



**CITY OF SOUTHPORT
BOARD OF ALDERMEN
WORKSHOP AND AGENDA REVIEW MEETING
113 W. MOORE STREET
April 11, 2023
9:00 AM**

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. Approval of Agenda

E. Agenda

1. Wastewater Treatment Plant Expansion Debt (City Manager B. Therrien)
2. Electric Charging Stations (B. Therrien, E. Pittenger)
3. Off-Duty Pay for Police/Fire/EMS (Chief Coring/Chief Drew/City Manager Therrien)
4. Social Media Policy (Attorney Herman)
5. Chapter 9. Article 2. Division 3. Noise Ordinance Amendment (Chief Coring/Major Burke/T. Henley/D.Dutton)
6. Care and Maintenance Plan for Cemeteries (Mayor Hatem)
7. Amendments to Boards/Committees/Commissions Ordinance (D. Dutton/R. Jones)
8. Review of Agenda for Regular Board Meeting April 13, 2023

F. Mayor's Comments

G. Board Comments

H. Adjourn



BOARD OF ALDERMEN AGENDA ITEM SUMMARY

DATE: April 6, 2023 DEPARTMENT: City Manager

PRESENTED BY: City Manager

ITEM SPONSORED BY: City Manager

ITEM/TOPIC: Expansion of Wastewater Sewer Plant

COST: Unknown BUDGET LINE ITEM: Not applicable

JUSTIFICATION: I wanted to report to you on the meeting we had this week with the Local Government Commission and our ability to borrow more money in order to cover the gap for the expansion of the sewer plant

IMPACT IF NOT APPROVED: Not applicable

DEPARTMENT HEAD COMMENTS: Not applicable

CITY MANAGER COMMENTS: See attached memorandum

ATTACHMENTS: Memorandum from the City Manager

REQUESTED ACTION: A vote on support for a Merger with the County for Water and Sewer services

PROPOSED MOTION: Resolved that the Southport Board of Aldermen are in support of speaking to the Brunswick County Board of Commissioners about merging our water and sewer system with the County at a future date once the Merger Feasibility Study is completed.



**SOUTHPORT CITY MANAGER'S OFFICE
MEMORANDUM**

April 6, 2023

**TO: Mayor Joseph P Hatem
Member of the Southport Board of Aldermen**

FROM: Bonnie Therrien, City Manager

SUBJECT: Expansion of Brunswick County Wastewater System

This week, Melanie Trexler, Finance Director; Dorothy Dutton, Assistant City Manager; our Financial Advisors and Bond Counsel and I met with 3 representatives of the Local Government Commission (LGC) about this project and the need to develop a financial plan to pay for the gap in funding for the expansion.

After speaking with them close to 2 hours, everyone on our team concurred that they would probably not be supportive of us taking on any new debt above and beyond what we already have for the project due to our rates not being affordable in order to pay back the debt, as well as the City not owning the asset, that being the addition to the plant. Although they did not come right out and say NO, the advice they did give us was to finish the Merger Feasibility Study and fix our sewer and water lines/lift stations, etc. to merge with the County. I told the representatives that the report on the merger, as well as the final numbers for upgrades to our system could be close to a year away, but they still felt that having the Board and the County Commissioners support a resolution saying they would sit down and negotiate a merger once the reports are finalized would be the better way to go with this entire project.

Our Financial Advisors did show them the Financial Plan presented to you and they felt with the recent high increases in rates, coupled with the proposed rate increases to pay back a revenue bond (whether the County took out the Bond or we did), makes these rates seem like they are not sustainable. We would have to prove to them that these proposed rates are affordable to our residents.

We have since had a conversation with the County Manager, Finance Director and County Attorney about our meeting with the LGC, and it was felt that the County Commissioners would entertain such a request from the City to merge once the report is finalized and infrastructure costs are determined.

I would therefore recommend that at this time you vote to give your support for a possible Merger once the Feasibility Study is complete, so the County knows there is an interest in pursuing this.

Another issue you will have to address in the very near future and is an integral part of this entire project, is the award we were just notified this week of, saying that the State Revolving Fund Committee has approved a loan of \$8,544,320 at 1.94% interest to continue with our evaluation and rehab of our wastewater system, which is something the LGC staff is recommending we do as soon as possible. We would have to go to the LGC for approval to accept this loan. I would also like your thoughts on pursuing this loan with the State so we can quickly move ahead with upgrading our system.

Walter Goldsmith and David Cheatwood of First Tryon Financial Advisors will be at your Tuesday workshop remotely to answer your questions on the Financial Plan and to revise their proposed financial plan to better accommodate our ratepayer if you would like to see different scenarios.

Wooten Project Status

04/6/2023

Merger Studies (Water & Wastewater)

- Meeting with Brunswick County (Dave Malinauskas/Jeff Baig) scheduled for April 21 to discuss additional information requests for both County water and wastewater systems. Wooten to inquire about rationale for Mulberry WWTP size increase wrt current and future (anticipated reduced) sewage discharge rates.
- Continue to analyze data already received from the County, with primary focus on WW system.

USDA Sewer Replacement

- Survey work continues to proceed on schedule.



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: March 31, 2023 DEPARTMENT: City Manager's Office

PRESENTED BY: Bonnie Therrien and Ellie Pittenger

ITEM SPONSORED BY: City Manager's Office

ITEM/TOPIC: Electric Chargers - Federal Grants

COST: Unknown BUDGET LINE ITEM: Not applicable

JUSTIFICATION: Mr. Pittenger and I have become aware of a new round of federal grants funds that are available for municipalities to purchase electric chargers to be placed in municipalities.

IMPACT IF NOT APPROVED: The City will not have municipal electric chargers for vehicles.

DEPARTMENT HEAD COMMENTS: Not Applicable

CITY MANAGER COMMENTS: This is a unique opportunity for the City Of Southport to receive federal funding for the placement of electric chargers in key locations around the City. Before we begin reseaching and applying for funds, we wanted to make sure this was something you are interested in pursuing.
Mr. Pittenger did tell me this was discussed before with the Board but no decisions were made.

ATTACHMENTS: Information on the Federal Program

REQUESTED ACTION: Information on whether to move forward to research possible locations and grant opportunities and bring back our findings to you.

PROPOSED MOTION: _____

EVolution™

The Smart EV Charging Solution

Charge Forward with EVolution™



EV Charge Stations

Select the right charge station ranging from level 2, DC Fast, Ultra Fast, and Bi-directional charging systems with choice of offered professional services.



24x7 Support & Services

Get help throughout the full cycle of a smart EV charging solution journey from getting started to continued support of charge stations.



Smart & Secure Network Software

Manage and secure charge stations and data with a smart network software hosted in the highly secure OATI Private Cloud.



EV Driver App

Provide EV drivers a superior charging experience where they can effortlessly find, charge, pay and go at participating charge stations.

Electrification of Transportation (EoT) is a major source of growth for the electric power industry. This transformation generates a variety of win-win opportunities for utilities and businesses as this creates the ability to add new revenue streams, attract electric vehicle (EV) drivers to boost traffic, and contribute to

a greener society. EVolution™ provides a full range of smart EV charging infrastructure and solutions and enables all industries to participate in the EV evolution whether they are a business, government entity, community, or other type of organization.



Public Use Charging



Interstate Fast DC Charging



Fleet Management



Workplace Management



Entity Branded Owned/Operated Networks

Get Help with EVolution™ Services and Support

The EVolution™ turnkey services can help organizations no matter where they are on their smart EV charging solution journey. This includes the process of getting started with assessments, designs, and installations or the continued support of EV charge stations with warranties, maintenance, and customer support.



Site Assessment

EVolution™ advisors help assess the site(s) and determine how to best meet objectives.

Engineering and Design

EVolution™ advisors analyze site plans and electrical drawings to engineer and design the most optimal solution based on needs.

Installation

EVolution™ advisors manage an EVolution™ network certified professional installer or provide management overview of installation efforts.

Warranty

All EVolution™ charge stations come with a standard two-year manufacturer's parts and labor warranty with extended options available.

Maintenance

In addition to warranty support, EVolution™ offers the EVercare Program to provide turnkey maintenance services.

24/7 Support

Customer support is available 24x7 for EVolution™ station owners including proactive health monitoring for every charge station.

Driving the EV Evolution

EVolution™ — driven by OATI power systems and microgrid experts — brings over 20 years of experience in delivering mission-critical solutions to the energy industry. As testament to this expertise, the OATI Microgrid Technology Center is a standing showcase of how power systems and demand-side renewable energy resources and assets can provide resilient energy. With that deep expertise, technology, and leadership, EVolution™ provides unprecedented value to customers and enables them to participate in the EV evolution.

**Connect with an EVolution™
advisor at**
info@EVolutionevnetwork.com
to see how we can help.
EVolutionEVnetwork.com

ACCELERATED / DUAL PORT

AC Level 2: 30A/40A

Commercial Charger – PEDESTAL



	Dual Port 30A	Dual Port 40A
Power per Port	7.2 kW (240V AC @ 30A)	9.6 kW (240V AC @ 40A)

Electrical Service

Power	240/208 VAC, 30A load with 40A branch circuit per port	240/208 VAC, 40A load with 50A branch circuit per port
Service Panel	40A dual breakers per port (No GFCI)	50A dual breakers per port (No GFCI)
Service Wiring	3-wire (L1, L2, Earth ground)	

Functional Interfaces

Connector Type	SAE J1772
Charging Protocol	SAE J1772
Standard Cable Length	25 ft
Cable Retractor	Optional (cable 18 ft w/ cable management)
LCD Display	1000 nits 7" color, 800 x 480, UV protected
Card Reader	ISO 14443 type A&B, ISO 18092 NFC

Safety and Connectivity

Ground Fault Detection	20 mA
Plug-Out Detection	SAE J1772
Power Measurement	Accuracy: ± 1% from 5% to full scale (30A/40A)
Wireless	2.4 GHz Wi-Fi (802.11 b/g/n)
Wide Area Network	Cellular Modem (4G) / Ethernet
Communication Protocols	OCPP 1.5 and 1.6 compliant

Safety and Operation

Enclosure Rating	NEMA 3R
Regulatory Compliance	ETL certified for USA and cUL certified for Canada; complies with UL 2594, UL 2231-1, UL 2231-2, and NEC Article 625, EMC: FCC Part 15 Class A
Operating Temperature	-20°C to +60°C (-4°F to 140°F) (Lower temperature solutions available)
Storage Temperature	-50°C to +80°C (-55°F to 176°F)
Humidity	95% non condensing

ACCELERATED CHARGER FEATURES

- Pedestal
- Dual Port
- Level 2: 30A or 40A
- Charging Protocol: SAE J1772
- 7.2 kW or 9.6 kW
- 25 ft or 18 ft w/ Cable Retractor
- NEMA 3R Housing
- RFID Reader
- OCPP Compliant-Standard
- 7" Color Screen-Standard
- UL Compliant — ETL Certified

OPTIONS

- Cable Retractor
- Credit Card Reader
- Credit Card Scanner

Connect with an EVolution™ advisor at
info@EVolutionevnetwork.com to see how we can help.
EVolutionEVnetwork.com

ACCELERATED / DUAL PORT

AC Level 2: 30A/40A

Commercial Charger – PEDESTAL & WALL MOUNT

	Dual Port 30A	Dual Port 40A
Power per Port	7.2 kW (240V AC @ 30A)	9.6 kW (240V AC @ 40A)

Electrical Service

Power	240/208 VAC, 30A load with 40A branch circuit per port	240/208 VAC, 40A load with 50A branch circuit per port
Service Panel	40A dual breakers per port (No GFCI)	50A dual breakers per port (No GFCI)
Service Wiring	3-wire (L1, L2, Earth ground)	

Functional Interfaces

Connector Type	SAE J1772
Charging Protocol	SAE J1772
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Safety and Connectivity

Ground Fault Detection	20 mA
Plug-Out Detection	SAE J1772
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Wireless	2.4 GHz Wi-Fi (802.11 b/g/n)
Wide Area Network	Cellular Modem (4G) / Ethernet
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Operating Temperature	-30°C to +60°C (-22°F to 140°F)
Storage Temperature	-50°C to +80°C (-55°F to 176°F)
Humidity	95% non condensing



WALL MOUNT



PEDESTAL

ACCELERATED CHARGER FEATURES

- Pedestal or Wall Mount
- Dual Port
- Level 2: 30A or 40A
- Connector Type: SAE J1772
- 25 ft Cable
- NEMA 3R Housing
- RFID Reader
- OCPP Compliant
- 7" Color Screen
- UL Compliant — ETL Certified
- Cable Retractor - *Optional*
- Credit Card Equipment - *Optional*

Connect with an EVolution™ advisor at
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EVolutionEVnetwork.com



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: March 31 2023 **DEPARTMENT:** Fire and Police

PRESENTED BY: Chief Coring and Chief Drew; Bonnie Therrien

ITEM SPONSORED BY: Police, Fire and City Manager's Office

ITEM/TOPIC: Off Duty Pay - Police/Fire/EMS

COST: None to the City **BUDGET LINE ITEM:** Not Applicable

JUSTIFICATION: We have always had requests for private duty for our Public Safety staff and usually they are paid by the vendor directly without taxes being paid or benefits which is not the way this should occur.

IMPACT IF NOT APPROVED: The vendor will continue to pay our staff members directly not taking into account taxes, benefits, use of vehicles, etc.

DEPARTMENT HEAD COMMENTS: See below

CITY MANAGER COMMENTS: The two Chiefs, the Major and I are recommending the following for rates: \$40/hr, for profit vendors; \$30/hr for non-profits; \$45/hr for holidays; \$21.50/hour for a vehicle; and \$25/day for nonprofits. We would recommend using Off Duty Management as the company who will work with each vendor, bill them, collect the money and pay our staff with benefits included. The City would stay out of the process.

ATTACHMENTS: Off duty rates from other municipalities and information on Off Duty Management Company.

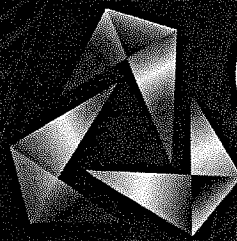
REQUESTED ACTION: Decide on the rates for service and having Off Duty Management coordinate the program and pay our staff members working overtime.

PROPOSED MOTION: _____

Agency Rates

- Asheville PD – North Carolina
 - \$45 per hour (Officer)
 - Tiered Rates (Higher rates to attempt a higher rate of sign-up by officers- Vendors made a decision to pay more)
 - Level 1 \$55
 - Level 2 \$65
 - Level 3-\$75
 - \$55 per hour (Supervisor) – Tiered rates as well plus \$10
 - \$100 Holiday Rate
 - \$85 Emergency Rate
- Davidson PD – North Carolina
 - \$42 (Officer)
 - \$50 (Supervisor)
- Kinston PD – North Carolina
 - \$35 (Officer, Supervisor, and Holiday)
- Town of Leland – North Carolina
 - \$35 (Officer, Supervisor Holiday)
- Mint Hill PD – North Carolina
 - \$35 (Officer Non-Traffic)
 - \$40 (Traffic)
 - \$45 (Supervisor)
 - \$52.50 (Holiday Non-traffic)
 - \$60.00 (Holiday Traffic)
 - \$67.50 (Holiday Supervisor)
- Pineville PD – North Carolina
 - \$35 (Officer)
 - \$45 (Officer Traffic)
 - \$40 (Holiday)
 - \$45 (Holiday Traffic)

- Salisbury PD – North Carolina
 - \$30 (Officer and Supervisor-Recently increased from \$25 to \$30)
- Chester County SO – South Carolina
 - \$40 (All)
- Georgetown County SO – South Carolina
 - \$30 (All)
- North Myrtle Beach PD – South Carolina
 - \$35 (Officer)
 - \$45 (Supervisor)
 - \$60 (Holiday)
- Horry County SO – South Carolina
 - \$45 (All)
- Isle of Palms PD – South Carolina
 - \$30 (Officer)
 - \$35 (Supervisor)
 - \$40 (Holiday/Emergency Rate)
- Irmo PD – South Carolina
 - \$50 (All)
- Some agencies charge a per hour admin/vehicle fee, while some charge a \$10 flat fee. Whatever admin fee you decide to set can be collected and sent directly to the city finance division weekly with a report of everything they need to process.



OFF DUTY MANAGEMENT

Built By Officers For Officers

Service and Product Description

Off Duty Management is a law enforcement service provider Built By Officers For Officers. We provide a no-cost service that assists law enforcement agencies in the administration, management, and execution of their off-duty program and assignments. We recognize the specific needs of our law enforcement partners and provide a fully customizable, no-cost solution that keeps agencies completely in control of their off-duty program while improving oversight, transparency, and accountability.

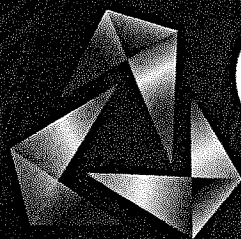
Off Duty Management eliminates most of the time, money, resources, risk, and issues associated with running an off-duty program by utilizing our proprietary cloud-based OfficerTRAK® technology. OfficerTRAK® simplifies and secures the management and execution of off-duty jobs. In addition, officers placed on an off-duty assignment through OfficerTRAK® will be covered by our comprehensive A+ rated insurance coverage, including full statutory workers' compensation and multimillion-dollar liability coverage at no cost to the agency or officer.

Our comprehensive services include 24/7/365 service and support, management of inbound service requests, scheduling, time & attendance, payroll, invoicing, and risk and liability mitigation. The following is a list of services and support Off Duty Management provides to partner agencies with no costs, fees, or charges of any kind, to the agency, municipality, and officers.

Service Feature and Benefits:

- Off Duty Management works exclusively and contractually for the municipality allowing the agency to maintain complete control while improving the efficiency and oversight of their off-duty program.
- Off Duty Management was Built By Officers For Officers with 100+ years of law enforcement and off-duty experience.
- Unmatched financial health and stability: zero debt, no loans, no private equity, and no factoring. We have the financial strength and liquidity needed to handle any size or combination of agencies across the nation (bank verification of liquidity provided upon request). This provides peace of mind that you are partnering with a company that has been and will be around for years.
- We execute all agency rules and policies through our OfficerTRAK® software and mobile app that are personally reviewed by a dedicated operations specialist for every vendor service request.
- We save the municipality and agency significant time, money, and resources. Up to 85% of current off-duty resources, costs, and time can be saved or redeployed into other critical policing activities or equipment.
- We eliminate or reduce most of the risk and liability for municipality, agency, officers, and vendors.
- Multimillion-dollar A+ rated liability insurance protects the municipality, officers, and vendors at no cost.
- No-cost full statutory workers' compensation covering the officer while engaging in all off-duty shifts scheduled through the agency and OfficerTRAK®. Off Duty Management reimburses at the officer's on-duty pay rate.
- No-cost use of OfficerTRAK® platform and mobile app for internal needs and overtime jobs.
- No-cost 24/7/365 bilingual service and support based in the USA.
- Dedicated operations manager for the agency. We want our operations team to understand and know your agency, officers, and vendors personally.
- No-cost scheduling options and support to accommodate your specific requirements. OfficerTRAK® provides speed, accuracy, transparency, and efficiency in scheduling off-duty or overtime jobs.
- Improved vendor job fill rates with simple and easy to use OfficerTRAK® technology.
- Request officers anytime 24/7/365. Vendors will have the option to utilize a dedicated online web portal or call toll-free to our service support team at any time to make requests for officer off-duty services.
- Off Duty Management charges a small administrative fee to agency vendors to cover our services, insurance, and OfficerTRAK® software. The vendor receives numerous benefits that offset a good portion of the administrative fee. A final percentage for the admin fee is determined once Off Duty Management understands the complete scope of work requested by the agency.

- No-cost invoicing and collections. We float the money, so the municipality or officers do not have to. Off Duty Management assumes all the financial risk for the municipality and officer.
- We GUARANTEE officers are paid weekly. They will never wait for their earned pay.
- All services are provided in-house and always no cost to municipalities and officers.
- Ability to activate partner agencies and/or officers to work unfilled jobs in your jurisdiction, if approved by command staff. Simple and easy functionality that improves job fill rates for vendors and improves overall satisfaction with your agency and officers.
- No-cost comprehensive and customizable real-time and historical reporting.
- Unlimited agency administrators, if desired. Never any cost for additional users.
- **Agency administrators have login capability for OfficerTRAK® software for an internally funded special event or overtime scheduling. Administrators also have visibility to all historical, real-time, and future off-duty operations allowing for superior oversight.**
- OfficerTRAK® allows you to track officer off-duty hours in real-time. Off Duty Management will supply you with monthly reporting, at no cost, that can be customized to serve your specific needs. Agencies also have their own 24/7/365 administrative access to view or generate reports at will.
- Off Duty Management provides a no-cost and extensive onboarding process to ensure the agency and officers have the knowledge and training necessary for a seamless transition. We work closely with the agency to build out a customized training and communication plan before going live with OfficerTRAK®, ensuring officers are comfortable and operationally proficient with the new process.
- No-cost online training guides for future agency hires are available when needed.
- No-cost agency administrator training and ongoing 24/7/365 live service support is available.
- No-cost dedicated web portal for all parties involved. No cost mobile app for all officers.
- Billing terms available for regular ongoing vendors. We float the money.
- Single 1099 at year-end for all officers being paid directly from Off Duty Management.
- No-cost job notifications. No more phone calls, emails, trading back and forth.
- No-cost off & on-duty calendar function. Officers must manually enter on-duty shifts.
- OfficerTRAK® app allows user-friendly and simple clock-in and clock-out feature to record time.
- No-cost contracts give complete control to the agency and contain an exclusive service guarantee that provides the agency a 30-day out clause for any reason.
- References and testimonials from all existing partners, financial institutions, and insurance providers.



OFF DUTY MANAGEMENT

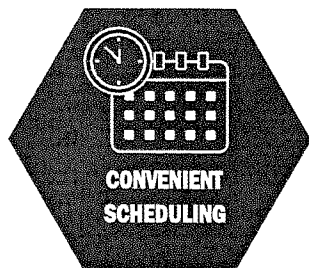
Built By Officers For Officers

OFFICER BENEFITS

Off Duty Management was created by officers for officers to provide a solution that makes off-duty work simple and efficient at no cost to officers or agencies.



- ODM floats all funds to ensure officers are guaranteed to be paid on time by direct deposit or check.
- ODM handles all billing and invoicing; Officers never have to worry about any collection of money.
- Receive a single yearly 1099, when ODM pays officers directly.

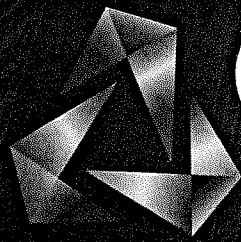


- Selecting jobs takes seconds through our easy-to-use app, OfficerTRAK®.
- Ability to sort and filter open job choices, if desired.
- Easy clock-in and clock-out.
- Job notifications and reminders through OfficerTRAK®.
- Real-time communication with other officers on the job.



- ODM provides officers with multi-million dollar insurance coverage against liability claims and full statutory workers' compensation coverage off-duty.
- Officers will always know how jobs are distributed; creating transparency and fairness in acquiring and working off-duty jobs.
- Job history and reporting available.

www.OffDutyManagement.com



OFF DUTY MANAGEMENT

Built By Officers For Officers

VENDOR BENEFITS



SAVE
MONEY

Eliminate the need to pay for insurance coverage because vendors are covered by ODM's multi- million dollar insurance liability coverage.

By eliminating most activities and costs related to managing the vendor's off-duty work requests, ODM reduces internal payroll and increases savings.

Comprehensive A+ General Liability insurance.



SAVE
TIME

Only one single payment to ODM for all officer work performed.

Eliminate the processing of all W-9 and 1099s for every officer.

Eliminate the need to pay officers daily/ weekly with once a month payroll and accounting.

Eliminate the need to post or request recurring jobs.



SERVICE
SUPPORT

24/7/365 dedicated service support team.

24/7/365 ability to request officers online or by phone.

Customized billing and payment terms available with 30-day terms available to most vendors.

24/7/365 access to your OfficerTRAK® business account information.

www.OffDutyManagement.com



City of Southport Policy for Elected Officials and Appointed Boards, Commissions, and Committees Using Personal or Professional Social Media Platforms

Purpose and Scope

Social Media under this policy covers all means of communicating or posting information or content of any sort on the Internet, including all social networking or affiliated web sites (e.g., Facebook, Twitter, etc.), chat rooms, blogs, personal web sites, and web bulletin boards, whether or not they are maintained by the City, as well as all other forms of electronic communications.

While elected officials and City Council-appointed board, committee, and commission members may maintain and use personal web pages and websites, blogs, and other social media sites, their status as elected/appointed officials requires that the content of any postings on those sites not be in violation of existing City by-laws, code of ethics, policies, directives, rules, or regulations.

Elected officials and appointed officials are autonomous actors with the right and responsibility to communicate with the public. Once a citizen becomes a public or appointed official, however, that official's expectation of privacy and private speech can become unclear because the public or appointed official is also a public person with public exposure and responsibilities to the community, the City of Southport, and to the Board of Alderman. That is, although the City acknowledges its officials have the First Amendment right to free speech, the right is not absolute when involving matters of official City business, issues, or concerns.

To assist elected and appointed officials in their use of social media, the Board of Alderman has established this policy for the appropriate use of social media when communicating online as elected or appointed officials. To serve the public well, elected officials should seek, in their online posts, to be accurate, appropriate and timely, and to make proper disclaimers that they are speaking only for themselves as private citizens. Nothing in this policy, however, is intended to limit the First Amendment right of free speech of any person.

If an elected/appointed official is found in violation of this policy they may be subject to censure as noted in the City Council Rules of Procedure, 2.14 Censuring Members.

Requirements for the Use of Social Media by Elected and Appointed Officials

1. All officials are expected and required to conduct themselves in a manner consistent with the City's policies, code of ethics and standards of conduct. A violation of this policy may subject the elected/appointed official to censure pursuant to Section 6 of the Board of Alderman Code of Ethics Policy.



2. Public officials are strongly encouraged, but not required, to separate personal (i.e. non-City affiliated) social media accounts from professional social media accounts so that City-related matters and all public records generated from those posts are easily archived and not intermingled with personal posts not related to City matters. If a professional social media account is created, then it becomes a Conduct Standard, and the account must be archived. Officials are required to contact the City Clerk to connect the professional account to the archiving service contract.
3. Elected and appointed officials are authorized to operate personal social media accounts. Unless the official has been designated to serve as a spokesperson, however, officials should never represent themselves as a spokesperson for the City Board of Alderman, a City board or committee, the City Administration, or any City department on personal social media accounts. Officials shall make it clear when using personal social media accounts to discuss City business that they are speaking on behalf of themselves and not on behalf of the City of Southport. When publishing content related to the City or City business on personal websites or social media sites, a disclaimer should be added stating "The postings on this site are my own and don't necessarily represent the City of Southport's positions or opinions." A general disclaimer on an elected or appointed official's social media page suffices.
4. If an elected or appointed official conducts any City business or communication as an official from a personal account, professional account, or an account created for a board/committee/commission, officials should assume that City-related communications will be considered a public record subject to the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.*, as well as applicable portions of the records retention schedule at <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>. The City does not archive or manage personal social media accounts for elected/appointed officials, thus, the official is solely responsible for the retention and archival of content published to personal social media accounts.
5. If an elected or appointed official conducts any City business or communication as an official, or publishes content related to the City or City business from a personal account, professional account, or an account created for a board/committee/commission, the official shall not delete any comments, block users, or otherwise restrict access to the public based on the viewpoints expressed.
6. It is anticipated that from time to time, officials will have access to information that is considered privileged or confidential under North Carolina General Statutes. Such information is typically considered an exception to the public records law and may have specific penalties for inappropriate disclosure. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets. Officials must not reveal any confidential or privileged information about the City, its constituents, its employees, or its contractors. Officials must be particularly careful to protect against the inadvertent disclosure of confidential or privileged information.
7. Officials are expressly prohibited from using personal or professional social media to engage in any activity or conduct that violates federal, state, or local law. Officials are also prohibited from using professional social media accounts to circumvent election or campaign requirements, to campaign for re-election or endorse other candidates for public office.



8. Officials are prohibited from deleting posts and related comments regarding any City-related matters to avoid violating North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.*
9. Officials should be mindful that posting content regarding City-related matters could inadvertently result in the violation of the Open Meetings Law if enough other public officials engage on the post, resulting in a quorum. If this occurs, the online conversation should immediately cease with no further posts by the officials and the City Clerk should be notified accordingly.
10. Officials are prohibited from using social media to engage in any activity that constitutes or creates the appearance of a conflict of interest.
11. Officials should use best efforts to limit using social media accounts to communicate with City employees about City-related matters as this creates a public record on employees' personal accounts that must be retained per North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.* If elected officials want the City's official pages to respond to a social media inquiry, the following responses are suggested:
 - a. Twitter: "Tagging @CityofSPT on your inquiry so the Administration may respond to you directly."
 - b. Facebook: "Tagging @City of Southport NC on your inquiry so the Administration may respond to you directly."
 - c. Instagram: "Tagging @cityofsouthport on your inquiry so the Administration may respond to you directly."
 - d. Other platforms, such as Nextdoor: "Please contact the City of Southport directly so the Administration may respond to you. You may also submit your inquiry to the Quick Contact Form located on the home page of the City website."
12. Officials shall familiarize themselves with the North Carolina Department of Cultural Resources Division of Archives and Records Digital Records Policies and Guidelines (<http://archives.ncdr.gov/For-Government/Digital-Records/Digital-Records-Policies-and-Guidelines>) and Local Government Retention Schedules (<http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>).

Procedure for Requesting and Maintaining Social Media Accounts for Boards, Committees and Commissions

Boards/Committees/Commissions that use social media are responsible for complying with applicable federal, state, and local laws, regulations, and policies. This includes adherence to laws and policies regarding copyright, use of photographs, public records retention, personnel privacy, First Amendment, HIPAA privacy, the Americans with Disabilities Act, and information security policies established by the City of Southport.



1. When creating a social media presence, the board/committee/commission should consider the following:
 - a. Why is this social media platform the appropriate outreach tool for the target audience?
 - b. Which appointed officials on the board will be responsible for developing the content and design of the platform?
 - c. Which appointed officials will be granted administrator access to the site and be responsible for the content management strategy and ongoing updates?
 - d. What will be the account's official name?
 - e. What type of information and images will be included on the site?
 - f. What is an estimate of the number of hours per week time will be dedicated to this site?
 - g. How will time be scheduled to maintain the site?
 - h. How will the site be monitored after hours, during weekends, over holidays, and during crisis events?
 - i. How often are posts anticipated?
 - j. How will a link back to the board/committee/commission official website at www.cityofsouthport.com be provided when appropriate?
2. Once the site is developed, all usernames and passwords associated with the new site must be provided to the City Clerk's Office as well as the City Public Information Officer. If/when the username and password are changed, the new information must be provided to all parties listed above.
 - a. Facebook is the exception to this rule. Usernames and passwords will not be required for Facebook since administrators must use their personal accounts to manage pages. Rather than providing personal information, more than one appointed official on the board/committee/commission must be an administrator on the page, as well as the City Public Information Officer.
3. The sites must allow others, such as members of the public, to post comments or other visitor-generated content directly to the site. However, user guidelines should clearly be posted on the site. Posted guidelines must include:
 - a. No comments will be allowed that use inappropriate or offensive language.
 - b. No comments that discriminate or are derogatory based on race, color, national origin, religion, gender, age, disability, sexual orientation, or veteran status will be allowed.
 - c. Any user who harasses another user, or who is in violation of the comment guidelines will be removed from the site.
 - d. Any profile that violates the hosting site's terms will be reported to site administrators.
 - e. Any comments that appear to be spam or advertising solicitations not germane to the original post will be removed from the site.
 - f. City of Southport social media sites are subject to applicable North Carolina Public Records Law and can be disclosed to third parties.
4. Boards/Committees/Commissions should have a process for removing and re-assigning social media management duties when an appointed official ceases their service. Administrator privileges should be revoked on the official's last day of service and immediately re-assigned to a new administrator.



5. Visitors to board/committee/commission sites cannot be permanently banned or blocked. If visitor-generated content is in violation of the posted guidelines, each comment or post should be reviewed and hidden. Inappropriate comments that are also in violation of the social media site's Terms of Service (TOS) should also be reported directly to the social media platform. Appointed officials administering social media platforms should be aware of the Terms of Service (TOS) of each social media site. Each has its own unique TOS that regulates how users interact using that particular form of media.
6. If a board/committee/commission social media account has unauthorized activity, i.e. is hacked, the authorized administrators should:
 - a. Immediately notify the City Manager and City Public Information Officer.
 - b. Immediately try to regain access to the account.
 - c. Once access to the account is obtained, change the password.
 - d. Delete messages posted by hackers.
 - e. Let followers know that the account was hacked and what is being done to fix the issue.
 - f. Review third-party apps. These could be used by hackers to gain access to accounts.
7. Communication on social media platforms is considered a public record. Posts by the account administrators and any feedback by members of the public will become part of the public record per North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.* Always provide links to the board/committee/commission official website for more information, forms, documents, or online services necessary to conduct business with the Board. It is strongly recommended that new or unique information or updates be contained on both the board/committee/commission official website and the social media site. All social media sites are required to be linked to City Clerk's archiving service for public records retention and must also comply with applicable portions of the records retention schedule at <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>.



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 04/13/2023

DEPARTMENT: Development Services

PRESENTED BY: Todd Coring; Police Chief; Dorothy Dutton, Assistant City Manager; and Travis Henley, Development Services Director

ITEM SPONSORED BY: Development Services Department, Police Department, City Manager's Office

ITEM/TOPIC: Draft Noise Ordinance Amendments

COST: N/A

BUDGET LINE ITEM: N/A

JUSTIFICATION: Staff is presenting proposed amendments to the City's Noise Ordinance, found in Chapter 9, Article 2, Division 3 of the Southport Code of Ordinances. These amendments are intended to help increase the effectiveness of the City's efforts to regulate noise and protect the quality of life currently enjoyed within the City, while at the same time providing clarity for staff and the public for what noises are and are not allowed within the City.

IMPACT IF NOT APPROVED: The existing Ordinance remains in effect.

DEPARTMENT HEAD COMMENTS: The draft language attached to this item is seen as an improvement over the current Ordinance as it provides more clarity regarding what sorts of noises are and are not violations, reduces ambiguity in the terms referenced within, and provides clear direction on identifying and citing violators of the Ordinance. Staff is requesting feedback on the draft language, and if the desire of the Board, Staff will include it on a future agenda in accordance with standard procedure for Ordinance Amendments.

CITY MANAGER COMMENTS: I am in concurrence with updating the Noise Ordinance, so Staff has the best ability possible to not be subjective as to noise levels and citations. My only concern is making sure that if someone challenges the citation they are given, that we have a clearly written document that can support our staff member's decision especially if we go to court over a citation. Unless you are very specific with your wording, what one person thinks is a noise nuisance, another person may not agree with that conclusion.

ATTACHMENTS: Memo outlining proposed noise ordinance, draft noise ordinance, and the current noise ordinance.

REQUESTED ACTION: Review and provide feedback on the updated Noise Ordinance located in Chapter 9, Article 2, Division 3 of the Southport Code of Ordinances.

PROPOSED MOTION: Motion to set a public hearing for the proposed Noise Ordinance amendments at the next Board of Aldermen agenda.



BOARD OF ALDERMEN

MEMORANDUM

To: Mayor Joseph P. Hatem, Members of the Board of Aldermen
From: Development Services, Police, and City Manager's Office Staff
Date: April 13, 2023
Re: Proposed Noise Ordinance Amendments

Overview

Members of the Police Department, City Manager's Office, and Development Services Department have collaborated to provide a proposed update to the City's Noise Ordinance, found in Chapter 9, Article 2, Division 3 of the Southport Code of Ordinances. These amendments are intended to provide more clarity to the purpose and intent of the City's noise regulations, provide definitions to certain terms to remove elements of subjectiveness, and provide more certainty to the process for violations of the City's noise regulations. The draft Ordinance was the result of a collaborative effort across multiple City departments and has also been reviewed by the City Attorney.

Proposed Amendments

As shown in the attached draft language, Section 9-91 is proposed to be amended to establish a statement of policy and provide overarching definitions for use within the Noise Ordinance. Specifically, the draft ordinance defines the following terms:

- Reasonable
- Reasonable Person
- Disturbing
- Unreasonably Loud Noise

Within the current ordinance, Section 9-92 contains a number of specific noises expressly prohibited but is rather subjective in the manner in which it prohibits a number of different types of noise. The proposed Section 9-92 instead takes a more broad approach, referencing the conditions established in draft Section 9-91, to make it unlawful to "make, allow, continue, or assist in making" undesired noises as laid out in that section. Additionally, the draft Section 9-92

establishes factors to be considered in determining whether a noise constitutes a violation, including but not limited to:

- Proximity to sleeping facilities
- Land Use, Nature, and Zoning of the area
- Time of day or night
- Duration
- Whether the sound is recurrent, intermittent, or constant.

These proposed changes help Police Officers, Code Enforcement Officers, and any other member of Staff enforcing the noise ordinance to make a reasonable decision as to whether the noise is a violation or not, helps ensure that different scenarios are treated fairly, while also reserving the ability to consider unique contexts as well.

Within draft Section 9-93, certain noises are expressly prohibited, including the catch-all that “any other unreasonably loud noise as determined by a reasonable person with ordinary sensibilities” is also prohibited. Furthermore, in a similar manner to the regulation of amplified sound in the current Section 9-93, the draft Ordinance includes a section covering noises that are prohibited at certain times of the day, which includes music, parties, vehicles, and construction activities. The specific times at which these regulations apply are consistent with the current noise ordinance regulations. Finally, any noise clearly audible at a distance of 100 feet from the property line of the property or location originating the sound is prohibited as well.

In draft Section 9-94, specific noises are generally exempted from the regulations of the noise ordinance “unless they produce a risk of serious or unnecessary bodily harm.” Those noises include:

- City Work
- Community Events
- Sporting Events
- Ordinary Use of Power Tools (when compliant with other draft sections)
- Emergency Work and Equipment
- Safety Signals

Finally, within Draft Section 9-95, responsible parties for violations of the noise ordinance are established. It is also clarified that anyone found as a responsible party may be issued a civil citation in accordance with the fee schedule outlined in Section 9-95.B, specifically that the first violation shall receive a civil citation of \$50, the second is \$100, and each subsequent violation shall be assessed a \$200 fine. Included within this language is the ability for the city to also consider any other appropriate equitable remedies in the enforcement of the Noise Ordinance, and the establishment that the Police Department, Code Enforcement Officer, and any other entity designated by the City Manager may enforce the provisions of the Noise Ordinance.

Staff Recommendation

Staff is proposing the draft Noise Ordinance amendments in order to increase the effectiveness of the City's efforts to regulate noise and protect the quality of life that residents and visitors to Southport have come to enjoy. Staff desires the Board's feedback on the attached ordinance proposal and will bring the amended draft forward as you would like to see, using the standard procedure for amendments to the City's Ordinances.

CHAPTER 9.

Division 3. Noise

Sec. 9-91. Statement of Policy; Definitions.

It is the goal of the City of Southport to maintain a peaceful community while recognizing that certain noises are generated by the economic and recreational activity of our lively community. The City of Southport hopes to encourage such activity but ensure that there are time periods which residents can rest and expect peaceful enjoyment of their residences, undisturbed by unacceptable levels or types of noise.

Reasonable-reference to the normal expectations for sound during normal waking hours versus the normal expectations for sound during normal sleeping hours. A higher level of sound is acceptable during the day and a lower level of sound acceptable during the night. A higher level of noise should be expected and tolerated within a commercial district and a lower level of noise should be expected in a residential district within the City.

Reasonable Person-one who is fair and sensible. Although enforcement of this chapter shall often be the result of a complaint received by the City, in each instance, the City of Southport police officer or Code Enforcement officer shall separately determine, whether the noise in questions is at a “reasonable” level pursuant to the provisions of Division 3.

Disturbing-perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of an area.

Unreasonably Loud Noise- noise which is loud, raucous and disturbing which unreasonably obstructs, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities.

Sec. 9-92. General Prohibition

(A.) It shall be unlawful for any person, firm, or corporation to make, allow, continue, or assist in making any:

- 1). unreasonably loud noise;
- 2). any noise which unreasonably disturbs, injures, or endangers the comfort, health, safety, or peace of reasonable person of ordinary sensibilities within the jurisdictional area of the City; or
- 3). Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to cause unreasonable discomfort to any person to any person with ordinary sensibilities residing, working, or visiting in the area.

(B.) Factors for determining the unreasonableness of a noise includes, but not limited to, the following:

- 1). The proximity of the sound to sleeping facilities;
- 2). The land use, nature and zoning of the area from which the sound emanates from and the area where it is received;
- 3). The time of day or night that the sound occurs;

- 4). The duration of the sound; and
- 5). Whether the sound is recurrent, intermittent, or constant.

Sec. 9-93. Noises Specifically Prohibited.

(A.) The noises listed are specifically prohibited:

1. Noises intended to disturb;
2. Horns, sirens, or signaling devices;
3. Television sets, radios, musical instruments, amplification devices;
4. Yelling, shouting, and the like;
5. Frequent, constant, or continual noise from any animal;
6. Vehicles and watercraft;
7. Loading, unloading, or waste disposal;
8. Alarms for vehicles or homes;
9. Compression release engine braking (air brakes); and
10. Any other unreasonably loud noise as determined by a reasonable person with ordinary sensibilities.

(B). Noises Prohibited at Certain Times. The following noises are declared to be in violation of Chapter 9. Article II. Division 3 if generated between the hours of 9:00 p.m.-7:00 a.m. on Sunday-Thursday nights, and 11:00 p.m.-7:00 a.m. on Friday-Saturday nights. This is not an all-inclusive list.

1. Outdoor use of television sets, radios, or music amplification devices.
2. Indoor use of musical instruments, amplification devices, and the like.
3. Yelling, shouting and the like.
4. Parties.
5. Fireworks.
6. Vehicles.
7. Loading or unloading commercial vehicles.
8. Construction activity. Demolition, alteration, repair of any residential or commercial building is only permitted between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. No construction activity may take place on the following holidays: Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Year's Day.

(C.) Any noise or sound that is clearly audible at a distance of 100 feet from the property line of the property or location originating the sound.

Sec. 9-94. Noises Generally Exempt from This Chapter.

The following noises and activities are exempt from the provisions of this division unless they produce a risk of serious or unnecessary bodily harm:

(A.) City work. The sounds produced by City vehicles, employees and contractors engaged in critical or emergency duties, or the normal daily operations of the City.

(B.) Community events. The noise and sounds occurring from a non-recurring community event, government event, or institutional entity (church, school, hospital).

(C.) Sporting events. The noise and sounds generated from a sporting event held at a school, or City-owned property.

(D.) Ordinary use of power tools. The ordinary use of noise-causing tools such as a lawnmower, weed-trimmer, chainsaw, as long it complies with Sec. 9-93. B.8.

(E.) Emergency work and equipment. Noises occurring for the purpose of alleviating physical trauma or property damage. This includes the operation of generators and emergency service vehicle.

(F.) Safety signals. Noise of safety signals, warning devices, including lightning detectors, provided the signals are used for promoting public health and safety.

Sec 9-95. Responsible Parties; Notice of Violation.

(A.) Any person who creates or assists in creating any violation of this chapter may be issued a civil citation and will be held liable for penalties as defined in Sec. 9-95. (B.).

1.) This includes the person, or group of people, who creates the noise, but also any person that owns, manages, leases, occupies, or operates any location in which the noise is generated.

(B.) Any person, group of people, business, or organization that is found in violation of this ordinance and has been issued a civil citation, is subject to the following penalty schedule:

1 st Noise Violation	\$ 50.00
2 nd Noise Violation	\$ 100.00
3 rd and each subsequent violation	\$ 200.00

(C.) In addition to the penalties provided for above, the City may enforce the provisions of this Division by any appropriate equitable remedies.

(D.) This Division may be enforced by the City's Police Department, Code Enforcement officer, and/or by any employees of the City as designated by the City Manager.

DIVISION 3. NOISE¹

Sec. 9-91. Unnecessary noises prohibited.

It shall be unlawful for any person, firm or corporation to create or assist in creating any unreasonably loud, disturbing sound levels in the city, taking into consideration volume, duration, frequency and other characteristics of the sound.

(Ord. of 2-9-95)

Sec. 9-92. Certain noises expressly prohibited.

The following acts or activities, among others, are hereby declared to be unreasonably loud, disturbing sound levels, in violation of this section, but said enumeration shall not be deemed to be exclusive:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such horn or signal device of any unreasonably loud, disturbing sound level; and the sounding of such device for any unreasonable period of time.
- (2) The sounding of any gong, bell or siren wherever located such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity except for the use of a gong or siren upon a police, fire or other emergency vehicle, or by a church or school.
- (3) The playing, use or operation of any radio, musical instrument, electronic sound amplification equipment or other similar device in such manner or with such volume so that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity, except with an appropriate permit.
- (4) The keeping of any animal or bird which makes frequent or long continued sounds such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.
- (5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded, or in such manner as to create unreasonably loud, disturbing sounds.
- (6) The discharge into the open air of the exhaust from any steam engine, stationary internal combustion engine, or motor vehicle engine, except through a muffler or other device which will prevent unreasonably loud, disturbing sounds therefrom.

¹Editor's note(s)—Ord. of February 9, 1995 repealed in their entirety §§ 2-91 and 2-92, and enacted new §§ 2-91—2-93 as set out herein. Said former sections pertained to similar subject matter and derived from Code 1974, §§ 11.42, 11.43.

State law reference(s)—Authority to regulate noise, G.S. 160A-184.

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- (7) The use of any mechanical device operated by compressed air unless the sound created thereby is effectively muffled and reduced so as not to unreasonably disturb persons in the vicinity.
 - (8) The erection, construction (including excavation), demolition, alteration or repair of any building or structure in a residential or business district other than between the hours of 7 a.m. to 6 p.m. on weekdays of Monday through Saturday, except in the case of urgent necessity in the interest of public safety, and then only with a permit from the building inspector while the emergency continues.
 - (9) The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church or court during normal operating hours, or within one hundred fifty (150) feet of any hospital, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of such institutions, provided conspicuous signs are displayed indicating that such area is a school, educational facility, church, court or hospital area.
 - (10) The operating or maintaining of any garage or service station in any residential area so as to cause unreasonably loud, disturbing sounds to be emitted between the hours of 10 p.m. to 7 a.m. on any day.
 - (11) The use of any mechanical or electronic sound amplification equipment for advertising or solicitation purposes, except with an appropriate permit.
 - (12) Shouting or using any drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or display of merchandise, except with an appropriate permit.
 - (13) The firing or discharging of firecrackers, guns, gunpowder or any other combustible substance such that a reasonably prudent person would recognize is likely to unreasonably disturb persons in the vicinity.

(Ord. of 2-9-95)

Sec. 9-93. Regulation of amplified sound.

It shall be unlawful for any person, entity or establishment to play, operate, cause to be played or operated, or allow to be played or operated, any musical instrument, radio, amplified music or other sounds in a courtyard or other outdoor area which is not in a completely enclosed structure during the following hours at the indicated volumes:

- (1) Between 8:00 p.m. and 10:00 p.m. on Sunday through Thursday nights when such sound is clearly audible at a distance of one thousand (1000) feet from the point of origin of said sound.
- (2) Between 9:00 p.m. and 11:00 p.m. on Friday and Saturday nights when such sound is clearly audible at a distance of one thousand (1000) feet from the point of origin of said sound.
- (3) Between the hours of 10:00 p.m. and 7:00 a.m. the following morning on Sunday through Thursday nights when such sound is clearly audible at a distance of five hundred (500) feet from the point of origin of said sound.
- (4) Between the hours of 11:00 p.m. and 7:00 a.m. the following morning on Friday and Saturday nights when such sound is clearly audible at a distance of five hundred (500) feet from the point of origin of said sound.

(Ord. of 6-13-02(1))

Sec. 9-94. Specific permits.

Any person wishing to engage in activities regulated by this chapter may do so only when a specific permit is approved by the city. Applications shall be submitted on forms supplied by the city. The permit shall not be unreasonably withheld and may contain appropriate conditions, including maximum decibel levels, designed to minimize the disruptive impact. Permits for activities which are significantly for religious or political purposes shall be granted, subject only to reasonable time, place and manner restrictions. Permits issued under this section may specify that the permission granted will continue for a stated period of time or until revoked. Any permit may be revoked if it is determined that the authorized activity has resulted in generation of unreasonably loud, disturbing sound levels.

In case an application is denied, a permit is approved with conditions unacceptable to the applicant, or a permit is revoked, the applicant may appeal to the board of aldermen for appropriate relief by written request.

(Ord. of 2-9-95)

Southport Cemeteries Care and Maintenance

April 11, 2023

Old Smithville Burying Ground

Northwood Cemetery

John Smith Cemetery—not owned by the City

“Shaded by giant oak trees, this peaceful well-kept cemetery has been the resting place for 1,093 souls for over 200 years...” Southport Historical Society

All cemeteries and graveyards are sacred ground. Southport Cemeteries are no exception and will be maintained and cared for in an appropriate and respectful manner. Every City Department in some way is responsible for this endeavor and will be a part of this process.

City Manager’s Recommendations: Under Which City Department? Cemetery Superintendent? Are there any plots remaining for sale? I am told there are not any available. Who is the contact person/department for citizens who have questions/concerns about the cemeteries? Cemeteries can be a part of the report from the Historic Preservation Commission

Mow and Weed all three Cemeteries: Designated Department/Departments and Designated Employees; A contract with a landscaping service may be required during the summer if an adequate number of employees are not able to be hired.

Responsible for Clean Up after Hurricanes and Storms and before funerals.

Taylor Field requires Maintenance—Old Smithville Cemetery is next door. Both are sacred ground and monuments—one to the living and one to the dead, respectively. Both require care and maintenance.

Line Item in the Budget with Adequate Funding; Competitive wages and the right equipment are required.

City Replaces Street Signs in Northwood Cemetery and whatever upkeep is needed—signs, roads, mowing, weeding, should be clearly delineated as to the city's responsibility and should be performed.

Should there be an Area to Place Debris to be Picked Up When Citizens Work on Their Family Plots in Northwood Cemetery by Fodale Ave?

Ask Civic Clubs/Boy Scouts to repair/replace Veteran Recognition Signage

Families of Southport Cemeteries Committee

Southport Historical Society Continued Involvement—in particular fund raising, paying for cleaning and repair of stones that have no family remaining or are monuments erected by the City/Citizens—note the River Pilot Obelisk.

Beautification Committee will be a part of the Southport Cemeteries as they have been in the past.

Forestry Committee will add their expertise and an arborist should be consulted as needed. There is a fungus that is growing on tree trunks and grave stones and should be evaluated.

Note that the triangle in front of Famous Subs, at the intersection of Howe Street and Robert Ruark, is seen by many citizens, visitors, and tourists, and is not the City's responsibility, but I have asked the City Manager to make sure we keep this area landscaped as it is a part of our entry corridor. Not that these areas are similar or equal, but both should be under the care and maintenance of the City of Southport.

Let our cemeteries age gracefully, historically, peacefully, beautifully, and respectfully, under the care of the City of Southport and all our citizens.



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 2/7/2023 DEPARTMENT: Administration

PRESENTED BY: Dorrie Dutton and Randy Jones

ITEM SPONSORED BY: Administration

ITEM/TOPIC: _____

Amending the Code of Ordinances as it pertains to Boards, Committees and Commissions

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

JUSTIFICATION: This amendment lists all the Committees, Boards and Commissions in the Southport Code of Ordinances and simplifies the terms, expirations, and process of appointment. There is sometimes confusion when terms expire and there might be gaps in between members.

IMPACT IF NOT APPROVED: All terms will remain the same. The Ordinances will remain the same.

DEPARTMENT HEAD COMMENTS: This amendment simplifies the process of reappointment and will make it easier to keep track of when terms expire. Also, it formally recognizes all the Boards/Committees and Commissions by adding them to the Code of Ordinances.

CITY MANAGER COMMENTS: Since I have been here, there have been times when questions have arisen as to whose term is up, how to go about filling a vacancy, and making sure all Boards and Commissions have the same process in filling the empty slots. This will make it easier and equitable in knowing the terms for everyone and how to fill vacancies.

ATTACHMENTS: Comparison spreadsheet, proposed amendments, term spreadsheet with revised expirations.

REQUESTED ACTION: Please consider approving the amendments to Chapter 2 and Chapter 13 of the Southport Code of Ordinances. This will make it easier for everyone to keep up with term expirations and all Boards and Committees will follow the same procedures.

PROPOSED MOTION: I make a motion to approve the proposed amendments to Chapter 2 and Chapter 13 of the Code of Ordinances to make all the Boards, Committees, and Commissions follow the same procedures for appointments, term length and expirations.

BOARD/COMMITTEE	PLANNING		BOARD OF ADJUSTMENT	HPC	BEAUTIFICATION	FORESTRY	USO/COMM BLDG		PARKS & REC		ABC BOARD
Source/Guidance	Code	UDO	UDO Only	Code	Website/Bylaws	Bylaws	Code		Code	Website	NCGS 18, Article 7
TOTAL MEMBERS	9	9	9	9	9	7			9	7	5
# CITY	6	6	6	9	6	N/A			N/A	6	N/A
# ETJ	3	3	3	0	3	N/A			N/A	1	N/A
# FULL	7	7	7	7	9	7			9	7	5
# ALTERNATE	2	2	2	2	0	NONE; BUT CAN			N/A	N/A	N/A
WARDS USED	NO	NO	NO	NO	NO	NO			N/A	YES	N/A
TERM LENGTH STAGGERED	N/A	3 YEARS	3 YEARS	3 YEARS	2 YEARS	2 YEARS			3 YEARS		3 YEARS
APPOINTED BY	BOA	BOA	BOA	BOA	BOA	BOA			BOA	BOA	BOA
	* Planning Board-update the Code of Ordinances to list the term length. * Add Board of Adjustment to Code of Ordinances with the same terms. *Add Beautification to the Code of Ordinances, but update to 3 year terms? * Add Forestry to the Code of Ordinances with a 3 year term? And add Bylaws to the website. * Delete USO/Comm Bldg from Code of Ordinances. * Update the website OR the Code of Ordinances so they are the same terms. *Add more information on the website for the ABC Board-maybe a link to the statutes?										

AN ORDINANCE AMENDING CHAPTER 2. OF THE CITY OF SOUTHPORT CODE OF ORDINANCES AS IT PERTAINS TO BOARD, COMMITTEES 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 entitled “Board, Committees and Commissions” is hereby amended to remove, replace, and add the following:

CHAPTER 2. ADMINISTRATION

ARTICLE IV. BOARDS, COMMITTEES AND COMMISSIONS

DIVISION 1: PARKS AND RECREATION COMMITTEE

Sec. 2-161. Creation and Purpose.

That there is hereby created a committee to be known as the Parks and Recreation Committee of Southport. The Parks and Recreation Committee shall advise on matters pertaining to Southport’s parks and recreation facilities and programs. The Committee shall work with the Parks and Recreation Director to recommend new rules and policies that provide guidance governing the operation and appropriate conduct by the public at the City’s recreation facilities including public parks, playgrounds, athletic fields, and gymnasiums.

Sec. 2-162. Membership and term.

Membership in the Parks and Recreation Committee shall consist of six (6) residents from within the City limits, and one (1) resident from the ETJ area. The six (6) City members shall be composed of three (3) members from Ward 1 and three (3) members from Ward 2. The Mayor shall appoint the ETJ member, and also a Board liaison from the Aldermen. The Board liaison will be entitled to all privileges except those of making a motion, voting, or holding office. The Parks and Recreation Director and Assistant Director shall attend all meetings of the Parks and Recreation Committee and serve as the City staff liaisons.

Open positions on the Committee will be advertised by the City in the Spring. Prospective applicants and incumbent members seeking reappointment shall submit an application to the City Clerk by April 30th. Members who are active and in good standing on the Committee may be given preference for reappointment at the end of their term. All new applicants will be interviewed by the Chair and Board of Aldermen liaison, who will recommend the best candidate(s) to the Board of Aldermen at the next Regular June meeting. The Board of Aldermen will appoint the member(s) from the pool of all prospective applicants.

Any member desiring to resign from the Parks and Recreation Committee shall submit his/her resignation in writing to the Secretary. Applications will then be accepted by the City Clerk for a period of thirty (30) days following the resignation, to serve on the Committee for the remainder of the term. After the thirty (30) days, the Chair and Board Liaison will conduct interviews and make a recommendation to the Board of Aldermen at the next Regular Board of Aldermen meeting.

All appointed members shall serve a term of three (3) years that expires on June 30th in the third year, and terms are staggered to maintain continuity in the Committee. Parks and Recreation Committee members shall serve without compensation. Refer to Table A below for term expiration dates.

Table A. Scheduled Staggered Term Expirations

	JUNE	2023	2024	2025	2026
CITY	Ward 1		1		
	Ward 1		1		
	Ward 1		1		
	Ward 2			1	
	Ward 2			1	
	Ward 2			1	
ETJ	ETJ			1	

(terms 3-years to expire in June of the third year)

Sec. 2-163. Officers and Duties.

The recreation committee shall appoint from its membership a Chair, Vice-Chair, Secretary, and such other officers as it may deem necessary for the orderly procedure of its business. Officers will be nominated by the Committee each year during the first meeting of the term (July), or within sixty (60) days after a mid-term vacancy of an officer. The Committee may adopt by-laws, rules and regulations governing its procedure not inconsistent with the provisions of the state laws.

The duties for each position are as follows:

1. The Chair shall preside over all meetings, sign all official papers, appoint sub-committees, and call special meetings when necessary.
2. The Vice-Chair shall serve in the absence of the Chair.
3. The Secretary shall take the minutes of all meetings.
4. The Parks and Recreation Director shall submit a report of all activities and administration at each regular meeting.

Sec. 2-164. Meetings and Authority.

The regular meeting of the Committee shall be held on the second (2nd) Tuesday of each month. Special meetings shall be called by the Chair. The purpose of the special meeting shall be stated in the notice and given at least forty-eight (48) hours in advance of the meeting date.

Acceptance of an appointment to this Committee signifies an obligation of the appointee. It is the duty of each member to attend every meeting unless prevented by sickness or grave emergency. If a member misses three regular meetings without a reasonable explanation, the Committee shall request the resignation of said member.

More than half of all appointed members of the Committee shall constitute a quorum for the purposes of conducting official meetings. At the discretion of the Chair, a meeting may proceed with less than a quorum in order to conduct routine matters.

After determining a quorum is present, the meetings shall include the following:

1. Call to Order by the Chair

2. Approval of minutes of previous meeting
3. Report from Parks and Recreation Director and any special committees
4. Old business
5. New business
6. Adjournment

Sec. 2-165. Responsibilities.

The Parks and Recreation Committee shall help provide, maintain, promote, and generally advise the parks, playgrounds, athletic fields, and recreational centers owned or controlled by the City of Southport.

Sec. 2-166. Amendments

The Parks and Recreation Committee may amend their By-Laws at any Regular meeting of the Committee by a simple majority vote, provided the amendment was submitted in writing at a previous meeting.

Sec.2-167 through 2-174. Reserved.

DIVISION 2. BEAUTIFICATION COMMITTEE

Sec. 2-175. Purpose.

The purpose of the Beautification Committee shall be to review and recommend action on public beautification projects, in general, and to maintain specific public areas exclusively, including weeding, planting, mulching, pruning, and, in some cases painting and staining.

Sec. 2-176. Membership and Term.

Membership of the Beautification Committee will be limited to nine (9) full members appointed by the Board of Aldermen. All members shall be residents of the greater Southport area, as designated by the zip code 28461. A minimum of six (6) members shall live within the legal City limits. The Mayor shall appoint an Aldermen to the Committee to act as a liaison between the Beautification Committee and the Board of Alderman. The Board liaison shall be entitled to all privileges except those of making a motion, voting, or holding office. There will also be a City staff liaison assigned by the City Manager to support the Committee.

Open positions on the Committee will be advertised by the City in the Spring. Prospective applicants and incumbent members seeking reappointment shall submit an application to the City Clerk by **April 30th**. Members who are active and in good standing on the Committee may be given preference for reappointment at the end of their term. All new applicants will be interviewed by the Chair and Board of Aldermen liaison, who will recommend the best candidate(s) to the Board of Aldermen at the next Regular June meeting. The Board of Aldermen will appoint the member(s) from the pool of all prospective applicants.

Any member desiring to resign from the Beautification Committee shall submit his/her resignation in writing to the Secretary. Applications will then be accepted by the City Clerk for a period of thirty (30) days following the resignation, to serve on the Committee for the remainder of the term. After

the thirty (30) days, the Chair and Board Liaison will conduct interviews and make a recommendation to the Board of Aldermen at the next Regular Board of Aldermen meeting.

All appointed members shall serve a term of three (3) years that expires on June 30th in the third year, and terms are staggered to maintain continuity in the Committee. Beautification Committee members shall serve without compensation. Refer to Table A below for term expiration dates.

Table A. Scheduled Staggered Term Expirations

June	2023	2024	2025	2026
City Resident (6+)		4	1	
Other Member (3)			3	

(terms 3-years to expire in June of the third year)

Sec. 2-177. Officers and Duties

The Officers of the Committee shall be Chair, Vice-Chair, Secretary and Treasurer. Officers will be nominated by the Committee during the first meeting of a new term (July), or within sixty (60) days after a mid-term vacancy of an officer.

The duties for each position are as follows:

1. The Chair shall issue an agenda prior to each meeting, shall preside over all meetings, sign all official papers, call special meetings as necessary, approve all expense reimbursements in advance of individual outlay, and perform all such duties usually bestowed upon a Chairman.
2. The Vice-Chair shall serve in the absence of the Chair.
3. The Secretary shall maintain and publish complete minutes of each meeting, be responsible for all Committee correspondence, and keep and maintain a membership attendance record.
4. The Treasurer shall maintain and publish a financial report at each meeting, which keeps track of expenses incurred and budgeted funds remaining to spend and be responsible for submitting check requests to the City Finance Director for individual reimbursement of approved expenses incurred.

Sec. 2-178. Meetings and Authority

The regular meeting of the Committee shall be held on the third (3rd) Monday of each month. Special meetings shall be called by the Chair. The purpose of the special meeting shall be stated in the notice and given at least forty-eight (48) hours in advance of the meeting date.

Acceptance of an appointment to this Committee signifies an obligation of the appointee. It is the duty of each member to attend every meeting unless prevented by sickness or grave emergency. If a member misses three regular meetings without a reasonable explanation, the Committee shall request the resignation of said member.

More than half of all appointed members of the Committee shall constitute a quorum. At the discretion of the Chair, a meeting may proceed with less than a quorum in order to conduct routine matters.

After determining a quorum is present, the meetings shall include the following:

1. Call to Order by the Chair
2. Approval of minutes of previous meeting
3. Report of standing or special committees
4. Old business
5. New business
6. Adjournment

Sec. 2-179. Amendments

The Beautification Committee may amend their By-Laws at any Regular meeting of the Committee by a simple majority vote, provided the amendment was submitted in writing at a previous meeting.

Secs. 2-180 through 2-191. Reserved.

DIVISION 3. HISTORIC PRESERVATION COMMISSION.

Sec. 2-192. Creation and Appointment

There is hereby created, pursuant to G.S. § 160D-303, 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. All members appointed to the Commission shall, before entering their duties, qualify by taking an oath of office as required by G.S. § 160D-309. 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. (Refer to Table A below for the initial term expiration dates).

Table A. Scheduled Staggered Term Expirations.

	June	2023	2024	2025	2026
Full Members			2	3	2
Alternates			2		

(all terms become 3-year after the original term expires)

Open positions on the Commission will be advertised by the City in the Spring. Prospective applicants and incumbent members seeking reappointment shall submit an application to the City Clerk by **April 30th**. Members who are active and in good standing on the Commission may be given preference for reappointment at the end of their term. All new applicants will be interviewed by the Chair, Vice Chair and Board of Aldermen liaison, who will recommend the best candidate(s) to the

Board of Aldermen at the next Regular June meeting. The Board of Aldermen will appoint the member(s) from the pool of all prospective applicants.

Any member desiring to resign from the Commission shall submit his/her resignation in writing to the Secretary. Applications will then be accepted by the City Clerk for a period of thirty (30) days following the resignation, to serve on the Commission for the remainder of the term. After the thirty (30) days, the Chair, Vice Chair and Board liaison will conduct interviews and make a recommendation to the Board of Aldermen at the next Regular Board of Aldermen meeting.

The alternate members will not have regular voting privileges unless specifically indicated by a majority of regular members. The alternate members may have preferred status for appointment when regular position becomes available. All full and alternate members of the Historic Preservation Commission must be residents within the corporate limits of the City of Southport.

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.

Sec. 2-193 Qualification of Members

A majority of the 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.

Sec. 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.
 - i. The Officers of the Commission shall be Chair, and Vice-Chair. Officers will be nominated by the Historic Preservation Commission during the first meeting of a new term (July), or within sixty (60) days after a mid-term vacancy of an officer.
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 work for which the City 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 (G.S. §§ 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.

Sec. 2-195 through Sec. 2-199 are unchanged from the current Code.

Sec. 2-200. through Sec. 2-204. Reserved.

DIVISION 4. FORESTRY COMMITTEE

Sec. 2-205. Purpose

The purpose of the Forestry Committee shall be to review and recommend actions to preserve and enhance the community's trees. Recognizing that the historical personality of the City is in part defined by its trees, in particular the live oaks. The Committee's actions will include:

1. Protection of existing trees;
2. Tree replenishment;
3. Public Education;
4. Other functions related to the community's forest environment.

Sec. 2-206. Membership and Terms

Membership in the Forestry Committee is limited to seven (7) full members as appointed by the Board of Aldermen. The Board of Aldermen can appoint "alternate" members, at the recommendation of the Committee Chair. The alternate members will not have regular voting privileges unless specifically indicated by a majority of regular members. The alternate members may have preferred status for appointment when regular position becomes available. All full and alternate members of the Forestry Committee must be residents of the City or the ETJ area.

The Committee may also retain "consulting members" who have particular skills or expertise beneficial to the Committee's purpose. Any person possessing these skills or expertise, including City employees, may serve on the Committee as a "consulting member" with the approval of the Committee Chair. The Mayor shall appoint an Alderman to the Forestry Committee to act as a liaison who shall be entitled to all privileges except making a motion, voting, or holding office. There shall also be a City staff liaison assigned by the City Manager to support the Committee.

Open positions on the Committee will be advertised by the City in the Spring. Prospective applicants and incumbent members seeking reappointment shall submit an application to the City Clerk by **April 30th**. Members who are active and in good standing with the Committee may be given

preference for reappointment at the end of their term. All applicants will be interviewed by the Chair, Vice-Chair and Board of Aldermen liaison, who will recommend the best candidate(s) to the Board of Aldermen at the next Regular June meeting. The Board of Aldermen will appoint the member(s) from the pool of all prospective applicants.

Any member desiring to resign from the Committee shall submit his/her resignation in writing to the Secretary. Applications will then be accepted by the City Clerk for a period of thirty (30) days following the resignation, to serve on the Committee for the remainder of the term. After the thirty (30) days, the Chair and Board liaison will conduct interviews and make a recommendation to the Board of Aldermen at the next Regular Board of Aldermen meeting.

All appointed members shall serve a term of three (3) years that expires on June 30th in the third year, and terms are staggered to maintain continuity in the Committee. Forestry Committee members shall serve without compensation. (Refer to Table A below for term expiration dates.)

Table A. Scheduled Staggered Term Expirations

June	2023	2024	2025	2026
City/ETJ Resident (7)		1	6	
Alternates		1	1	
Consultants	Serve at their will with approval of the Forestry Committee Chair			

(terms 3-years to expire in June of the third year)

Sec. 2-207. Officers and Duties

The Officers of the Committee shall be the Chair, Vice Chair, and Secretary. Officers will be nominated by the Forestry Committee during the first meeting of a new term (July), or within sixty (60) days after a mid-term vacancy of an officer.

The duties for each position are as follows:

1. The Chair shall issue an agenda prior to each meeting, shall preside at all meetings, sign all official papers, call special meetings as necessary, and perform all such duties usually bestowed upon a Chairman.
2. The Vice-Chair shall serve in the absence of the Chair.
3. The recording Secretary shall maintain and publish complete minutes of each meeting, be responsible for all committee correspondence and keep and maintain membership attendance records.

Sec. 2-208. Meetings and Authority

The regular meeting of the Forestry Committee shall be held the second Tuesday of each month, at 5:00 p.m., at the Indian Trail Meeting Hall. Special meetings shall be called by the Chair. The purpose of the special meeting must be stated in the notice and there shall be at least (48) hours before the meeting date.

Acceptance of an appointment to this Committee signifies an obligation of the appointee, and it is the duty of each member to attend every meeting unless prevented by sickness or grave emergency. If a member misses three regular meetings without a reasonable explanation, the Committee shall request the resignation of said member and shall request the Board of Aldermen to fill the vacancy.

Four members of the Committee shall constitute a quorum.

After determining a quorum is present, the meetings shall include the following:

1. Call to Order
2. Approval of Minutes of the previous meeting
3. Report of standing or special committees
4. Old/Recurring Business
5. New Business
6. Adjournment

Sec. 2-209. Amendments

The Forestry Committee may amend its By-Laws at any Regular meeting of the Committee by a simple majority vote, provided the amendment was submitted in writing at a previous meeting.

Secs. 2-210. through 2-214. Reserved

DIVISION 5. LOCAL ABC BOARD

Sec. 2-215. Purpose

The local ABC Boards serve the City responsibly by controlling the sale of spirituous liquor and promotion customer friendly, modern, and efficient stores.

Sec. 2-216. Membership and Terms

The City of Southport local ABC Board shall consist of five (5) members, who are appointed by the Board of Aldermen. The Board of Aldermen shall appoint members of a local board based on the appointees' interest in public affairs, good judgement, knowledge, ability, and moral character. The Mayor shall serve or appoint an Aldermen to serve as a liaison between the ABC Board and the Board of Aldermen. The Store Manager shall serve the local board in an administrative role.

Open positions on the Board will be advertised by the City in the Spring. Prospective applicants and incumbent members seeking reappointment shall submit an application to the City Clerk by **April 30th**. Members who are active and in good standing with the Board will be given preference for reappointment at the end of their term. All new applicants will be interviewed by the Chair and Board of Aldermen liaison, who will recommend the best candidate(s) to the Board of Aldermen at the next Regular June meeting. The Board of Aldermen will appoint the member(s) from the pool of all prospective applicants.

Any member desiring to resign from the ABC Board shall submit his/her resignation in writing to the Secretary. Applications will then be accepted by the City Clerk for a period of thirty (30) days following the resignation, to serve on the ABC Board for the remainder of the term. After the thirty (30) days, the Chair and Board liaison will conduct interviews and make a recommendation to the Board of Aldermen at the next Regular Board of Aldermen meeting.

All appointed members shall serve a term of three (3) years that expires on June 30th in the third year, and terms are staggered to maintain continuity in the Board. Officers of the ABC Board shall be the Chair, which will be nominated by the ABC Board. The Chair shall preside over all meetings, call special meetings as necessary, and perform all duties usually bestowed on a Chair. The ABC Store Manager shall act as Secretary of the Board. Refer to Table A below for term expiration dates.

Table A. Scheduled Staggered Term Expirations

June	2023	2024	2025	2026
Full Members (5)	1		2	2

(terms 3-years to expire in June of the third year)

Sec. 2-217. Duties of ABC Board

A local ABC Board is governed by North Carolina General Statute Chapter 18B: Regulation of Alcoholic Beverages. The local governing board appoints the members and reviews all sales reports, and store updates. General operation of the store and personnel matters is the responsibility of the ABC Store Manager and members of the local ABC Board.

All other regulations and responsibilities of the ABC Board are included in Chapter 18B, Articles 7 and 8 of the North Carolina General Statutes.

NOW, THEREFORE, BE IT ORDAINED by the City of Southport Board of Aldermen that the proposed Code of Ordinances amendment of Chapter 2, Article IV: Boards, Committees and Commissions, is hereby adopted and shall become effective immediately. All provisions of any City ordinance or resolution in conflict with this Ordinance are hereby repealed.

The foregoing Ordinance, having been submitted to a vote, received the following vote, and was duly adopted this the ____ day of April 2023.

Ayes: _____

Noes: _____

Absent or Excused: _____

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

ATTEST:

Dorothy Dutton
Assistant City Manager/City Clerk
City of Southport

AN ORDINANCE AMENDING CHAPTER 13. OF THE SOUTHPORT CODE OF ORDINANCES AS IT PERTAINS TO THE PLANNING BOARD AND BOARD OF ADJUSTMENT

BE IT ORDAINED by the Board of Aldermen of the City of Southport that Chapter 13 of the Code of Ordinances entitled “Planning” is hereby amended as follows:

CHAPTER 13. PLANNING

ARTICLE II. PLANNING BOARD

Sec. 13-26. Membership and vacancies. (revised section)

The Planning Board shall consist of seven (7) members and two (2) alternate members. Five (5) members and one (1) alternate member shall be citizens and residents of the City and shall be appointed by the Board of Aldermen. Two (2) members and one (1) alternate member shall be citizens and residents of the extra-territorial jurisdiction of the City as described pursuant to G.S. § 160D-201 *et seq.* and shall be appointed by the County Board of Commissioners pursuant G.S. § 160D-307. Alternate members shall not be entitled to vote on matters before the Planning Board except when a regular Planning Board member is absent from a duly called meeting. In that situation, the city alternate shall have the same privileges as the regular city members and may count for quorum purposes and vote if the absent member is a city member. All members appointed to the Planning Board shall, before entering their duties, qualify by taking an oath of office as required by G.S. § 160D-309.

All Planning Board members shall serve a term of three years. The terms are staggered and run from July through June of the third year. (Refer to Table A at the end of this section for the term expiration dates). The Mayor shall appoint up to two (2) Aldermen to the Planning Board as liaisons who shall be entitled to all privileges except making a motion, voting, or holding office.

Open positions on the Planning Board will be advertised by the City in the Spring. Prospective applicants and incumbent members seeking reappointment shall submit an application to the City Clerk by April 30th. Members who are active and in good standing with the Planning Board may be given preference for reappointment at the end of their term. All applicants will be interviewed by the Chair, and Board of Aldermen liaison(s), who will recommend the best candidate(s) to the Board of Aldermen at the next Regular June meeting. The Board of Aldermen will appoint the member(s) from the pool of all prospective applicants.

Any member desiring to resign from the Board shall submit his/her resignation in writing to the City Clerk. Applications for the open position shall then be accepted by the City Clerk for a period of thirty (30) days following the resignation, to serve on the Board for the remainder of the term. After the thirty (30) days, the Chair, Vice Chair, and liaison will interview all applicants, and will make a recommendation to the Board of Aldermen at the next Regular Board of Aldermen meeting.

Faithful attendance at the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Board. A vacancy shall exist on the Board if a member is absent from twenty-five (25) percent or more of the Board's meetings within a twelve (12) month period of time and said vacancy may be declared and filled by the Board of Aldermen.

The Officers of the Planning Board shall be the Chair and Vice Chair. Officers shall be nominated by the Planning Board during the first meeting of the new term (July), or within sixty (60) days after a mid-term vacancy.

Table A. Scheduled Staggered Term Expirations

	JUNE	2023	2024	2025	2026
CITY	FULL # to exp		1	3	1
	ALT # to exp				1
ETJ	FULL # to expire		2		
	ALT # to expire	1			

(terms 3-years to expire in in June of the third year)

Sec. 13-27 through 13-37 are unchanged.

ARTICLE III. BOARD OF ADJUSTMENT (new article)

Sec. 13-31. Membership and vacancies.

The Board of Adjustment shall consist of seven (7) members and two (2) alternate members. Five (5) members and one (1) alternate member shall be citizens and residents of the city and shall be appointed by the Board of Aldermen. Two (2) members and one (1) alternate member shall be citizens and residents of the extra-territorial jurisdiction of the City as described in G.S. § 160D-201 *et seq.* and shall be appointed by the County Board of Commissioners pursuant to G.S. § 160D-307. Alternate members shall not be entitled to vote on matters before the Board except when a regular Board of Adjustment member is absent from a duly called meeting. In that situation, the city alternate shall have the same privileges as the regular city members and may count for quorum purposes and vote if the absent member is a city member. All members appointed to the Board of Adjustment shall, before entering their duties, qualify by taking an oath of office as required by G.S. § 160D-309.

All members shall serve a term of three years. The terms are staggered and run from July through June of the third year. (Refer to Table A at the end of this section for the initial term expirations dates). The Mayor shall appoint an Aldermen to serve as the Board of Adjustment liaison who shall be entitled to all privileges except making a motion, voting, or holding office.

Open positions on the Board of Adjustment will be advertised by the City in the Spring. Prospective applicants and incumbent members seeking reappointment shall submit an application to the City Clerk by April 30th. Members who are active and in good standing with the Board of Adjustment may be given preference for reappointment at the end of their term. All applicants will be interviewed by the Chair, Vice Chair, and Board liaison, who will recommend the best candidate(s) to the Board of Aldermen at the next Regular June meeting.

Any member desiring to resign from the Board of Adjustment shall submit his/her resignation in writing to the City Clerk. Applications for the open position shall then be accepted by the City Clerk for a period of thirty (30) days following the resignation, to serve on the Board for the remainder of the term. After the

thirty (30) days, the Chair, Vice Chair, and liaison will interview all applicants, and will make a recommendation to the Board of Aldermen at the next Regular Board of Aldermen meeting.

Faithful attendance of the meetings of the Board is considered a prerequisite for the maintenance of membership on the Board. A vacancy shall exist on the Board if a member is absent from twenty-five (25) percent or more of the Board's meetings within a twelve (12) month period of time and said vacancy may be declared and filled by the Board of Aldermen.

The Officers of the Board of Adjustment shall be the Chair and Vice Chair. Officers shall be nominated each July when the new terms begin, or within sixty (60) days of a mid-term vacancy of an officer.

Table A. Scheduled Staggered Term Expirations

	JUNE	2023	2024	2025	2026
CITY	FULL # to expire		1	3	1
	ALT # to expire				1
ETJ	FULL # to expire		2		
	ALT # to expire	1			

(terms 3-years to expire in June of the third year)

Sec. 13-32. Organization, rules, meetings, records.

Within thirty (30) days after appointment, the Board of Adjustment shall meet and elect its Officers. Other Officer positions may be created as needed. The Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its findings, conditions imposed and recommendations, which record shall be a public record. The Board shall hold meetings as needed on a monthly basis. The regular meetings shall take place on the fourth Tuesday of each month, and the meetings shall be open to the public. There shall be a quorum of four (4) members for the purpose of taking any official action required by this article.

Sec. 13-33. General powers and duties.

It shall be the duty of the Board of Adjustment, in general, to:

1. Decide whether variances from the requirements of the Unified Development Ordinance should be granted.
2. Hear, review, and decide appeals from any final order, final decision of this ordinance, or official determination made by the UDO Administrator. Administratively review appeals from interpretation and enforcement of the UDO by an official.
3. Hear and decide applications for Special Use Permits, as specified in the UDO.
4. Pass upon, decide, or determine such other matters as may be required by the UDO.

Sec. 13-34. Quasi-Judicial Decisions

The Board of Adjustment shall make decisions based on the competent, material, and substantial evidence submitted into the record and subject to the procedures of G.S. § 160D-406. Each quasi-judicial decision shall be put into writing and signed by the Chairman. The quasi-judicial decision is effective upon filing the final written decision with the Clerk to the Board of Adjustment. The decision shall be delivered to

the applicant or other parties of interest by personal delivery, electronic mail, or first-class mail. When first-class mail is used, an additional three (3) days shall be added to the time. The final decision of the Board of Adjustment is subject to an appeal process with the superior courts by filing a petition for writ of certiorari pursuant to G.S. § 160D-1402. All appeals shall be filed with the clerk of superior court within thirty (30) days after the Board of Adjustment's decision is filed with the Clerk to the Board or delivered to the applicant, whichever is later.

Sec. 13-29. Conflict of Interest.

Pursuant to G.S. § 160D-109(d), a member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected persons' constitutional right to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote on the objection. Vacant positions and Board members who are disqualified from voting shall not be considered "members of the board" for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. In addition, members of the Board of Adjustment shall not engage in any ex parte communications with the applicant(s), or any other involved party.

Sec. 13-31. Zoning ordinance.

The Board of Adjustment may initiate, from time to time, proposals for amendment of the zoning ordinance, based upon its studies and review of the UDO.

NOW, THEREFORE, BE IT ORDAINED by the City of Southport Board of Aldermen that the proposed Code of Ordinances amendment of Chapter 13: Planning is hereby adopted and shall become effective immediately. All provisions of any City ordinance or resolution in conflict with this Ordinance are hereby repealed.

The foregoing Ordinance, having been submitted to a vote, received the following vote and was duly adopted this the ____ day of April 2023.

Ayes: _____

Noes: _____

Absent or Excused: _____

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

ATTEST:

Dorothy Dutton
Assistant City Manager/City Clerk
City of Southport

ALL BOARDS, COMMITTEES AND COMMISSIONS SCHEDULE OF PROPOSED TERMS

HISTORIC PRESERVATION COMMISSION	FIRST (CURRENT) TERM LENGTH	APPOINTMENT	ORIGINAL EXPIRATION	REVISED EXPIRATION DATE	NEXT/REVISED TERM LENGTH	NEXT EXPIRATION DATE
Josh Cline McKee	3 years	Oct 2022	Oct 2025	June 2026	3 years	June 2029
Jim McKee	3 years	Oct 2022	Oct 2025	June 2026	3 years	June 2029
Bonnie Bray, Alt	3 years	Oct 2022	Oct 2025	June 2026	3 years	June 2029
Lewis "Tal" West III, Alt	3 years	Oct 2022	Oct 2025	June 2026	3 years	June 2029
Charles Drew, Chair	2 years	Oct 2022	Oct 2024	June 2025	3 years	June 2028
Rick Pukenas, Vice Chair	2 years	Oct 2022	Oct 2024	June 2025	3 years	June 2028
Alexis Gore Graves	2 years	Oct 2022	Oct 2024	June 2025	3 years	June 2028
Bonner Herring	1 year	Oct 2022	Oct 2023	June 2024	3 years	June 2027
Joanne Wesson	1 year	Oct 2022	Oct 2023	June 2024	3 years	June 2027

PARKS AND RECREATION COMMITTEE	CURRENT TERM LENGTH	APPOINTMENT	ORIGINAL EXPIRATION	REVISED EXPIRATION DATE	NEXT/REVISED TERM LENGTH	NEXT EXPIRATION DATE
Eddie Davis	4 years	2021	June 2025	n/a	3 years	June 2028
Roberta Doshier	4 years	2021	June 2025	n/a	3 years	June 2028
Scott Jones	4 years	2021	June 2025	n/a	3 years	June 2028
Warren Whitley	4 years	2021	June 2025	n/a	3 years	June 2028
Stephanie Jackson	4 years	2020	June 2024	n/a	3 years	June 2027
Renee Spencer	4 years	2020	June 2024	n/a	3 years	June 2027
Emma Thomas	4 years	2020	June 2024	n/a	3 years	June 2027

ALL BOARDS, COMMITTEES AND COMMISSIONS SCHEDULE OF PROPOSED TERMS

PLANNING BOARD	CURRENT TERM LENGTH	APPOINTMENT	ORIGINAL EXPIRATION	REVISED EXPIRATION DATE	NEXT/REVISED TERM LENGTH	NEXT EXPIRATION DATE
Sue Hodgins, Chair	3 years	Feb 2022	Feb 2025	June 2025	3 years	June 2028
Will Hewett, Vice Chair	3 years	Aug 2022	Aug 2025	June 2026	3 years	June 2029
Richard Sloan	3 years	Feb 2022	Feb 2025	June 2025	3 years	June 2028
Fred Fiss	3 years	Feb 2022	Feb 2025	June 2025	3 years	June 2028
Scott Jones	3 years	Aug 2020	Aug 2023	June 2024	3 years	June 2027
Donnie Joyner	3 years	Aug 2020	Aug 2023	June 2024	3 years	June 2027
Chris Jones	3 years	Mar 2020	Mar 2023	June 2023	3 years	June 2026
Vacant, In-City Full	3 years				3 years	
Vacant, In-City Alt	3 years				3 years	

BOARD OF ADJUSTMENT	CURRENT TERM LENGTH	APPOINTMENT	ORIGINAL EXPIRATION	REVISED EXPIRATION DATE	NEXT/REVISED TERM LENGTH	NEXT EXPIRATION DATE
Harley Lemons, Chair	3 years	Nov 2022	Nov 2025	June 2026	3 years	June 2029
Pete Haislip, Vice Chair	3 years	Feb 2020	Feb 2023	June 2023	3 years	June 2026
Josh Cline McGee	3 years	Mar 2020	Mar 2023	June 2023	3 years	June 2026
Jason Robbins	3 years	Mar 2022	Mar 2025	June 2025	3 years	June 2028
Amy Aycock	3 years	Mar 2022	Mar 2025	June 2025	3 years	June 2028
Kate Seigler	3 years	Apr 2022	Apr 2025	June 2025	3 years	June 2028
Tuck Masker, Alt	3 years	Mar 2022	Mar 2025	June 2025	3 years	June 2028
Vacant, In-City Full	3 years				3 years	
Vacant, ETJ Alt	3 years				3 years	

ALL BOARDS, COMMITTEES AND COMMISSIONS SCHEDULE OF PROPOSED TERMS

ABC BOARD	CURRENT TERM LENGTH	APPOINTMENT	ORIGINAL EXPIRATION	REVISED EXPIRATION DATE	NEXT/REVISED TERM LENGTH	NEXT EXPIRATION DATE
Angela Wadsworth	3 years	May 2020	May 2023	June 2023	3 years	June 2026
Zach Zuehlke	3 years	Jan 2023	Jan 2026	June 2025	3 years	June 2028
William Davis	3 years	Dec 2022	Dec 2025	June 2025	3 years	June 2028
Jim Poppe	3 years	Jan 2023	Jan 2026	June 2026	3 years	June 2029
Adam Steadman	3 years	Jan 2023	Jan 2026	June 2026	3 years	June 2029

(Zach Zuehlke and William Davis reduced their terms voluntarily to allow for more staggering of term expirations)

BEAUTIFICATION COMMITTEE	CURRENT TERM LENGTH	APPOINTMENT	ORIGINAL EXPIRATION	REVISED EXPIRATION DATE	NEXT/REVISED TERM LENGTH	NEXT EXPIRATION DATE
Lynne Geiman	2 years	July 2022	July 2024	June 2025	3 years	June 2028
Rob Thatcher	2 years	July 2022	July 2024	June 2025	3 years	June 2028
Karen Pasquale	2 years	July 2022	July 2024	June 2025	3 years	June 2028
Scott Bushman	2 years	July 2022	July 2024	June 2025	3 years	June 2028
Ken Geiman	2 years	July 2022	July 2024	June 2025	3 years	June 2028
Sharon Lightbourne	2 years	July 2021	July 2023	June 2024	3 years	June 2027
Margaret Fontaine	2 years	July 2021	July 2023	June 2024	3 years	June 2027
Larry Ashley	2 years	July 2021	July 2023	June 2024	3 years	June 2027
Joe Fikentscher	2 years	July 2021	July 2023	June 2024	3 years	June 2027

ALL BOARDS, COMMITTEES AND COMMISSIONS SCHEDULE OF PROPOSED TERMS

FORESTRY COMMITTEE	CURRENT TERM LENGTH	APPOINTMENT	ORIGINAL EXPIRATION	REVISED EXPIRATION DATE	NEW/REVISED TERM LENGTH	NEXT EXPIRATION DATE
Scott Len, Chair	2 years	2022	Sept 2024	June 2025	3 years	June 2028
Fred Fiss	2 years	2022	Sept 2024	June 2025	3 years	June 2028
Marianne Huntley	2 years	2022	Sept 2024	June 2025	3 years	June 2028
Roxie Smith	2 years	2022	Sept 2024	June 2025	3 years	June 2028
Dina Rousset	2 years	2022	Sept 2024	June 2025	3 years	June 2028
William "Bif" Bream	2 years	2022	Sept 2024	June 2025	3 years	June 2028
Jerry Donaldson	2 years	2021	Aug 2023	June 2024	3 years	June 2027
Heather Kos, Alt	2 years	2022	Sept 2024	June 2025	3 years	June 2028
Peg Ingalls, Alt	2 years	2021	Aug 2023	June 2024	3 years	June 2027
Harry Singley	2 years	Consult			n/a	
Clay Fairley	2 years	Consult			n/a	



**CITY OF SOUTHPORT
BOARD OF ALDERMEN
REGULAR MEETING AGENDA**
223 E. BAY STREET
April 13, 2023
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. Special Recognition

1. Police Commendation: Officer of the Year (Chief Coring)
2. Proclamation for Arbor Day

G. Approval of the Consent Agenda

1. Budget Amendment #3: Howe Street Project
2. Budget Amendment #4: Taylor Field Project
3. Resolution Amending a Closed Project Ordinance: Howe Street Project
4. Approval of the Budget Reconciliation Transfer (M. Trexler)
5. Amendment to Article 6. Filming Ordinance (R. Jones, D. Dutton)
6. Special Public Meeting Minutes February 27, 2023
7. Special Board Meeting Minutes March 1, 2023

8. Regular Agenda Review Meeting Minutes March 3, 2023
9. Regular Board of Aldermen Meeting Minutes March 9, 2023
10. Special Joint Meeting Minutes March 28, 2023
11. Special Joint Meeting Minutes March 30, 2023

H. Agenda

1. Bald Head Island Transportation Authority Update: Mr. Jim Powell, Southport Authority Representative
2. Police Department and City Hall Space Feasibility: Architect Selection (B. Therrien)
3. Wastewater Treatment Plant Debt (B. Therrien)
4. Preliminary Plat: Oakton Subdivision (M. Meehan)
5. Final Plat: Lookout Point (T. Henley)
6. Final Plat: Highland Park (T. Henley)
7. Alley Abandonment: N. Caswell (T. Henley)
8. Kingsley Park: Bid Acceptance and Authorization (H. Hemphill)
9. Build-Out Study Project (B. Therrien, Alderman Alt)
10. Amendments to Chapter 2 and Chapter 13 Code of Ordinances: Boards, Committees and Commissions (D. Dutton and R. Jones)
11. Credit Card Policy (B. Stevens)
12. Yacht Basin Traffic Pattern (B. Therrien)
13. Planning Board Appointments (Mayor Pro-tem Mosteller and Alderman Allen)

I. Manager's Report

J. Committee Reports

1. Planning Board
2. ABC Board
3. Forestry Committee Minutes

K. Mayor's Comments

L. Staff Reports

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

M. Board Comments

N. Adjourn