive; all accesses provide direct connections to Fodale and Stuart avenues. In the proposed subdivision, .84 acres of open space are required, while the applicant has provided 2.97 acres that can be counted as open space, therefore exceeding the UDO's open space requirements.

Ms. Meehan explained that at the time the application was initially received, UDO Section 3.18 *Tree Protection and Landscape Preservation* had not been amended to include separate zones for a tree plan and therefore, the applicant is not subject to 3.18 Section F.2 (a) ii - *Tree Safe Zones/ Lot Preservation*. Ms. Meehan stated that Staff recommends efforts be made by the Developer to preserve more of the site's existing trees.

Mr. Fiss asked if there were any mitigation requirements for use of the lots in the wetland areas. Ms. Meehan said that they would have to get approval and permits from the Division of Environmental Quality before disturbance of any areas designated as wetlands.

Chair Hodgins asked for clarification of when this submission was first received, and Ms. Meehan stated that the Planning Board received the introduction and initial sketches in July 2021. The Chair noted that even though the Developer is not bound to the current UDO Tree Protection provisions, she hopes that the Review Committee assigned will work to encourage them to abide by the updated UDO standards.

Mr. Mibelli questioned the Developer's grading approach for the site. He said it is a complex site with multiple levels. He asked if the Tree ordinance was not revised prior to the submittal of the application, will they be allowed to clear-cut the lot? Ms. Meehan said they could clear the lots for drainage improvements but would not remove all the trees on the site. She noted that the submitted

Tree Plan shows what trees would stay and which would remain. Mr. Mibelli stated that if they have to do significant grading on the site, this will cause more trees to be removed. He said he would like to see more information on the grading system that will be utilized.

Vice-Chair Hewett questioned how the entrance at Fodale and Mitchell streets, across from the cemetery, will line up with the accesses and the intersection. He said he's interested in seeing a diagram of how that will align with the plans.

Mr. Chris Jones clarified that there had not been any changes to the UDO other than the Tree Preservation and Landscape Protection update that would allow the Developer to follow the guidelines of the previous Ordinance. Ms. Meehan said that, other than the Tree protection requirements that were updated after this project's submittal, there had not been any changes to the UDO that would affect the Developer's proposal. The Developer can abide by the regulations of the UDO prior to submission in July 2021.

Mr. Henley agreed with Ms. Meehan's explanation, stating that the City could not force the Developer to follow the updated UDO since the application had been submitted prior to the most recent Tree text amendments; they would be entitled to follow the UDO text in place prior to July 2021. However, the Board could strongly encourage and recommend the Developer adhere to the current Tree Protection and Landscape Preservation that would encourage additional preservation of existing trees.

Vice-Chair Hewett wanted to address the Stuart Avenue access road issue, clarifying it is a two-way road. He asked about the road width, and Ms. Meehan responded that there is a 60 ft ROW. Mr. Hewett would like to see the Developer consider an alternative for that access since the residential houses are very close to the ROW, stating that it would only increase traffic on this already high-traffic road.

Chair Hodgkin appointed Vice-Chair Hewett, Chris Jones, and Dick Sloan as this project's Review Committee.

## **I. Other Business**

Mr. Mibelli wanted to share some ideas and suggestions on planning for future growth with the increasing development and subdivisions, along with the Hwy 211 widening project. He said Southport is an interest-point for many people to come and enjoy the services and attractions. Mr. Mibelli said there needs to be efforts on how to plan and prepare for the overall expansion and growth. He said traffic and parking would be critical issues. He suggested finding ways the City can have visitors and vacationers to help bear the expense.

Mr. Mibelli suggested engaging with the public for ideas and suggestions and gave background on his own previous locations' experiences regarding public participation in the planning process. He said that providing safe pathways for golf carts, cyclists, and pedestrians to travel to Walmart would help decrease vehicular traffic.

Vice-Chair Hewett suggested looking into the threshold to provide public transportation, such as a shuttle to transport people to and from Southport Crossings into Southport. He noted that this would help limit the number of vehicles traveling in and out of the City to access nearby facilities.

The Chair thanked each gentleman for their comments, stating that this Board and Development Services would be looking at ways the groups can work together to create solid long-range planning for Southport.

## **J. Announcements**

Chair Hodgkin wished everyone a Happy Thanksgiving.

There being no other business or announcements, Chair Hodgkin confirmed Mr. Fiss back to City Alternate status.

Chair Hodgkin requested a Motion to adjourn. A Motion was made by Mr. Joyner to adjourn the meeting and was seconded by Vice-Chair Hewett. ***Unanimous vote; Motion carried.***

Adjournment: 6:49 P.M.

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Sue Hodgkin, Chair

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Deputy Clerk, Tanya Shannon



## BOARD OF ALDERMEN

### AGENDA ITEM SUMMARY

**DATE:** December 1, 2022

**DEPARTMENT:** City Manager's Office

**PRESENTED BY:** N/A

**ITEM SPONSORED BY:** Bonnie Therrien, Interim City Manager

**ITEM/TOPIC:** Abandonment of a Portion of an Alley

**COST:** N/A

**BUDGET LINE ITEM:** N/A

**JUSTIFICATION:** We have a request by Gaines Brown (see attached information) and Tina Monk to abandon a portion of an alley that runs parallel with N. Caswell Avenue.

**IMPACT IF NOT APPROVED:** The alley would stay it is now.

**DEPARTMENT HEAD COMMENTS:** I have checked with the Police and Fire Chiefs as well as the Public Services Director and they have no issue with this request.

**CITY MANAGER COMMENTS:** I see no issue with moving forward with this.

**ATTACHMENTS:** 1. Letter from Gaines Brown and Tina Monk with attachments  
2. Survey 3. NCGS 160A-299 Procedure for permanently closing streets and alleys.

**REQUESTED ACTION:** To move forward with the abandonment of a portion of the alley running parallel with N. Caswell Avenue as outlined by the attachment map. The next step of the process (N.C.G.S. 160A-299) is for the Board to adopt a Resolution declaring the intent to close the alleyway.

**PROPOSED MOTION:** I move to more forward with the process of permanently closing the alleyway and direct the Clerk to prepare a Resolution for consideration at the January Board meeting.

October 30, 2022

Southport Board of Aldermen  
C/O: Dorothy Dutton, City Clerk  
1029 North Howe Street  
Southport NC 28461

Dear Mayor, City Manager, and Board of Aldermen,

I'm writing on behalf of a neighbor, Ms. Tina Monk. Ms. Monk and I request the abandonment of a portion of an alley as described in N C State Statute 160A-299 (see attached documents). Ms. Monk is in the process of developing the property that enters from West Ninth Street and runs parallel with North Caswell Avenue. I currently own lots #20,21,22 on North Caswell that back up to the alley. The north end of the alley terminates in a dead-end and serves no thru access or other purpose. Our request is to abandon a portion (shown in yellow on the attachment) of the unopened alley, creating a green space between the rear of lots 20, 21, and 22 on N. Caswell Ave. and a wedged-shaped portion of Ms. Monk's property.

Please advise me of any other information I need to provide. I respectfully submit this request for the Board's consideration and approval.

Sincerely,

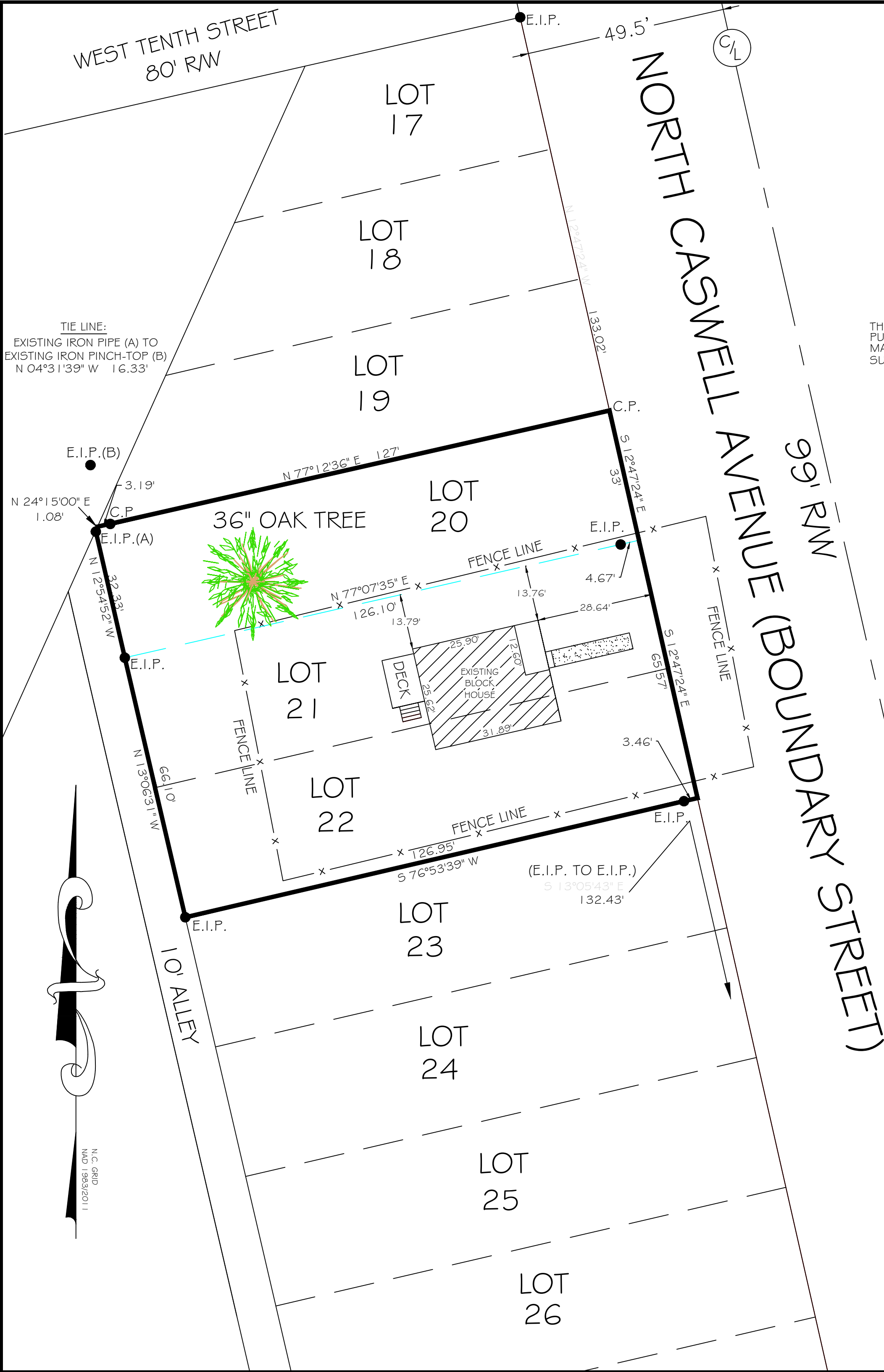
Gaines Brown

921 North Caswell Avenue  
Southport, NC 28461  
[gainesbrown@gmail.com](mailto:gainesbrown@gmail.com)  
704-334-1442

Attachments:

- NC State Statute 160A-299
- Boundary survey of 921 N Caswell w/ alley
- West 9th Street Subdivision w/ lots 1,2,3,4,&5  
(belonging to Ms. Tina Monk)
- Drawing showing the proposed portion of the alley in yellow.





NORTH CAROLINA      BRUNSWICK COUNTY

I, WILLIAM W. DELANEY II, P.L.S. CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 2428 AT PAGE 97 IN BRUNSWICK COUNTY REGISTER OF DEEDS OFFICE); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_; THAT THE RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_ AD. , 20\_\_.

PROFESSIONAL LAND SURVEYOR L-2973

THIS ELECTRONIC FILE IS NOT A TRUE COPY AND IS FOR INFORMATION PURPOSES ONLY. ONLY COPIES FROM THE ORIGINAL OF THIS DOCUMENT, MARKED WITH THE ORIGINAL SIGNATURE AND ORIGINAL SEAL OF THE SURVEYOR, SHALL BE CONSIDERED VALID AND TRUE.

SPECIAL NOTE OF CAUTION:  
DUE TO DISCREPANCIES FOUND  
IN THE FIELD, LINE AGREEMENTS  
ARE SUGGESTED ON ALL SIDES.

NOTES:  
1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAY, COVENANTS, RESTRICTIONS, AND CONDITIONS OF RECORD AFFECTING SAID PREMISES.  
2. A TITLE SEARCH WAS NOT PERFORMED ON THE PARCELS SHOWN. THIS PLAT IS NOT A GUARANTEE OF TITLE.

I, WILLIAM W. DELANEY II, P.L.S. CERTIFY TO ONE OF THE FOLLOWING:

☐ THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

☒ THAT THE SURVEY IS OF AN EXISTING PARCEL OF LAND.

☐ THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

PROFESSIONAL LAND SURVEYOR L-2973

W. 10th STREET

SITE

N. CASWELL AVENUE

W. 9th STREET

N. LORD ST.

N. HOWE ST.

VICINITY MAP - NOT TO SCALE

PLAT SCALE: 1" = 20'

0 20 40 60

Surveyed and Mapped By:

Tide Water Land Surveying

P.O. Box 11506  
802 North Howe Street  
Southport, North Carolina 28461  
Phone: 910-457-9580

NOTES:  
1. "I, WILLIAM W. DELANEY, P.L.S CERTIFY THAT THE OWNER OF THIS LAND IS \_\_\_\_\_ AND THE SURVEY AS SHOWN AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OR LAND."  
  
PROFESSIONAL LAND SURVEYOR L-2973  
  
2. SURVEY DATE: JUNE 7, 2018.  
3. PLAT SCALE: 1" = 20'.  
4. ALL DISTANCES ARE HORIZONTAL GROUND.  
5. THE LAND SHOWN ON THIS PLAT IS NOT IN A FLOOD HAZARD AREA.  
6. ZONED: 5P-R-10.  
7. C.P. = COMPUTED POINT.  
8. I.S.S. = IRON STAKE SET.  
9. E.R.B. = EXISTING RE-BAR.  
10. E.I.P. = EXISTING IRON PIPE.  
11. E.I.P.P. = EXISTING IRON PINCH PIPE.

Smith & Weeks Subdivision:  
Block 17  
Lots: 20, 21 & 22  
Ref. Deed Book: 2585 Page: 97  
Parcel ID #237DF02601  
Ref. Deed Book: 2428 Page: 210  
Parcel ID #237DF025  
  
TOTAL AREA:  
12926.18 SQ.FT.  
0.30 ACRES

Surveyed and Mapped for:

Gaines Brown

City of Southport  
Smithville Township  
Brunswick County  
State of North Carolina

DWG: 921 AND 925 N CASWELL AVE CRD: 921 AND 925 N CASWELL AVE

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**§ 160A-299. Procedure for permanently closing streets and alleys.**

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)