



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

113 W. Moore Street  
December 20, 2023  
1:00 PM

**Agenda**

Please turn off all cell phones

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

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

**ETHICS STATEMENT:**

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

**A. Call to Order**

**B. Invocation**

**C. Pledge of Allegiance**

**D. Public Comment**

**E. Approval of Agenda**

**F. Approval of the Consent Agenda**

1. Minutes of the Regular Board of Aldermen Meeting November 3, 2023 **pgs 3-5**
2. Minutes of the Closed Board of Aldermen Meeting November 3, 2023 (sealed)
3. Minutes of the Regular Board of Aldermen Meeting November 9, 2023 **pgs 6-13**

**G. Special Presentations**

1. Introduction of the new Center for the Creative Arts Board, Southport (formerly Up Your Arts)
2. Boundless Playgrounds (H. Hemphill, B. Therrien) **pg 14**

**H. Agenda**

1. Request for a Waiver of Penalties (Terri and David Smith) **pgs 15-55**
2. Minimum Housing Ordinance Discussion and Decision (B. Therrien) **pgs 56-97**

3. Shoreline Stabilization Contract (B. Jarvis and H. Hemphill) **pgs 98-102**
4. Discussion of Municipally Owned Alleyways (Alderman Mosteller) **pg 103**
5. Discussion and Direction for Creation of the Steering Committee **pgs 104-106**
6. Discussion and Decision Regarding the System Development Fee Rates (T. Zilinek) **Pgs 107-111**

**I. Committee Reports**

1. Planning Board **pgs 112-115**

**J. Manager's Report**

**K. Mayor's Comments**

**L. Staff Reports**

1. Code Enforcement
2. Public Services

**M. Board Comments**

**N. Adjourn**

**BOARD OF ALDERMEN  
INDIAN TRAIL MEETING HALL**

**REGULAR MEETING MINUTES  
NOVEMBER 3, 2023**

**PRESENT:** Mayor Hatem, Mayor Pro-tem Mosteller, Aldermen Allen, Alt, Carroll, Davis, and Lombardi

**STAFF PRESENT:**

Bonnie Therrien, City Manager  
Dorothy Dutton, Asst City Manager/Clerk  
Tom Stanley, Public Services Director

Heather Hemphill, Parks & Rec Director  
Bob Jarvis, City Engineer  
Tom Zilinek, City Engineer

**OTHERS PRESENT:**

Tish Hatem, City Resident  
Harley Lemons, City Resident

Pat Kirkman, City Resident

**A) Call to Order**

Mayor Hatem called the meeting to order at 9:00 a.m.

**B) Invocation**

Alderman Lowe Davis provided the invocation.

**C) Pledge of Allegiance**

Mayor Hatem led everyone in reciting the Pledge of Allegiance.

**D) Public Comment**

Harley Lemons, resident of Navigator Way, in Southport, stated that he wanted to speak to the Board as a citizen, not as a member of the Board of Adjustment. He said that local developer Cameron Smith emailed the Planning Board, Board of Adjustment and Board of Aldermen about a recurring situation with driveways in residential neighborhoods. There used to be a provision in the UDO that exempted residential properties from the driveway setback. When the UDO was revised, that exemption was omitted. The Board of Adjustment asked the City Planner to take it forward to the Planning Board as a text amendment. The Planning Board tabled it. Mr. Lemons asked the Board not to enforce that part of the ordinance until the Planning Board has made a decision.

Pat Kirkman, resident of Park Avenue, spoke to the Board about the historic courthouse that the City owns. She was concerned because it has been sitting there deteriorating for the last five years. She urged the Board to go look at the condition of the building and pleaded for the maintenance of at least the outside of the building. She added that it looks bad to visitors, residents, and natives.

**E) Approval of Agenda**

Alderman Carroll made a motion to add Item L. Conflict of Interest to the agenda. ***A motion to approve the agenda was made by Mayor Pro-tem Mosteller and was seconded by Alderman Lombardi. All ayes. Motion carried.***

**F) Consent Agenda**

***The following items were approved together after a motion made by Alderman Allen. The motion was seconded by Alderman Davis All ayes, Motion carried.***

1. Set the Public Hearing for System Development Fee Study
2. Amendment to Animal Welfare Ordinance
3. Minutes from the Regular Board of Aldermen Meeting September 14, 2023
4. Minutes from the Closed Session September 14, 2023 (sealed envelope)

**G) Special Recognition-None**

**H) Agenda**

1. Allayna Dail presented to the Board the proposed brand guidelines and sign plan. The proposed plan wouldn't take effect all at once. When signs needed to be replaced, the new guidelines would be used. The proposed signs would all use the same colors (Hex codes) and the same font (Garamond). The City Hall signs would be replaced first. The Community Relations Department will work with the Fire Department and Historic Preservation Commission to make sure they are in compliance with public safety and historic standards. Ms. Dail explained that the City applied for an ElectriCities grant that, if awarded, would be used for the signs. Allayna also explained the public engagement process would include several options to see which is the most popular. Mayor Pro-tem Mosteller asked to include a variation with a darker colored font. ***Alderman Davis made a motion to approve the concept, and Alderman Lombardi seconded the motion. All ayes. Motion carried.***

2. City Manager Bonnie Therrien explained to the Board the need to attract great candidates and have better retention. One possibility is to work (4) days a week, (10) hours each day. The City offices would still be open (5) days a week. The City of Charlotte follows that schedule from Memorial Day to Labor Day. Alderman Lombardi asked if there would be coverage in every department. Ms. Therrien said that there would definitely be coverage in every department, and while there were a few different options, she doesn't have a preference of one schedule over any other. Alderman Allen said that it is important to have flexibility, especially for childcare issues. Mayor Pro-tem Mosteller said that she has researched a few different schedules. She asked Ms. Therrien about working a 35-36 hour work week. Ms. Therrien said she would be concerned about a reduction in availability to the public. Instead, she suggests a pilot program for a few months. Public Services, Fire/EMS, and the Police would not be able to participate. Ms. Therrien said she would do some more research and bring it back to City staff again in November.

3. Alderman Alt stated that on February 10, 2022, the Board voted to adopt a Conflict of Interest Policy. He proposes there be a training session in February of each year. He read through a list of topics and said that having training early keeps things fresh in their minds. He also suggested election training every July. Alderman Lombardi said he felt it was better to discuss topics as they arise. Mayor Pro-tem Mosteller explained that the Board usually does have training in January or February each year to discuss goals and projects for the upcoming year. City Manager Therrien said she would speak to the City Attorney to get ideas for the best way to hold workshops after the first of the year.

Alderman Carroll referenced the Conflict of Interest Policy. He said he was called out for not putting his conflict of interest in writing. During the October 12<sup>th</sup> meeting, he acted out of frustration because he felt like his character was being attacked. At that meeting, he accused Alderman Davis of having a conflict of interest because of her relationship with Jason Robbins. Alderman Davis had recused herself from appointing him to the Board of Adjustment previously. Alderman Carroll apologized and said he acted rashly. And he agreed with Alderman Alt that the Board adopted the policy and forgot about it.

Alderman Davis added that at the time, she asked the Attorney Mike Isenberg, whether she needed to recuse herself or not. Mike said she can't be recused because they are not family. She also said when the Board adopted the Resolution in Support of the Equal Rights Amendment, she should've recused herself because she is a woman. Alderman Alt said that it was a collective issue for the whole Board. He said there should be no more finger-pointing;

he just wants to fix it. No one intended to do harm.

There was more discussion about how the City Manager is supportive of revising policies and Board training. City Manager Therrien said that Staff was already working on an orientation program for January.

**I.) Manager's Report**

Ms. Therrien stated that there are a lot of rumors going around about the suspension of the City employees. She said that it is the responsibility of the City Manager solely to handle personnel decisions. She finds a conclusion that works best for the City. Once she is done with her review, she will notify the Board first and then the public as allowed by law. If anyone has questions, they should contact her, not other Department Heads or Staff.

**J.) Mayor's Comments**

Mayor Hatem reminded the public of the Wooden Boat Show the following day, and the Maritime Art Show at the Frankline Square Gallery.

**K.) Board Comments**

Alderman Lombardi said that the Beautification Committee had conducted some interviews for members. He wanted to add that to the next meeting agenda. There were no other Board comments.

**L.) Closed Session**

**After a motion by Alderman Lombardi and seconded by Alderman Allen, the Board entered into Closed Session per N.C.G.S. 143-318.11 (a) (5). To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. The Closed Session began at 9:53 a.m.**

**M.) After that item was concluded, they Board continued their Closed Session per NCGS § 143-318.11 (6). The Board of Aldermen will meet in Closed Session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge, or removal shall be taken in an open meeting.**

**N.) The Regular Open meeting resumed at 10:35 a.m. after a motion and second by Alderman Lombardi and Mayor Pro-tem Mosteller, respectively. The Board meeting was adjourned at 10:35 a.m. after a motion by Alderman John Allen, and a second by Alderman Lombardi. All ayes. Motion carried.**

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Richard Alt, Mayor  
City of Southport

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Dorothy Dutton, City Clerk  
Assistant City Manager



**City of Southport**  
**Board of Aldermen Regular Meeting Minutes**  
**Community Building, 223 E. Bay Street**  
**November 9, 2023 6:00 P.M.**

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

**Absent:** None

**Staff:** Manager Bonnie Therrien, Assistant City Manager/ Clerk Dorothy Dutton, Public Information Office ChyAnn Ketchum, City Planner Mo Meehan, Derek Mabe, Code Enforcement, Teresa Jones, Tax Collector, Tom Zilineck, City Engineer, Tom Stanley, Public Services Director, Heather Hemphill Parks and Rec. Director Charles Drew, Fire Chief Todd Coring, Todd Coring, Police Chief, and Tony Burke, Police Major.

- A.** Call to Order: Mayor Joseph P. Hatem called the meeting to order at 6.01 p.m.
- B.** Reverend Gary Albertson with Trinity United Methodist Church gave the Invocation.
- C.** Mayor Hatem led the Pledge of Allegiance.

**D. Public Comment**

- 1. Ms. Rose Terry, who resides at 1026 N. Caswell Ave, has recently renovated her home. She is not a newcomer to the area. She is wondering if anyone has made a petition to close the alley. The reason is that the owner of 1030 N. Caswell has placed several items in the alley, making it difficult to access her property. She questions the code of ordinances and whether the RVs and boats can block alleyways. She said this is a safety concern and wants to see Code Enforcement address this issue.
- 2. Ms. Pat Kirkman, 119 Park Avenue, came to the podium with cards that stated six words. "Preserve and Protect our Historic Courthouse.
- 3. Ms. Nate Lionardo is contracted to purchase a lot at Yaupon Drive Ext. She said the unfinished roads are so rough that a 4-wheeler is needed to drive it, and she has to go all the way around to prevent damage to her vehicle. As a taxpayer, she believes the city is responsible for ensuring the roads are safe.
- 4. Ms. Bonnie Bray, 515 Quartermaster Dr., congratulated the winners of the Alderman race and acknowledged the close margin of three votes, which reflects the community's 50/50 split. The Board of Elections did an excellent job keeping everyone informed. I want to thank those who voted for me and Alderman Allen and Lombardi for their leadership in the community. They have left a significant legacy of contributions. Lastly, I have complete faith in Randy, Kate, and Sydney. They have earned every penny they made and are great public servants."
- 5. Mr. Jack Gordon, who resides at 5920 Dutchman Creek Rd., expressed his concern regarding the condition of the roads in the area. Although the roads on Howe Street have been cleaned up and repaired, many other roads still require attention. Mr. Gordon pointed out that these roads pose a significant challenge and risk for rescue vehicles to travel on. He urged the Board to take more action to repair the roadways and make them safer.
- 6. Mr. Charles Drew, 112 Park Ave: "As a citizen of the City, he said he owns a lot on Yaupon Drive and has concerns about this and the area's emergency access. It needs immediate attention as it is currently in terrible condition. I fully support any repairs or improvements to make this area more accessible and safer."

7. Mr. David Miller at 404 Trout Lily Lane stated that City Manager Therrien has been doing an excellent job for the City. He appreciated her efforts to hold people accountable.
8. Ms. Dutton read a statement from Paul Aswell, President of the Landing of Southport. He has concerns about the setback requirements for driveways and requests the immediate suspension of enforcement until a full Review of the Ordinance can be amended.

Mayor Hatem Read the Consistency 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."***

**E. Approval of the Agenda:**

Alderman Lombardi made a Motion to approve the agenda with the amendment to remove items J (9) Community Building Deck Project and J (12) Purchase of 1105 N. Howe Street, seconded by Mayor Pro Tem Mosteller. ***Unanimous Vote; Motion Carried.***

Alderman Davis Made a Motion to discuss swearing in the newly elected members at the next Board Meeting. Second by Alderman Alt. ***Unanimous Vote; Motion Carried.*** Mayor Hatem said he had discussed with the City Manager the potential to have the ceremony at the 14th evening meeting. It would be at the pleasure of the Board to decide. Discussion on the next meeting has been added to the agenda.

**F. Public Hearing: Minimum Housing Ordinance Amendment Public Hearing**

Mayor Hatem opened the public hearing, where Ms. Dutton presented an overview of the proposed amendment. Alderman Davis asked about the number of derelict buildings that are currently occupied. The City's Code Enforcement contractor, Derek Mabe, approached the podium to respond. He clarified that none of the buildings are habitable and do not have any occupants. These homes have been abandoned, and approximately 15 are in violation and need demolition, but no one is occupying them. Alderman Alt questioned how the owners could still own the property without paying the taxes. Alderman Carroll and Manager Therrien stated that the owners often pay the taxes but not for the maintenance of the property. The best solution is for the City to demolish the structure and put a lien on the property so that the City can get reimbursed for services before the property is sold. Alderman Carroll questioned how many of these run-down homes are in the Historic District. Mr. Mabe said he would find out and bring that information back to the Board.

**G. Approval of the Consent Agenda**

1. Disposition of Surplus Police Vehicle-Resolution
2. Minutes of the Regular Board of Aldermen Meeting October 5, 2023
3. Minutes of the Board of Aldermen Closed Session October 5, 2023
4. Minutes of the Board of Aldermen Special Meeting October 11, 2023

Alderman Allen made a Motion to approve the Consent Agenda, seconded by Mayor Pro Tem Mosteller. ***Unanimous Vote; Motion Carried.***

**H. Presentations:**

**1. Final Presentation-Build Out Study**

Mr. Wes MacLeod, Services Director of the Cape Fear Council of Governments, presented the Build Out Study. Population has doubled in the past 20 years, with an increase of 70,000 people since 2000 in Brunswick County. The median age demographic is 56. Southport has a median age of 63, and Sunset Beach is the eldest at 68. Ages 20-34 make up only about 7%. Southport is projected to gain five people monthly for the next five years. During summer, seasonal residents and visitors populate close to 10,000. 1,700 acres are developed, and 2,220 are

undeveloped, mainly on the outskirts of the City and dedicated to single-family development: no questions or comments. Mr. Macleod thanked the Board.

## **2. Short-Term Rental Vacations Presentation**

Ms. Meehan, Ms. Dutton, and Ms. Jones reviewed some updates on the process for enforcement, purchasing software, and the collection of taxes. Ms. Meehan explained that the procedure and process for registration and enforcement are up to date. Ms. Jones said that the City is currently levied at 3% of gross receipts on occupancy tax. She said approximately 50 individual properties are reporting. She said it is a challenge to determine the exact locations of these rental properties because they are paid in a lump sum with no detailed report or if the rental is registered and in conformity. There could be many potential undocumented and unpaid fees.

Ms. Dutton explained two software programs that would monitor compliance, such as sending enforcement letters and increasing efficiency by adding evidence to enforce communications. Of the two options reviewed, the staff review recommended Granicus Software as a more formidable tool for Southport for an annual cost proposal of \$9,840.

Ms. Dutton confirmed that the software has a high success rate and increases tax revenue. If approved, it can be implemented immediately and is billed annually. It was agreed to revisit this matter in December for a final decision.

### **I. Special Recognition**

Mayor Hatem read a proclamation honoring Veteran's Day.

Proclamation of Appreciation and Presentation by Mayor Hatem on Colonel Paul Fisher's 30-year service to the City.

### **J. Agenda**

#### **1. Resignation of Mr. Paul Fisher, Representative for ElectriCities.**

NCEMPA Commissioner will be resigning on December 1, 2023. Mayor Hatem read his resignation letter and thanked him for his service.

#### **2. Contract for Sanitary Sewer Find It Fix It Project**

Mr. Zilineck discussed improvements to the sewer system and a follow-up project to the Infiltration and Inflow Study. The project aims to eliminate extraneous flows found during the I & I project and includes the design of corrections for system deficiencies and a secondary sewer force main. The project has a tight schedule and a deadline to utilize state funds. W.K. Dickson's bid came in at \$1,013,500.00.

Mayor Pro Tem Mosteller Made a Motion to approve the contract with WK Dickson for the Sanitary Sewer Find It Fix Project and authorize the City Manager to sign the contract. Second by Alderman Davis. ***Unanimous Vote; Motion Carried.***

#### **3. Yacht Basin Dredging Contract Extension (Jamie Pratt, TI Coastal)**

TI Coastal has been assisting the City with surveying, permitting, and other services related to dredging the USACE channel and adjacent areas to the Southport Yacht Basin. They have completed hydrographic surveys, taken sediment samples, coordinated with the Audubon Society, and engaged in discussions with the USACE. Upcoming work includes applying for project funding, performing a shellfish survey, creating long-term use plans, finalizing dredging plans and cost estimates, and continuing follow-up with permitting agencies. The biggest problem currently is finding a disposal site for the spoils. He said the first site was not suitable, and now they are looking at the 2<sup>nd</sup> Bridge going to Oak Island with an available pond source. The contract will allow them to continue to coordinate permitting. The state will match every dollar the City spends on dredging with \$3.00. The expenditures will be less with the grants.

Alderman Alt asked what is the approximate cost of the requested extension. Mr. Pratt said \$30k. Alderman Carroll confirmed that the entire cost for the dredging construction will be roughly \$2M, which includes transporting the spoils.

Alderman Allen made a Motion to approve the Contract with TI Coastal Services, authorize the City Manager to sign the contract for dredging the Yacht Basin and continue with the state funding application and construction for the Yacht Basin at a cost not to exceed \$30,000 and second by Mayor Pro Tem Mosteller. **Unanimous Vote; Motion Carried.**

**4. Call for a Public Hearing for a Zoning Map Amendment of a Tract of Land on Jabbertown Road**

Planner Meehan explained that Gandy, LLC for JC Rentals LLC, is requesting a zoning change from LI to MH on a portion of a .66-acre parcel of land located at 558 Jabbertown Road that is currently zoned MH. The property is located on Jabbertown Road, adjacent to the Cottages at Prices Creek and Harbor Ridge mobile home park. The property is located within the Extraterritorial Jurisdiction. The Planning Board recommended approval of the proposed zoning map amendment. A Zoning Map Amendment legislates that a Public Hearing must be called before a decision.

Mayor Pro Tem Mosteller made a Motion to call a public hearing at the December 14, 2023, Regular Board meeting for the Zoning Map Amendment of a tract of land on Jabbertown Road and seconded by Alderman Lombardi. **Unanimous Vote; Motion Carried.**

**5. Contract with Stewart Consulting for Comp Plan and Selection of Steering Committee**

City Planner Meehan gave an overview of the Comprehensive Plan project. City staff recommends appointing the Planning Board as the official Steering Committee. The Board approved the project for \$100,000, and the contract is for \$103,000 with a contingency of \$6,500. Funding is already set aside, so there's no need to amend the budget. Depending on the format, additional meetings will cost \$400-\$5,000. Mayor Pro Tem Mosteller clarified that the contingency is only there if needed. Ms. Meehan said that was correct.

1. Mayor Pro Tem Mosteller made a Motion for the contract with Stewart Inc. for \$109,500 for the CAMA Certified Comprehensive Land Use Plan seconded by Alderman Carroll. **Unanimous Vote; Motion Carried.**
2. Mayor Pro Tem Mosteller made a Motion to authorize the City Manager to execute the contract with Stewart, seconded by Alderman Lombardi. **Unanimous Vote; Motion Carried.**
3. Mayor Pro Tem Mosteller made a Motion to appoint the Planning Board as the Steering Committee for the Comprehensive Plan project seconded by Alderman Lombardi.

Alderman Alt proposed the idea of a Steering Committee selection. He believed that the committee should have a broader representation from the community and not just members of the Planning Board. Alderman Alt suggested including various community members to create a balanced array of citizens. However, according to the UDO, Mayor Pro Tem Mosteller pointed out that the Planning Board is responsible for the Steering Committee. She also emphasized that the Steering Committee would engage the community by holding several meetings with stakeholders and public input. Ms. Meehan agreed and reiterated the importance of community involvement in providing input. Alderman Alt still felt that the Steering Committee controlled the narrative, and he recommended selecting a representative from the Planning Board alongside a broader base of citizens. Mayor Pro Tem Mosteller reassured the public that the Steering Committee would engage with them by holding open dialogues at multiple meetings and not just during comment periods. Alderman Alt requested the vote continue and allow the majority to rule.

The motion was restated. Mayor Pro Tem Mosteller made a Motion to appoint the Planning Board as the Steering Committee for the Comprehensive Plan project seconded by Alderman Lombardi. Aye: Mayor Pro Tem Mosteller, Alderman Lombardi, Carroll, Allen and Davis. Nay: Alderman Alt. **Motion Carried 5-1.**

**6. Request for Nonenforcement of Driveway Standards**

After a variance hearing on driveway standards, the Board of Adjustment requested a text amendment to the Planning Board. The applicant requested exceptions for driveway width and location. Staff finds the request reasonable due to changes necessary at the permitting stage. Staff asked for non-enforcement of Section 3.12.B. for single and two-family residences until a final decision by the Board of Aldermen is made on a text amendment to this section of the UDO currently being considered by the Planning Board.

Mayor Pro Tem Mosteller made a Motion for nonenforcement of Section 3.12.B. Driveways for single and two-family residences until a final decision by the Board of Aldermen is made for a text amendment to this section of the UDO and seconded by Alderman Lombardi. **Unanimous Vote; Motion Carried.**

**7. Budget Ordinance Amendment for Fire Mitigation Fee Schedule**

Chief Drew explained that the Fire Department could charge two types of fees: Permit (Operation) Fees and Mitigation (Fire Response) Fees. The Mitigation Rates offset the cost of emergency services outside of structural fires. However, these Mitigation Rates have not been updated in the past nine years. As a result, the Southport Fire Department recommends billing the Mitigation (Fire Response) rates for those living outside the City limits. This requires the adoption of a Budget Ordinance Amendment to add this section to the existing fee schedule.

The Mitigation (Fire Response) Rate will increase by 1.5% annually or based on the annual percentage increase in the Consumer Price Index. Rate adjustments will occur when the new budgets are adopted to keep the Fire Department's cost recovery program in conformity with increasing operating expenses.

Alderman Alt asked how the proposed fees compare to other areas. Chief Drew said they're comparable. Alderman Alt was worried about inflation. Chief Drew explained that car insurance usually pays for car accident fees, and they don't pursue collections; if fees can't be delivered, they will be dropped. Manager Therrien stated that the proposed fees will be brought to the budget workshops for more detailed discussion.

Alderman Carroll made a Motion to adopt the proposed budget amendment to the FY 23-24 year. And the Mitigation (Fire Response) fee schedule, as presented and seconded by Mayor Pro Tem Mosteller. **Unanimous Vote; Motion Carried.**

**8. Parks and Recreation Ordinance Amendment**

Mayor Burke explained that a few grammatical errors have been corrected. He said they regrouped the parks by including the Garrison Lawn in the ordinance, which will have the same restrictions and guidelines as the waterfront park and no closure. He said all the other parks have been regrouped and put together and recommended closing them at 9 o'clock. He said that is consistent with other closure times with additional facilities such as the public restrooms. Major Burke also requested on behalf of Parks and Rec. Director Hemphill to restrict metal detecting, digging, and disturbing grass lawns and vegetation on the Garrison Lawn.

Alderman Carroll made a Motion to approve the amendment to the City of Southport Code of Ordinances Chapter 12: Parks and Recreation, as presented and seconded by Mayor Pro Tem Mosteller. **Unanimous Vote; Motion Carried.**

**9. Community Building Deck Project – (Removed from the agenda)**

#### **10. Yaupon Drive Extension Paving Project**

Some concerned citizens informed Manager Therrien about a topic she was unaware of. The issue pertained to a storm drainage system brought up in previous board meetings but was never approved for implementation, possibly due to its high cost. Alderman Alt asked about the difference between this road, Hankinsville Rd., and the dirt road off Atlantic Ave. Mr. Stanley clarified that Hankinsville Rd. is not a city road. There are three unimproved/unpaved roads: Yaupon Extension Drive, a small block off Atlantic Ave. in between E. 11th Street and Stewart Ave., and a portion of W. 11th Street where the pavement extends and ends around 9th Street, partly in the city limits but considered an unimproved road.

Alderman Alt asked what that price would look like if a gravel road would be made compared to engineering the improvements. He said he asked because this project is estimated at \$58M, while there are 40 other projects to fund. He wondered if the road could be graveled or filled with dirt to improve the road temporarily and how significantly this would reduce the cost. Mr. Stanley said these rough estimates do include the utilities. Mr. Stanley explains that any water/sewer expansion would be the developer's responsibility to pay. Alderman Carroll asked what the cost difference would be if it were graveled or filled. Manager Therrien said she wanted to bring this to the attention of the Board and then get a recommendation on how to move forward so that it can be reviewed for the next budget and that there will need to be cost estimates on what gravel or dirt cost difference would be. Alderman Carroll said he feels like this is a safety issue and something should be done. Mr. Stanley said he estimates that filling and grading would cost roughly \$300,000-\$400,000 without storm drainage, utilities, and paving.

Alderman Davis asked about the official designation of Yaupon Drive as a City road. Mr. Stanley checked the records but found no evidence of its dedication. However, it is listed on the Powell Bill Road directory. Alderman Davis expressed concern that this could set a bad precedent since other privately owned roads are in poor condition, and taxpayers are upset. Mayor Pro Tem Mosteller agreed and called for an evaluation to be carried out to provide confirmed estimates on alternatives. Attorney Herman stated that if Yaupon Drive is a city road, it must meet the city's standards. It was the consensus of the Board to research the history of Yaupon Drive Extension and determine if it is a city road.

#### **11. Contract for Parking Study-Walker Consultants**

Ms. Dutton informed the Board that Walker Consulting will conduct the Parking Study. Their revised proposal and narrowed scope meet the budget of \$50,000. The study will assess current parking and identify issues. Then, recommendations will be made to add traditional parking or parking structures. The Board can pick the revised or original proposal. Voting for the original proposal of \$75,000 will need an amendment from the Capital Project account.

Alderman Allen made a Motion to Approve the revised contract with Walker Consultants for the Parking Study at \$50,000 so that work can begin in coordination with the Comprehensive Plan work and authorize the City Manager to execute the contract seconded by Mayor Pro Tem Mosteller. ***Unanimous Vote; Motion Carried.***

#### **12. Purchase of 1105 N. Howe Street (removed from agenda)**

#### **13. City Clerk Position**

Manager Therrien stated that Dorothy Dutton is currently the Assistant City Manager and City Clerk. With two extensive Board Meetings a month and many projects, the dual positions have become challenging. She recommended consideration for advertising and accepting applications for a City Clerk position. Alderman made a Motion to approve hiring a full-time City Clerk second by Alderman Lombardi. ***Unanimous Vote; Motion Carried.***

14. There was discussion on canceling the December 7th Board of Aldermen to accommodate the ceremony of Board Members and allow Staff to prepare for the Meeting after the Holiday and then resume the regular schedule. Alderman Davis felt that with all the business happening, both meetings are necessary and would like to keep both meetings as scheduled. Mayor Pro Tem Mosteller made a Motion to cancel the December 7th Regular Board of Aldermen Meeting and proceed with the December 14th Meeting, seconded by Alderman Allen. Aye; Mayor Pro Tem Mosteller, Alderman Allen, Carroll, Alt, and Lombardi. Nay: Alderman Davis. ***Motion Carried 5-1.***

**K. Committee Reports**

Alderman Carroll announced that the Historic Preservation Commission will have a Special Public Input Meeting on November 13th.

Alderman Lombardi said that the Beautification Committee has refurbished and changed all the bulbs in the wreaths.

Mayor Pro Tem Mosteller reminded everyone of the Planning Board Meeting on November 16<sup>th</sup>.

**L. Manager's Report**

The Public Services Department Symposium will be on November 13<sup>th</sup> at 2 o'clock. City Hall will be closed on Veterans' Day. She gave recognition to the Staff's years of service.

**M. Mayor's Comments**

Mayor Hatem reminded everyone of Veteran's Day on November 11<sup>th</sup> and thanked the Veterans. He reminded everyone that November 19th was President Lincoln's Anniversary of the Gettysburg Address, and November 22nd, the assassination of John F. Kennedy, and a sad day for America and the World. Mayor Hatem wished everyone a Happy Thanksgiving. He reminded everyone to join the Downtown Christmas lighting on December 1st.

**N. Staff Reports in agenda packets.**

**O. Board Comments**

Alderman Allen wished everyone a Happy and Safe Thanksgiving.

Alderman Carroll read his comment in regard to the election cycle and the importance of meeting the expectations as Public Servants and ensuring transparency and fiscal responsibility. As such, he recommended removing Board stipends to symbolize the unwavering dedication to the well-being of Southport and redirecting these funds to benefit other constituents.

Alderman Davis agreed with Alderman Carroll's statement, and she said she had brought this up before. She said the duties are a labor of love and hard work and would like to pursue this discussion more and add it to the next agenda.

Alderman Lombardi congratulated all the candidates. He said he has been proud to have served as an Aldermen for the past four years. He said many good things have been happening and hoped they would continue.

- P. Closed Session N.C.G.S. 143-318.11 (a) (5). To establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the

acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Mayor Pro Tem Mosteller made a Motion to go into Closed Session and, was seconded by Alderman Lombardi. Aye: Mayor Pro Tem Mosteller, Alderman Allen, Lombardi, Alt, and Davis. Nay: Alderman Carroll. **Motion Carried 5-1.** 8:53 p.m.

Mayor Pro Tem Mosteller made a Motion to return to Open Session seconded by Alderman Davis. **Unanimous Vote; Motion Carried.**

Mayor Hatem thanked everyone for their attendance and requested a motion to adjourn. Alderman Lombardi made a Motion to adjourn, seconded by Alderman Carroll. **Unanimous Vote; Motion Carried.**

Adjournment 9:07 p.m.

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Joseph P. Hatem, M.D., M.P.H., Mayor

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Deputy Clerk, Tanya Shannon



## BOARD OF ALDERMEN AGENDA ITEM SUMMARY

**DATE:** 12-1-2023

**DEPARTMENT:** Parks and Recreation

**PRESENTED BY:** Heather Hemphill, Parks and Recreation Director and Bonnie Therrien, City Manager

**ITEM SPONSORED BY:** Parks and Administration

**ITEM/TOPIC:** Inclusive Playground at Taylor Field

**COST:** Budget Being Developed

**BUDGET LINE ITEM:** Donations/Grants

**JUSTIFICATION:** For some time, the Parks Department has discussed possibly building an Inclusive Playground. Currently, there is no playground such as this in Brunswick County. As the City Manager, I have had experience building these in two different communities I have served, so Ms. Hemphill and I have been working with Unlimited Play, a non-profit organization that assists municipalities in designing, finding funding, and overseeing the implementation of such a playground. The Lions Club sold hotdogs at their 75<sup>th</sup> Anniversary in September of 2021 and offered to use the \$8000 they raised to assist in hiring Unlimited Play. The City paid \$2000 from the Parks and Recreation contract services account.

The Committee made up of Paul Fisher, Stephanie Jackson, Elizabeth and Cameron Harilee, Heather Winterbottom, Kathryn, and Aaron Honeycutt, Brandon Matthews, and Heather have been working with the staff of Unlimited Play to finish the design for the playground so that we can start fundraising and writing grants to pay for the installation. We will not be asking for City money to build this project. The Committee decided on a Pirate Theme for the design, and at your December 14<sup>th</sup> meeting, we would like to show you renderings of the design so we can start the fundraising and grant writing this year.

Working with Unlimited Play, we will then develop a list of fundraising activities to start 2024 off on the right foot.

This playground, once built, will allow children and adults with physical and mental challenges to play on an accessible playground meant for all members of their family; an opportunity many people are not able to enjoy due to the limited access of current playgrounds.

**IMPACT IF NOT APPROVED:** We will lose the opportunity to have a playground that can be used and enjoyed by all community members and visitors, regardless of their abilities.

**DEPARTMENT HEAD COMMENTS:** This project can positively impact EVERYONE. It will provide a place for ALL to come and be active with others instead of sitting on the sidelines and watching others enjoy a playground.

**CITY MANAGER COMMENTS:** Having assisted in the building of two of these in other communities, I know the joy the finished product has for families, visitors, adults, and children who are challenged due to physical and mental capabilities. Seeing these people laugh, smile and enjoy the Boundless Playgrounds with others is amazing and would be such an asset to our City and our region.

**ATTACHMENTS:** Promotional Booklet and Schematics of the Playground

**REQUESTED ACTION:** None Needed; Presentation Only

**PROPOSED MOTION:** Not applicable



## BOARD OF ALDERMEN

### AGENDA ITEM SUMMARY

**DATE:** 12/05/2023

**DEPARTMENT:** Development Services

**PRESENTED BY:** David Wayne Smith, Wayne Smith and Son Construction, and Dorrie Dutton, Assistant City Manager

**ITEM SPONSORED BY:** Wayne Smith and Son Construction

**ITEM/TOPIC:** Requesting a waiver from the penalties applied for a violation of the Tree Preservation Ordinances

**COST:** \$46,583.29

**BUDGET LINE ITEM:** 10-40-3343-0400

**JUSTIFICATION:** After applying for a building permit, the applicant cleared a part of the parcel before the permit was issued. A Civil Citation was issued based on the UDO standards, which is \$1.00 for every square foot of the subject property, not just the amount cleared. In this case, the total is \$46,583.29. We have reviewed the timeline of events and spoken to the property owner and the contractor. The builder has apologized profusely for clearing the property without permits. After conferring with the City Attorney, the applicant was allowed to obtain their building permits and move forward while this is resolved. A waiver was requested previously in September 2021. In that instance, the penalty was only \$4000, and the applicant did not attempt to get building permits before they received the violation.

**IMPACT IF NOT APPROVED:** The Contractor and/or property owner will be responsible for the fees as assigned.

**DEPARTMENT HEAD COMMENTS:** Neither the City staff nor the City Manager can waive civil penalties. The penalty/fee is substantial and will likely greatly impact a small business. The Board has the authority to reduce or waive the fees. The Board can also decide to enforce the penalty.

**CITY MANAGER COMMENTS:** This is a Board decision and I have no recommendation.

**ATTACHMENTS:** 1) The letter request from the Builder, 2) Letters of Support for the Builder, 3) the Tree Preservation ordinance 4) Minutes of the September 2021 Board of Aldermen Meeting

**REQUESTED ACTION:** n/a

**PROPOSED MOTION:** I make a motion to enforce/reduce/waive the penalty fees to/in the amount of \$46,583.29 or \_\_\_\_\_.



## COURTESY LETTER / 1<sup>ST</sup> NOTICE OF VIOLATION

Via First-Class Mail

Case Number: 202311001

William D Demidovich  
42 Jade Cir  
Canfield, OH 44406  
November 2, 2023

The City of Southport, NC Code Enforcement Inspector has reason to believe that your property may be in violation of the City Ordinance. This letter is to inform you that the structure and/or property located at **PID 237FB008 683 Carolina Bay Ct**, appears in violation of the City of Southport's UDO and Minimum Housing/Nuisance Code of Ordinance. On **10/27/23**, the Code Enforcement Inspector observed the following violation(s): **Zoning Violation to wit: Lot that has been clear cut and graded prior to issuance of a zoning and building permit. As part of the permitting process, an applicant is required to gain approval to remove regulated trees. No alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit.**

### 3.18 TREE PROTECTION AND LANDSCAPE PRESERVATION

#### I. LOT CLEARING AND PREPARATION

1. No alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit. Some clearing of understory trees and shrubs may be required to prepare a site for survey, inspection by governmental agencies as part of any permitting process, or to stake the proposed building site.
2. On densely vegetated lots, a walking access trail not to exceed three (3) feet may be cleared for access purposes. Permission to clear any understory trees and shrubs less than three (3) inches DBH for said walking access trail shall be permitted following consultation with the UDO Administrator; however, clearing shall be kept to an absolute minimum.
3. Violations of the lot clearing, and preparation section shall constitute a minimum (1) one-year delay in the issuance of any city issued development approval.
4. In the event that a lot has been cleared without obtaining all proper permits from the city and the UDO Administrator is unable to determine the exact number of trees which have been removed in violation of this ordinance, a civil penalty shall be levied under this subsection as follows:

a) If the property is located within a residential district, the offender shall be subject to a civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the lot area cleared). In addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.

**b)** If the property is located within a nonresidential district, the offender shall be subject to a civil penalty in the amount of \$2.00 for each square foot of the total size of the lot that was cleared (not based on the area cleared). In addition, the offender shall be required to plant four (4) replacement canopy trees per 10,000 sf or fraction thereof.

**c)** In addition to the civil penalties set forth in subsections 4(a) and 4(b) above, the offender shall be subject to all enforcement provisions of Section 2.15.D of this Unified Development Ordinance.

As shown above in 3.18 I of the UDO, when a lot is cleared prior to obtaining all proper permits from the city, the offender shall be subject to civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the lot area cleared). In addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.

After reviewing aerial photography and using GIS to calculate the sf of the lot that was cleared, staff conservatively estimates that **the civil penalty for the violation is \$46,583.29**. All permits will be withheld until the violation is resolved.

As the owner/occupant of the property, **you have 30 days to correct the violations** or the City will take further steps to enforce the requirements of the Code of Ordinances, which may include levying civil penalties and seeking a court order from the Brunswick County Courts requiring you to correct the violation. If the City determines the any of the violations constitute a public nuisance, the City may also summarily abate the nuisance and bill you for the cost of abatement pursuant to the Southport Code of Ordinances.

To correct the violation, you must do the following: **Pay the entirety of the civil penalty and obtain necessary permits from the city.**

Please note that if any of the work described above requires Zoning, Building and/or Demolition Permits, they must be obtained from Southport Building Inspections office. All required inspections must be completed within the timeframe listed above.

If you allege there is error in any order, requirement, decision, or determination made in the enforcement of the UDO, **you have the right to appeal to the Southport Board of Adjustment**. Appeals must be filed with the City within thirty (30) days of your receipt of this notice in accordance with UDO Section 2.7.E.

If you have any questions, please do not hesitate to call me at (336) 569-9988 or email me at [Mabe@AllianceCodeEnforcement.com](mailto:Mabe@AllianceCodeEnforcement.com).

Sincerely,

*Derek Mabe*

Derek Mabe

Code Enforcement Inspector



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

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

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

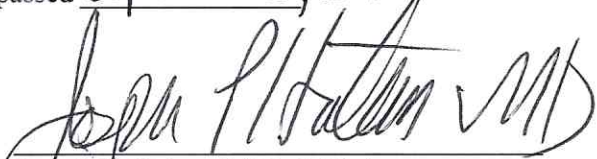
STATEMENT OF CONSISTENCY AND RECOMMENDATION:

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

The statement and motion was seconded and passed September 8, 2022

  
Dorothy Dutton, City Clerk



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

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

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

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

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

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

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

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

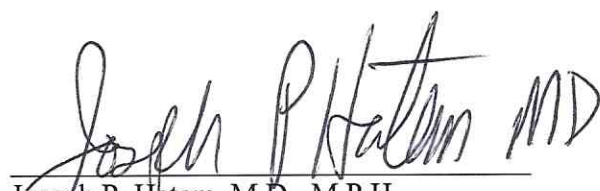
**WHEREAS**, the Board of Aldermen further finds the proposed amendment is reasonable and in the public interest because it (i) protects and preserves the City's character and heritage, (ii) protects the environment, and (iii) it preserves Southport's aesthetic beauty;

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

Adopted this the 8th day of September 2022.

  
Dorothy Dutton, City Clerk



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

### 3.18 TREE PROTECTION AND LANDSCAPE PRESERVATION

#### A. GENERAL

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

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

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

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

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

#### B. PURPOSE

1. The general purpose of this section is to regulate and control the planting maintenance, and removal of trees and vegetation on both public and private property.
2. The specific purposes of this section are:
  - a) To safeguard and enhance property values and to protect public and private investment through the maintenance and protection of significant existing trees.

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

#### C. AUTHORITY TO TREAT OR REMOVE TREES ON PRIVATE PROPERTY

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

#### D. TREE IMPACT PERMIT

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

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

- A. A hardwood tree, having a single trunk at least eight (8) inches in DBH. Trees may have a single or multiple trunks, but at least one trunk must measure eight (8) inches in diameter.
- B. A coniferous tree, having a single trunk at least twelve (12) inches DBH.

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

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

#### E. EXCEPTIONS

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

#### F. TREE PLAN

1. A tree plan must be submitted to, reviewed, and approved by the UDO Administrator prior to the issuance of a tree impact permit.
2. For nonresidential, multi-family, major subdivisions, or planned unit developments the tree plan shall be a scaled plan not less than 1"= 30' and shall be prepared by a landscape architect registered in the state and the tree plan shall provide the following information:
  - a) Two separate zones during the planning phase:
    - i) Tree Removal Zones – Zones that show the impacts of utility, infrastructure, and drainage improvements. These improvements would still require mitigation for all regulated live oaks 8" or greater in diameter.
    - ii) Tree Safe Zones/Lot Preservation – The area designated on a preliminary plat of a minor or major subdivision or PUD that makes up the individual lots where trees are to be left

untouched. 80% of the lot is to be left untouched prior to lot development.

- b) Property line with bearings and distances, easements, marsh and wetland delineations and other information necessary to depict the development area;
  - c) All existing and proposed buildings, paving, infrastructure, and utilities;
  - d) All protected regulated and specimen trees located on the site indicating the diameter, species, and the critical root zone for each protected tree;
  - e) All regulated and specimen trees located on the site proposed to be removed, including species and size;
  - f) All proposed newly planted trees indicating the DBH and height at planting, and species;
  - g) Tree protection zones, protective fencing details, and tree wall and/or tree well details;
  - h) Maintenance plan identifying the methods to ensure the viability of all trees and the party responsible for continuing maintenance;
  - i) Listing of total number of trees and DBH inches to be removed and the total number of trees and DBH inches to be planted by species; and
  - j) Seal of the design professionals with signature and date.
3. For residentially zoned vacant lots or one and two-family residential uses, the tree plan to be submitted as part of the permitting process shall include a hand drawn sketch, rendering, or copy of an existing plat or survey of the property indicating the location of those regulated or specimen trees proposed to be removed, as well as any trees proposed to be planted as mitigation (if applicable).
- a) TREE RETENTION REQUIREMENTS PER LOT IN THE R10, R20, MF, AND PUD ZONING DISTRICTS
    - 1. 3,000 sq ft - 1 broadleaf canopy tree
    - 2. 6,500 sq ft - 2 broadleaf canopy trees
    - 3. 11,000 sq ft - 3 broadleaf canopy trees
    - 4. 14,000 sq ft - 4 broadleaf canopy trees
    - 5. 20,000+ sq ft - 5 broadleaf canopy trees
  - b) In cases where the tree retention requirements above prohibit the development of a lot, mitigation will be required.
  - c) In cases where the lot does not have canopy trees, the developer must plant to the requirements in 3 a).
4. Distance from utilities. Any tree required by this section which is placed within 20 feet lateral distance from the centerline of an above ground electric utility line (the line connecting pole centers) should have a maximum expected maturity height as follows:
- a) Zero (0) to 10 feet lateral distance of the centerline, 15-foot maximum expected maturity height; and
  - b) Zero (0) to 10 feet lateral distance of the centerline, 15-foot maximum expected maturity height; and

- c) Outside 20 feet of lateral distance, trees should be placed in the most feasible manner to avoid future conflict with aboveground electric utilities and violations of the National Electric Safety Code, and to avoid conflict with any below ground utilities and drainage facilities. Variations to such distance requirements may be made with the approval of the Public Services Director.

#### G. CRITERIA FOR ISSUANCE OF TREE IMPACT PERMIT

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

#### H. MITIGATION

1. The indiscriminate removal of trees is not allowed. A tree impact permit request must be accompanied by a clarification of purpose/need. Mitigation is required when it is determined that a tree may be removed. The removal of any protected regulated tree within any setback or the removal of any protected specimen tree located anywhere on site, if approved, must be mitigated in accordance with the following standards:
  - a. The total diameter at breast height (DBH) of all applicable protected trees proposed for removal shall be totaled. The resultant number of DBH inches to be removed must be planted back on the site with an appropriate number of trees to replace the equivalent DBH of those trees removed. For example, if 72 inches DBH of specimen trees are proposed for removal from a site, the equivalent number of new trees required to meet the 72 inches of DBH removed shall be planted back on site (24 trees installed at three (3) inches Caliper would meet this requirement).
  - b. Existing residentially zoned vacant lots or one and two-family residential uses shall only be required to mitigate 25% of the total DBH of regulated or specimen trees removed. All other development types and/or proposals for

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

#### I. LOT CLEARING AND PREPARATION

1. No alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit. Some clearing of understory trees and shrubs may be required to prepare a site for survey, inspection by governmental agencies as part of any permitting process, or to stake the proposed building site.
2. On densely vegetated lots, a walking access trail not to exceed three (3) feet may be cleared for access purposes. Permission to clear any understory trees and shrubs less than three (3) inches DBH for said walking access trail shall be permitted

following consultation with the UDO Administrator; however, clearing shall be kept to an absolute minimum.

3. Violations of the lot clearing and preparation section shall constitute a minimum (1) one-year delay in the issuance of any city issued development approval.
4. In the event that a lot has been cleared without obtaining all proper permits from the city and the UDO Administrator is unable to determine the exact number of trees which have been removed in violation of this ordinance, a civil penalty shall be levied under this subsection as follows:
  - a) If the property is located within a residential district, the offender shall be subject to a civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the lot area cleared). In addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.
  - b) If the property is located within a nonresidential district, the offender shall be subject to a civil penalty in the amount of \$2.00 for each square foot of the total size of the lot that was cleared (not based on the area cleared). In addition, the offender shall be required to plant four (4) replacement canopy trees per 10,000 sf or fraction thereof.
  - c) In addition to the civil penalties set forth in subsections 4(a) and 4(b) above, the offender shall be subject to all enforcement provisions of Section 2.15.D of this Unified Development Ordinance.

#### J. TREE PROTECTION DURING CONSTRUCTION

1. A major objective of this section is to encourage the preservation of existing vegetation wherever possible while allowing quality development to take place. As a result, the following measures shall be required for protected trees during the construction process.
2. Protective fencing not less than four (4) feet high or other construction barrier shall be placed at and completely encompass the critical root zone of all protected trees.
3. Any tree whose critical root zone will be affected by soil removal shall have roots cut clearly by trenching at a point at least one (1) foot outside the construction barrier installed as required above.
4. The following shall be prohibited within the critical root zone of any protected tree, except as may be necessary when constructing, repairing or replacing public utilities:
  - a) Grading and excavation which involves cutting or filling to a depth of more than three (3) inches.
  - b) Pouring of any material onto ground which is toxic to plants.
  - c) Installing, depositing, placing, storing, or maintaining any stone, brick, sand, concrete or other materials which may impede the free unobstructed growth of or passage of water, air, and fertilizer to the roots.
  - d) Storing of any construction materials within the critical root zones of the protected trees.
  - e) Attaching any sign, poster, notice or other object, or fastening any guy wire, cable, rope, nail, screw, or other device to any protected tree for any reason other than that of a protective nature to the tree.
  - f) Causing or encouraging any fire or burning of any kind near or around any tree.

5. In the event that a developer is unable to meet the critical root zone requirements of this section, the developer must have a Landscape Architect or ISA Certified Arborist prepare guidelines on how to protect the Critical Root Zone to the maximum extent possible during the development process.

#### K. DAMAGE TO TREES

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

#### L. HAZARD TREE

1. Every owner of any tree overhanging a street or sidewalk within the city is responsible for pruning the branches so that such branches shall not obstruct vehicles or pedestrians. Provided further, that all property owners within the city are hereby required to cause the removal of any dead or diseased trees on their property whenever such trees constitute a hazard to life and property or harbor insects or diseases which constitute a potential threat to other trees. Failure to take such action shall be a violation of this section.
2. The UDO Administrator or his designated representative shall give written notice to any owner violating the terms of this section of said violation and give said owner no less than 10 days to perform the duties in connection with his or her property as specified in (a). If said owner or occupant shall refuse or neglect to perform the duties hereof, the UDO Administrator or his designee may seek an injunction, order of abatement or other equitable remedy in a court of competent jurisdiction against the property owner to ensure compliance in accordance with NC GS 160A-175.
3. In case the owner(s) of any lot or other real property is unknown or their whereabouts is not known after diligent efforts to identify and locate said person, then a copy of the written notice herein above referred to shall be posted upon the premises. The City Clerk shall make an affidavit setting out the facts and circumstances justifying the posting of said property.

#### M. PROTECTION OF UTILITIES

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

#### N. NOTIFICATION FOR WORK NEAR PUBLIC TREES

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

#### O. PRUNING REQUIREMENTS

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

#### P. PENALTIES FOR VIOLATIONS OF THIS SECTION

1. Any person removing any tree in violation of this section, in addition to mitigation requirements, shall be subject to a civil penalty of one hundred dollars (\$100.00) per inch diameter at breast height (DBH) of the tree.
2. Any person removing any regulated tree after notice of the requirements of this section, in addition to the mitigation requirements, shall be subject to a civil penalty of two hundred dollars (\$200.00) per inch DBH of the tree.
3. Any person removing any City Owned Tree in violation of this section, in addition to the mitigation requirements, shall be subject to a civil penalty of three hundred dollars (\$300.00) per inch DBH of the tree.

#### Q. CITY OF SOUTHPORT; RESPONSIBILITY

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

R. FORESTRY COMMITTEE; RESPONSIBILITY.

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

S. APPROVED TREE LIST

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

T. DEVELOPMENT OF ANNUAL TREE PROGRAM.

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

U. COMMUNITY AWARENESS

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

V. MAINTENANCE OF PUBLIC TREES/PROJECTS

1. The Public Services department shall be responsible for the maintenance of trees on municipal property with the advice of the City Manager or his designee. The Public Works department and Forestry Committee will annually assess trees located on public property and identify those that require maintenance or removal. The City will undertake any required maintenance utilizing City Staff, or when required, contract the work to be completed within current ANSI standards and/or International Society of Arboriculture (ISA) Best Management Practices.
2. The City shall have the right to prune, maintain and remove any tree on public grounds which interferes with the safe flow of traffic, any traffic control device or sign.
3. It shall be unlawful for any person to top or cut back to stubs the crown of any tree on City property or ROW.

4. Trees severely damaged by storms or other causes where required pruning practices are impractical may be exempted from this section as determined by the City Manager. This also includes dead, dying, or diseases determined by the City Manager or their designee and which pose a threat to the safety of the community.
5. All other City departments shall cooperate fully with the City Manager or his designee in carrying out the responsibilities of this section.
6. The planting, maintenance, and/or removal activities of public trees shall meet current arboricultural best management practices (ANSI A300 Standards) and follow guidelines outlined in the 2011 City of Southport Urban Forest Management Plan. City departments, contractors, community organizations and individuals performing tree related activities on City-managed property are required to adhere to these standards.



## B-23-154

### Building Permit

Status: Active

Submitted On: 10/5/2023

### Primary Location

683 CAROLINA BAY CT  
SOUTHPORT, NC 28461

### Owner

William and Sally Demidovich  
Carolina Bay Ct 683 DEMIDOVICH Southport,  
NC 28461

### Applicant

 Terri Smith

 910-443-3533

 waynesmithandson@yahoo.com

 2273 Kirby Rd SW  
Supply, NC 28462

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## Property Owner Information

### Property Owner\*

William and Sally Demidovich

### Is This The Owner's Primary Residence?\*

No

### Mailing Address

42 Jade Circle

### City

Canfield

### State

Ohio

### Zip Code

44406

### Email

steelblue@zoominternet.net

### Telephone #

330-565-0474

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## Project Information

Who is applying for this permit? \*

Licensed Contractor

Residential or Commercial\*

Residential

Project Scope\*

New Construction

Use of Building\*

Single Family Residence

Type of New Construction\*

Single Family

Foundation Type\*

Piers/Pilings

We require an inspection of the pilings before being set, a blow count, and a piling inspection after the pilings are set

Framing Type

Wood

Conventional or Truss Framed\*

Truss

Will Any Trees Need to be Removed?\*

Yes

Value of Construction\*

748550

IF THIS IS FOR REMODELS: PLEASE LIST A DETAILED DESCRIPTION OF WORK.  
"REMODEL" IS NOT A DETAILED DESCRIPTION

Detailed Description of Work\* 

New home construction.

---

## Contractor Information

Name\*

David Wayne Smith

License\*

25862

Address\*

2273 Kirby Rd., SW

City\*

Supply

State\*

NC

Zipcode\*

28462

Phone Number\*

(910) 443-3533

Email\*

waynesmithandson@yahoo.com

Classifications\*

Building

Limitation\*

Unlimited

Status\*

Valid

Qualifiers\*

David Wayne Smith

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## Building Characteristics (Measurements in Feet)

Length\*

61

Width\*

45

Square Footage of Structure

2745



Heated Area\* 

2773

Unheated Area

1510

Number of Stories\*

2

Carport Area

—

Garage\*

Yes

Covered Porches Area

666

Open Deck Area

198

Number of Bedrooms\* ?

3

Number of Baths\* ?

4

 Total Square Footage

4283



Number of Chimneys\*

0

Number of Fireplaces\*

1

Air Conditioning?\*

Yes

Type of Heating

Heat Pump

Will you be adding a generator?\*

—

Sewer or Septic

Sewer

---

## Zoning Permit - Property Description

Tax Parcel Number\* ?

237FB008

Visit Brunswick County GIS website to find Parcel #  
<https://www.brunswickcountync.gov/gis/>

Street Address

683 Carolina Bay Ct

Type of Construction\* 

Type 5- Wood-Framed

Is This Property Located in City Limits or the ETJ\* 

In the City

Is the Property in a Subdivision/Development?\*

Yes

Which Subdivision/Development?\*

Indigo Plantation

Lot Square Footage\*

46583.29

Lot Width Front\*

45

Lot Width Rear\*

179.74

Lot Side Length\*

322.06

Will This Be Associated With Additional Permits?\*

Yes

Trade permits are not connected to building permits. You will need to apply for each additional needed permit separately.

---

## Zoning Permit - Regulations

Total Project Cost

748550



What is the Zoning District?\* 

PUD

Building Height as Planned (Feet and Inches)\*

38.7

How Much Parking Will be Provided

2

Lot Area

46583.29



Corner Lot\*

No

Front Setback\*

35

Rear Setback\*

15

Sideyard Setback\*

15

Floodplain\* ?

AE

Elev 100 Year Floodplain:\*

10

You will be required to complete a separate Floodplain Application

I acknowledge that I will have to apply for a separate  
Floodplain Permit\*



---

## Tree Removal Request

Regulated Hardwood over 8" in ANY setback\* ?

Yes

Regulated Conifer over 12" in ANY setback \* ?

Yes

Specimen Tree > 30" ANYWHERE on lot\* ?

No

Tree on Public Right of Way\* ?

Yes

**Live Oak Tree Retention ( List Size (DBH) of Each Tree )\*** ?

The only trees to be taken down will be the footprint of the proposed house and driveway plus 10'. This lot has MANY trees, I believe the surveyor said appox 200 trees

**Retention of Live Oak Trees May Reduce Your Mitigation Requirements**

**Proposed Regulated Trees to be Removed\*** ?

Oak 19, Pine 8

**Proposed Tree Mitigation** ?

About 65% of the trees will be left, or more

---

**Additional Permits**

**Electrical**



**Electrical Contractor\***

Foust Electric

**Electrical Contractor Telephone #\***

910-842-9882

**Mechanical**



**Mechanical Contractor\***

Fulford Heating & Cooling

**Mechanical Contractor Telephone #\***

910-842-6589

**Plumbing**



**Plumbing Contractor\***

Hughes Plumbing Inc

**Plumbing Contractor Telephone #\***

910-575-3217

**Permit Numbers if Known**

General Contractor is responsible for making sure sub contractors have their permits pulled and for calling in inspections

PLEASE BE SURE TO HAVE YOUR SUBCONTRACTORS ADD YOUR EMAIL AS A GUEST TO THEIR PERMITS FOR INSPECTION RESULTS

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## Foundation Survey

I acknowledge that a foundation survey must be complete as soon as the pilings or foundation have been installed within twenty-one (21) days of the establishments of the foundation.\*



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## Construction Drive Entrance

\*Diagram can be found in Documents and Forms on homepage

Acknowledgment that I understand the Construction Drive Entrance policy\*



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## Tree Protection During Construction

Acknowledgment of Tree Protection Policy\*



By checking the box below, I acknowledge that any tree removal can NOT be started until the building permit has been paid and issued.

Article 3.18.P (PENALTIES FOR VIOLATIONS OF THIS SECTION) states

1. Any person removing any tree in violation of this section, in addition to mitigation requirements, shall be subject to a civil penalty of one hundred dollars (\$100.00) per inch diameter at breast height (DBH) of the tree.
2. Any person removing any regulated tree after notice of the requirements of this section, in addition to the mitigation requirements, shall be subject to a civil penalty of two hundred dollars (\$200.00) per inch DBH of the tree.
3. Any person removing any City Owned Tree in violation of this section, in addition to the mitigation requirements, shall be subject to a civil penalty of three hundred dollars (\$300.00) per inch DBH of the tree.

**Acknowledgment of Tree Protection and Landscape  
Preservation Ordinance\***

☐

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## System Development Fees

I acknowledge that system development fees may   
be required before a building permit can be  
issued.\*

 David Wayne Smith  
Oct 5, 2023

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## Tap Fees

I acknowledge that tap fees may be required and   
additional fees may apply. See Sec. 19-9.-  
Construction of connections in municode / code  
of ordinances. \*

 David Wayne Smith  
Oct 5, 2023

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## Sheathing Inspections

### PROHIBIT EXTERIOR SHEATHING INSPECTIONS

SECTION 4.(a) § 143-138 is amended by adding a new subsection to read:

"(b23) Exterior Sheathing Inspections Prohibited. - The Code shall not require routine exterior sheathing inspections for structures or dwellings covered by the North Carolina Building Code or North Carolina Residential Code located in a region where the ultimate wind speed is less than 140 miles per hour."

I acknowledge that we are in a 150 mile per hour  
wind zone and a sheathing inspection is required\*



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## Final Inspection

Check to acknowledge\*



# Certification

I hereby certify that all information in the application is correct and all work will comply with the State Building Code and all other applicable State and local laws and ordinances and regulations. The Inspection Department will be notified of any changes in the approved plans and specifications for the project permitted herein. I am the owner of the above property or I am acting as the owner's agent. \*

✔ David Wayne Smith  
Oct 5, 2023

? I HEREBY CERTIFY that all of the information provided for this application and all attachments are true and correct to the best of my knowledge. I further certify that I am familiar with the requirements of the City of Southport Unified Development Ordinance concerning this proposed use. I acknowledge that any violation of this ordinance will be grounds for revoking this permit and any subsequent permit issued by the City of Southport.\*

✔ David Wayne Smith  
Oct 5, 2023

ONLY UPLOAD ATTACHMENTS THAT ARE MARKED "REQUIRED" IN RED

## Attachments

|                                                                                     |                                                                                                                                            |          |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----------|
|  | <b>Demidovich tree removal estimate.pdf</b><br>Demidovich tree removal estimate.pdf<br>Uploaded by Terri Smith on Oct 16, 2023 at 12:28 PM |          |
|  | <b>Smart Vent info for Demidovich.pdf</b><br>Smart Vent info for Demidovich.pdf<br>Uploaded by Terri Smith on Nov 15, 2023 at 1:56 PM      |          |
|  | <b>Site Plan</b><br>survey as proposed 680 CAROLINA BAY CT PROPOSED ORIGINAL (2).pdf<br>Uploaded by Terri Smith on Oct 5, 2023 at 11:03 AM | REQUIRED |
|  | <b>Building Plans</b><br>Demidovich plans with changes pawleysBinder1.pdf<br>Uploaded by Terri Smith on Oct 5, 2023 at 11:04 AM            | REQUIRED |
|  | <b>Truss Layout and Drawings</b>                                                                                                           | REQUIRED |

|                                                                                   |                                                                                                                                                      |          |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
|   | <b>Demidovich plans with changes pawleysBinder1.pdf</b><br>Uploaded by Terri Smith on Oct 5, 2023 at 11:27 AM                                        |          |
|  | <b>Tree Removal Survey</b><br>survey as proposed 680 CAROLINA BAY CT PROPOSED ORIGINAL (2).pdf<br>Uploaded by Terri Smith on Oct 5, 2023 at 11:28 AM | REQUIRED |
|  | <b>Landscape Plan</b><br>survey as proposed 680 CAROLINA BAY CT PROPOSED ORIGINAL (2).pdf<br>Uploaded by Terri Smith on Oct 5, 2023 at 11:28 AM      | REQUIRED |
|  | <b>NC Lien Application</b><br>Appointment of Lien Agent_ Details - LiensNC Lien Service.pdf<br>Uploaded by Terri Smith on Oct 5, 2023 at 11:26 AM    | REQUIRED |

## History

| Date                  | Activity                                                                                         |
|-----------------------|--------------------------------------------------------------------------------------------------|
| 10/5/2023, 9:39:39 AM | Terri Smith started a draft of Record B-23-154                                                   |
| 10/5/2023, 9:44:51 AM | Terri Smith altered Record B-23-154, changed ownerCity from "" to "Southport"                    |
| 10/5/2023, 9:44:51 AM | Terri Smith altered Record B-23-154, changed ownerEmail from "" to "steelblue@zoominternet.net"  |
| 10/5/2023, 9:44:51 AM | Terri Smith altered Record B-23-154, changed ownerName from "" to "William and Sally Demidovich" |
| 10/5/2023, 9:44:51 AM | Terri Smith altered Record B-23-154, changed ownerPhoneNo from "" to "330-565-0474"              |
| 10/5/2023, 9:44:51 AM | Terri Smith altered Record B-23-154, changed ownerPostalCode from "" to "28461"                  |
| 10/5/2023, 9:44:51 AM | Terri Smith altered Record B-23-154, changed ownerState from "" to "NC"                          |
| 10/5/2023, 9:44:51 AM | Terri Smith altered Record B-23-154, changed ownerStreetName from "" to "Carolina Bay Ct"        |
| 10/5/2023, 9:44:51 AM | Terri Smith altered Record B-23-154, changed ownerStreetNo from "" to "683"                      |

| Date                   | Activity                                                                                                |
|------------------------|---------------------------------------------------------------------------------------------------------|
| 10/5/2023, 9:44:51 AM  | Terri Smith altered Record B-23-154, changed ownerUnit from "" to ""                                    |
| 10/5/2023, 9:47:30 AM  | Terri Smith altered Record B-23-154, changed ownerStreetNo from "683" to "683 DEMIDOVICH"               |
| 10/5/2023, 11:28:39 AM | Terri Smith submitted Record B-23-154                                                                   |
| 10/5/2023, 11:28:40 AM | approval step Application Intake Reviewwas assigned to Abbey Glenn on Record B-23-154                   |
| 10/5/2023, 11:41:20 AM | Abbey Glenn approved approval step Application Intake Review on Record B-23-154                         |
| 10/5/2023, 11:41:21 AM | approval step Zoning Reviewwas assigned to Mo Meehan on Record B-23-154                                 |
| 10/5/2023, 11:41:21 AM | approval step System Development Fees Reviewwas assigned to Tom Stanley on Record B-23-154              |
| 10/5/2023, 11:41:21 AM | approval step Utilitieswas assigned to Kelly Tooley on Record B-23-154                                  |
| 10/5/2023, 11:55:07 AM | Kelly Tooley approved approval step Utilities on Record B-23-154                                        |
| 10/9/2023, 1:32:34 PM  | Tom Stanley added Total Square Footage to Record B-23-154                                               |
| 10/9/2023, 1:32:34 PM  | Tom Stanley changed Wastewater System Development Fees Paid? from "" to "No" on Record B-23-154         |
| 10/9/2023, 1:32:35 PM  | Tom Stanley changed Water System Development Fees Paid? from "" to "No" on Record B-23-154              |
| 10/9/2023, 1:32:35 PM  | Tom Stanley changed Water System Development Fees Amount Due from "" to "1700" on Record B-23-154       |
| 10/9/2023, 1:32:35 PM  | Tom Stanley changed Total from "0" to "18047" on Record B-23-154                                        |
| 10/9/2023, 1:32:35 PM  | Tom Stanley changed Wastewater System Development Fees Amount Due from "" to "15847" on Record B-23-154 |
| 10/9/2023, 1:32:35 PM  | Tom Stanley changed Wastewater Tap Fees Paid? from "" to "Yes" on Record B-23-154                       |
| 10/9/2023, 1:32:35 PM  | Tom Stanley changed Water Tap Fees Paid? from "" to "Yes " on Record B-23-154                           |
| 10/9/2023, 1:32:35 PM  | Tom Stanley changed Meter Installation Charge from "" to "Yes" on Record B-23-154                       |

| Date                    | Activity                                                                                                                                                        |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed Meter Installation from "" to "500" on Record B-23-154                                                                                      |
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed Notes: from "" to "<div>Water and sewer taps were installed by developer. Taps will have to be located, and if they ..." on Record B-23-154 |
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed IA from "534024.34000000001" to "534024.34" on Record B-23-154                                                                              |
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed Residential-Type 1 from "" to "1376410.74" on Record B-23-154                                                                               |
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed Residential-Type 2 from "" to "1057811.44" on Record B-23-154                                                                               |
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed Residential-Type 3 from "" to "979782.92" on Record B-23-154                                                                                |
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed Residential-Type 4 from "" to "1225758.05" on Record B-23-154                                                                               |
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed Commercial-Type 1 from "" to "1354484.52" on Record B-23-154                                                                                |
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed Commercial-Type 2 from "" to "1203625.95" on Record B-23-154                                                                                |
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed Commercial-Type 3 from "" to "1053333.55" on Record B-23-154                                                                                |
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed Commercial-Type 4 from "" to "1156376.49" on Record B-23-154                                                                                |
| 10/9/2023, 1:32:35 PM   | Tom Stanley changed Commercial-Type 5 from "" to "923835.03" on Record B-23-154                                                                                 |
| 10/9/2023, 1:32:44 PM   | Tom Stanley approved approval step System Development Fees Review on Record B-23-154                                                                            |
| 10/16/2023, 12:28:47 PM | Terri Smith added attachment Demidovich tree removal estimate.pdf to Record B-23-154                                                                            |
| 11/15/2023, 1:56:05 PM  | Terri Smith added attachment Smart Vent info for Demidovich.pdf to Record B-23-154                                                                              |

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## Timeline

| Label                            | Activated              | Completed              | Assignee     | Due Date |
|----------------------------------|------------------------|------------------------|--------------|----------|
| ✓ Application Intake Review      | 10/5/2023, 11:28:40 AM | 10/5/2023, 11:41:20 AM | Abbey Glenn  | -        |
| ✓ System Development Fees Review | 10/5/2023, 11:41:21 AM | 10/9/2023, 1:32:44 PM  | Tom Stanley  | -        |
| ✓ Utilities                      | 10/5/2023, 11:41:21 AM | 10/5/2023, 11:55:07 AM | Kelly Tooley | -        |
| ✓ Zoning Review                  | 10/5/2023, 11:41:21 AM | -                      | Mo Meehan    | -        |
| ✓ Building Approval              | -                      | -                      | -            | -        |
| ✓ Planning Approval              | -                      | -                      | -            | -        |
| ✓ Building Review                | -                      | -                      | -            | -        |
| ✓ Elevation Certificate          | -                      | -                      | -            | -        |
| ✓ Foundation Survey              | -                      | -                      | -            | -        |
| ✓ Certificate of Occupancy       | -                      | -                      | -            | -        |
| ✓ Tree Removal Review            | -                      | -                      | -            | -        |
| ✓ Floodplain Permit Review       | -                      | -                      | -            | -        |
| ✓ Flood Zone Review              | -                      | -                      | -            | -        |
| ✓ Final Review                   | -                      | -                      | -            | -        |
| 💰 Payment                        | -                      | -                      | Terri Smith  | -        |
| ☑ Footings                       | -                      | -                      | -            | -        |
| ☑ Open Floor Framing             | -                      | -                      | -            | -        |
| ☑ Foundation                     | -                      | -                      | -            | -        |
| ☑ Sheathing                      | -                      | -                      | -            | -        |
| ☑ Rough Framing                  | -                      | -                      | -            | -        |
| ☑ Insulation                     | -                      | -                      | -            | -        |
| ☑ Final Building / Completion    | -                      | -                      | -            | -        |
| ☑ Slab on Grade                  | -                      | -                      | -            | -        |

| Label                                                                                                            | Activated | Completed | Assignee | Due Date |
|------------------------------------------------------------------------------------------------------------------|-----------|-----------|----------|----------|
|  Garage Slab                    | -         | -         | -        | -        |
|  Above Ceiling                  | -         | -         | -        | -        |
|  Curb Cut                       | -         | -         | -        | -        |
|  Bulkhead/Deadman/Tie Back      | -         | -         | -        | -        |
|  Decking                        | -         | -         | -        | -        |
|  Pool Fence/Barrier             | -         | -         | -        | -        |
|  Demolition / Moving Completion | -         | -         | -        | -        |
|  Screen Porch Slab              | -         | -         | -        | -        |
|  Silt Fence Inspection          | -         | -         | -        | -        |
|  Monolithic Slab                | -         | -         | -        | -        |
|  Mitigation                     | -         | -         | -        | -        |
|  Preplacement Piling Inspection | -         | -         | -        | -        |
|  Post Placement Pilings         | -         | -         | -        | -        |
|  Marriage Wall                  | -         | -         | -        | -        |
|  Building Permit              | -         | -         | -        | -        |
|  Permit Card                  | -         | -         | -        | -        |
|  Tree Removal Permit          | -         | -         | -        | -        |

**DAVID WAYNE SMITH  
WAYNE SMITH & SON INC  
2273 KIRBY RD SW  
SUPPLY NC 28462**

Dear Southport City Leaders and Staff

Our company was contracted to build a custom home 683 Carolina Bay Ct in Indigo Plantation ARB, for Bill and Sally Demidovich. It was our sincere belief that we had submitted all required applications to secure approval to remove a limited number of trees and build the home. The project was approved by the Indigo Plantation ARB, and we received a verbal approval to remove a limited number of trees in the footprint of the driveway, house, and future pool, plus 10' beyond this footprint. We also submitted the building application. However, the pre-elevation certificate took time to obtain, which held up the building applications.

During this time, we removed trees ONLY in the footprint, driveway, and future pool area as approved by Indigo Plantation ARB. We have worked on many projects in the Southport area including the Garrison House, "4<sup>th</sup> of July" building, the old inspection building, etc., and many homes in the area. There were times we removed trees prior to the building permit being issued, as a means of being proactive and efficient. We, as well as the Indigo Plantation ARB, were wholly unaware the City of Southport adopted a new procedure. We

sincerely apologize for our lack of knowledge about the change, but it definitely was not an intentional break of the new rules.

This property originally had over 200 trees. We did not remove any tree that was not approved by Indigo Plantation ARB.

There are approximately 217 trees on this lot, per the surveyor, and we removed less than 50, which includes dead trees. The lot size is 46583.29 square feet, which would result in a fine of \$46,583.29. Considering most of the trees are still on this lot (approximately 75% of the trees are left), we understand there may be a fine, but we feel this fine is unfair considering the number of trees remaining. We are willing to plant additional native trees during the landscape phase, and will plant live oak trees to offset some of the trees removed in the building footprint. Again, I'd like to emphasize that this lot was never "clear cut". Only a limited number of trees were removed to accommodate the home, driveway, and pool, using the same approval procedure I've always abided by.

It was not our intention to avert any ordinances, and we strive to comply by all community and building standards for each project. We work to keep as many trees as possible on each project, and to protect the trees left outside the building footprint.

We are a small and local family owned business that has decades of experience serving families in Southport and the surrounding area. My wife Terri, my son Justin and I have worked very hard to build a reputation of integrity and honesty.

In consideration of the above, we respectfully ask for your consideration to waive the penalty, which would be financially devastating to our small family business. We sincerely appreciate your consideration and thank you all.

A handwritten signature in cursive script, reading "David W Smith", positioned above a horizontal line.

---

David Wayne Smith  
Owner, Wayne Smith & Son Inc

Fw: Lot 45 Carolina Bay Court

From: Dana Rife (drife10@yahoo.com)

To: waynesmithandson@yahoo.com

Cc: paxton@thisendup.com

Date: Wednesday, November 22, 2023 at 12:40 PM EST

Terri and David,

I wanted to confirm for your records, my recollection relative to the Indigo Architectural Review Board (ARB) approval of lot 45 home construction.

You presented the house building plans, lot footprint and samples of building materials to the ARB.

In addition, you completed the Indigo Builder's Questionnaire as required.

The ARB approved your submission and asked that you marked all trees for removal in the footprint for review.

We emphasized that we follow the Southport rules of removal of 15 feet from any structure and 5 feet from driveways and walkways. This was also documented in our Builder's Questionnaire form.

We asked that you mark the trees that are in the approved footprint with tape and that we would do a review.

We also emphasized to you that no trees are to be removed outside the approved footprint.

I looked at the area and agreed that the marked trees met the requirement of within the footprint and gave Indigo ARB approval to remove footprint trees.

We later learned from you that the City of Southport now requires a tree removal permit in addition to a building permit.

The Indigo ARB was unaware of this tree permit requirement. At no time was there any communication from the City of Southport to the Indigo Community that this was required before lot clearing.

We have had discussions with City personnel that their communication of this requirement could have been handled much better.

The Indigo ARB has added to its Builder's Questionnaire form asking if the Builder has received a tree removal permit to avoid any future misunderstandings.

Indigo Plantation is a community that believes in protecting our trees.

We are hopeful that the City realizes that this was a misunderstanding on all sides and should be resolved in a reasonable manner.

Sincerely,

Dana Rife, past chairman of Indigo Plantation ARB

## To Whom It May Concern

From: B. Wayne Strickland (scubasouth@gmail.com)

To: waynesmithandson@yahoo.com

Date: Monday, November 27, 2023 at 12:20 PM EST

I have known and worked with Wayne Smith and Son since June 19, 1995. They have built between 20 to 30 homes in the Southport area since 1995. Wayne Smith started the company and his son David has worked with him, taking over the business upon his father's retirement. David has done remodel work for The City on numerous occasions. Wayne and David have always been easy to work with and followed all codes and ordinances.

I don't hesitate to recommend them as a contractor.

B. Wayne Strickland  
222 River Drive  
Southport, NC 28461,

8:53

16



Daphne >



Surveyor

Mon, Nov 6 at 9:20 AM Tidewater Surveying

I'm on the phone with  
another client. Can I call  
you back?

Do you have in your files  
how many trees were on  
the lot at 683 Carolina  
Bay? It would save me  
from trying to count them  
all. Thanks!

217

Thank you!

Mon, Nov 6 at 3:09 PM

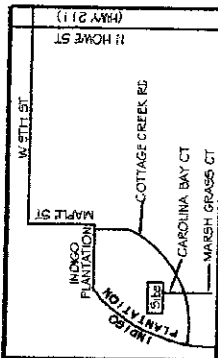
When u get the chance,  
City of Southport wants to  
know the "setbacks of the  
driveway". I think what



iMessage



Appendix



VICINITY MAP - NOT TO SCALE

Surveyed and Mapped By  
**Tide Water  
Land Surveying**

P.O. Box 11506  
802 North Howe Street  
Southport, North Carolina 28461  
Phone: 910-457-9580  
Email: twlandsurveying@aol.com

NOTES:

1. NO GEODETIC MONUMENT WAS FOUND WITHIN 2000'.
2. SURVEY DATE: MAY 10, 2023.
3. PLAT SCALE: 1" = 30'.
4. ALL DISTANCES ARE HORIZONTAL GROUND.
5. THE LAND SHOWN ON THIS PLAT IS IN A FLOOD HAZARD AREA AC 10 ACCORDING TO FEMA MAP #23778008.
6. ZONED: PUD.
7. E.R.B. = EXISTING REBAR.
8. E.L.P. = EXISTING LEAD PIPE.
9. I.S.S. = IRON SPARK SET.
10. C.P. = CALC. POINT.
11. E.I.P. = EXISTING IRON PINCH PIPE.
12. E.C.M. = EXISTING CONCRETE MONUMENT.

**680**

**Carolina Bay Ct.**  
Lot 45 Section 2  
Indigo Plantation  
Plat Book P Page 380  
Deed Book 4980 Page 557  
Parcel ID #23778008

46583.29 Sq. Ft.  
1.07 Acres

Topographic Survey for:

**William Demidovich**

and wife,

**Sally Demidovich**

City of Southport  
Smithville Township  
Brunswick County  
State of North Carolina

DISCLAIMER: This map is not a warranty of title.

NORTH CAROLINA  
BRUNSWICK COUNTY  
I, WILLIAM W. DELANEY II, P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 4980 AT PAGE 557 IN BRUNSWICK COUNTY REGISTER OF DEEDS OFFICE). THAT THE BOUNDARIES NOT SURVEYED ARE CLARITY INDICATED AS DRAWN FROM INFORMATION FOUND PREVIOUS TO THIS PLAT. THAT THE RATIO OF THE PRECISION AS CALC. BY COMPUTER IS 1:10,000+/-; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AND AMENDED.

WITNESSES: ORIGINAL FILE REGISTRATION AND SEAL THIS DAY OF 2023

PROFESSIONAL LAND SURVEYOR L-2873

WITNESSES: ORIGINAL FILE REGISTRATION AND SEAL THIS DAY OF 2023

PROFESSIONAL LAND SURVEYOR L-2873

WITNESSES: ORIGINAL FILE REGISTRATION AND SEAL THIS DAY OF 2023

PROFESSIONAL LAND SURVEYOR L-2873

WITNESSES: ORIGINAL FILE REGISTRATION AND SEAL THIS DAY OF 2023

PROFESSIONAL LAND SURVEYOR L-2873

WITNESSES: ORIGINAL FILE REGISTRATION AND SEAL THIS DAY OF 2023

PROFESSIONAL LAND SURVEYOR L-2873

WITNESSES: ORIGINAL FILE REGISTRATION AND SEAL THIS DAY OF 2023

PROFESSIONAL LAND SURVEYOR L-2873

WITNESSES: ORIGINAL FILE REGISTRATION AND SEAL THIS DAY OF 2023

PROFESSIONAL LAND SURVEYOR L-2873

WITNESSES: ORIGINAL FILE REGISTRATION AND SEAL THIS DAY OF 2023

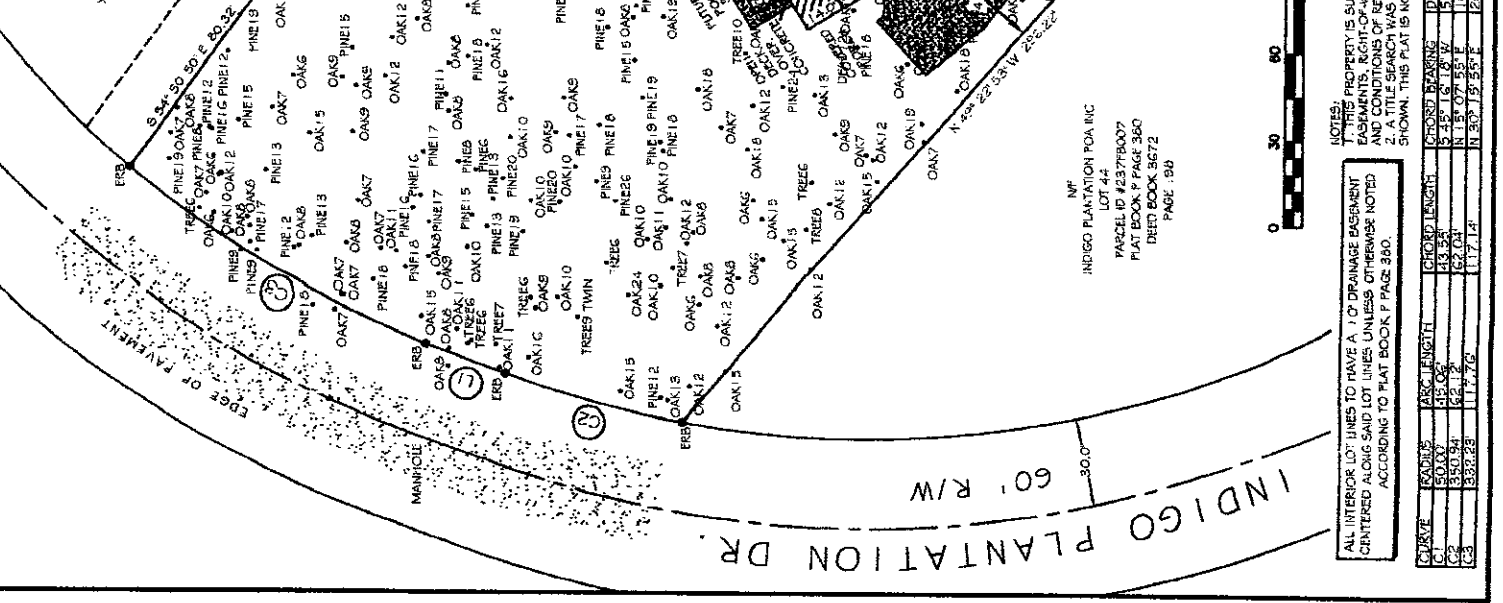
PROFESSIONAL LAND SURVEYOR L-2873

WITNESSES: ORIGINAL FILE REGISTRATION AND SEAL THIS DAY OF 2023

PROFESSIONAL LAND SURVEYOR L-2873

WITNESSES: ORIGINAL FILE REGISTRATION AND SEAL THIS DAY OF 2023

PROFESSIONAL LAND SURVEYOR L-2873



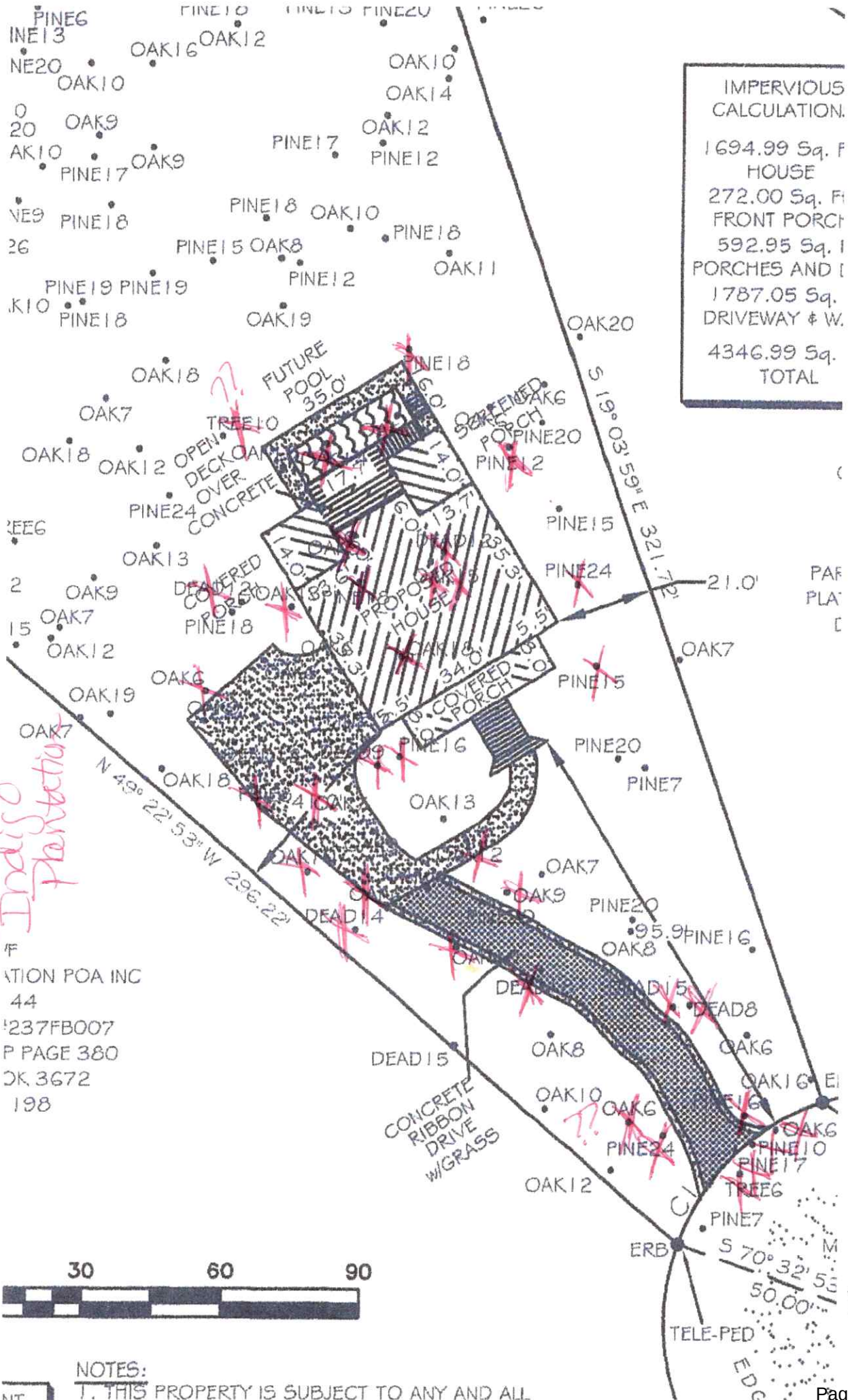
NOTES:

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

ALL INTERIOR LOT LINES TO HAVE A 1' OF DRAINAGE EASEMENT CENTERED ALONG SAID LOT LINES UNLESS OTHERWISE NOTED ACCORDING TO PLAT BOOK P PAGE 380.

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | DELTA ANGLE |
|-------|--------|------------|--------------|-------------|
| 1     | 50.00' | 15.71'     | 15.71'       | 90.00°      |
| 2     | 50.00' | 15.71'     | 15.71'       | 90.00°      |
| 3     | 50.00' | 15.71'     | 15.71'       | 90.00°      |
| 4     | 50.00' | 15.71'     | 15.71'       | 90.00°      |
| 5     | 50.00' | 15.71'     | 15.71'       | 90.00°      |

Demidovich  
683 Carolina Bay Ct.  
Indigo  
Plantation



| IMPERVIOUS CALCULATION. |                           |
|-------------------------|---------------------------|
| 1694.99 Sq. F           | HOUSE                     |
| 272.00 Sq. F            | FRONT PORCH               |
| 592.95 Sq. F            | PORCHES AND DRIVEWAY & W. |
| 1787.05 Sq. F           |                           |
| 4346.99 Sq. F           | TOTAL                     |



NOTES:  
1. THIS PROPERTY IS SUBJECT TO ANY AND ALL



## BOARD OF ALDERMEN

### AGENDA ITEM SUMMARY

**DATE:** December 14, 2023      **DEPARTMENT:** Administration/Code Enforcement

**PRESENTED BY:** Dorrie Dutton, Assistant City Manager

**ITEM SPONSORED BY:** Administration/Development Services

**ITEM/TOPIC:** Minimum Housing Ordinance

**COST:** n/a

**BUDGET LINE ITEM:** n/a

**JUSTIFICATION:** Last month, at the November 9<sup>th</sup> Board of Aldermen meeting, the Public Hearing was held to discuss the proposed Minimum Housing Ordinance. As explained at the November meeting, the proposed ordinance gives City staff and Alliance Code Enforcement another tool to help abate these structures and conditions. Once the ordinance is adopted, the City will seek bids from companies willing to complete grass-mowing, junk removal, or demolition. City staff will develop plans for budgeting the work. As properties are abated, the property owners can either pay the cost or reimburse the City. If the owners cannot pay for the abatement measures, the City can place a lien on the property. The lien ensures that the City will be reimbursed if the property changes ownership. Additionally, it helps preserve the appearance and character of the City.

**IMPACT IF NOT APPROVED:** Some properties are already in disrepair and will continue to worsen, and the process will take longer to abate some violations. Some of these conditions might compromise public health and safety.

**DEPARTMENT HEAD COMMENTS:** At the Public Hearing last month, no one from the public spoke against the proposed ordinance, and the community seems supportive of better enforcement. The Minimum Housing Ordinance will give Code Enforcement another tool to address overgrown or derelict properties.

**CITY MANAGER COMMENTS:** I have worked with Minimum Housing codes in many communities, and this is an excellent tool to address structures that are not up to code and need cleaning up or demolition. I wholeheartedly endorse moving forward with this program.

**ATTACHMENTS:** (1) The presentation from last month (2) The proposed ordinance.

**REQUESTED ACTION:** Discuss and/or adopt the Minimum Housing Ordinance.

#### **PROPOSED MOTION:**

I make a motion to approve the Minimum Housing Ordinance as presented. (or with the following changes) \_\_\_\_\_.

# MINIMUM HOUSING ORDINANCE

## WHY DO WE NEED ONE?



# **CURRENT ORDINANCES AND LIMITATIONS:**

**Nuisance Ordinances (Chapter 9) include:**

- **Grass/yard overgrowth**
- **Junked vehicles**
- **Noise Violations**

**Solid Waste Management (Chapter 15) includes:**

- **Unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit in approved containers**

# Buildings and Building Regulations (Chapter 4)

- **States that the current edition of the NC Building Code is applicable to all building, electrical, plumbing, and mechanical work completed in Southport**
- **Unsafe Buildings can be declared condemned**
- **The owner is given the opportunity to take corrective actions**
- **Under the existing Buildings and Building Regulations Ordinances, there are more rigid guidelines to what can be abated. Typically, it is structural or building code issues.**





**The Minimum Housing Ordinance allows more flexibility for what could be considered a violation. A violation might include:**

- **Condition of interior walls and ceilings**
- **Plumbing fixtures shall be maintained in a state of good working order**
- **Every heating system shall be able to heat to a minimum temperature of 70°**
- **No infestations of rodents**
- **Appropriate disposal of garbage and rubbish**
- **Overgrowth of weeds/trees/plants into structures**
- **Abandoned structures left open to deteriorate**
- **The existence of broken windows or tarp coverings left for longer than temporary**
- **Any combination of these conditions to include, building code violations**

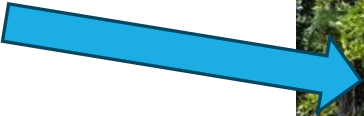
# EXISTING VIOLATIONS & CONDITIONS IN SOUTHPORT





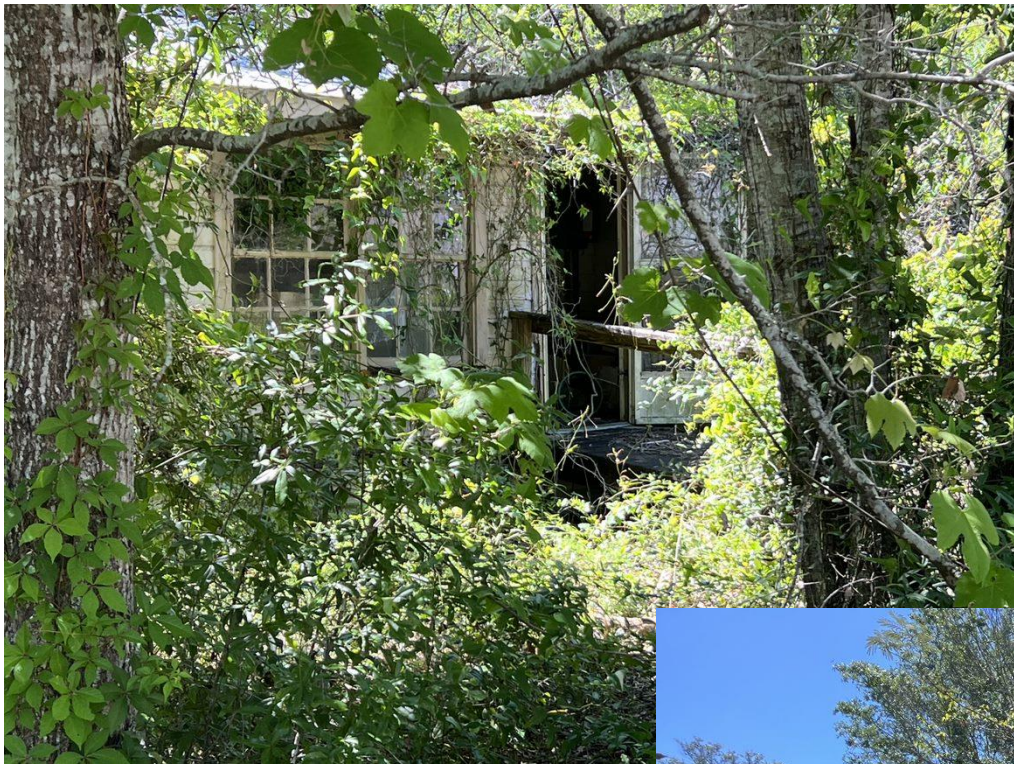


Structure



Major  
Overgrowth





# **MINIMUM HOUSING & CODE ENFORCEMENT PROGRAM**

- 1. Preliminary investigation; notice; hearing**
- 2. Determination is issued in writing-to include complying with minimum standards within (90) days, vacating the property.**
  - If the property is to be vacated, a mailing of notice shall be given at a minimum of (45) days before removal, demolition, or to allow the opportunity for any organization to negotiate with the owner to make repairs or purchase the property to provide affordable housing**



### **3.Failure to comply with an order**

**a.) A Resolution is presented to the Board directing the City Attorney to file action with the Brunswick County Court System to prevent the occupancy of the structure. (in personam remedy)**

**b.) The Board of Aldermen may adopt an Ordinance authorizing the inspector to take action to make repairs or to be vacated and demolished. (in rem remedy)**

**c.)Each ordinance shall be recorded in the Register of Deeds Office**



**As provided by G.S. 160D-1203, the amount of the costs of any repairs, alternations, improvements, vacating, closing, or demolition, shall be a lien against the real property upon which the cost was incurred and shall be collected as a special assessment (ex. The property is sold)**

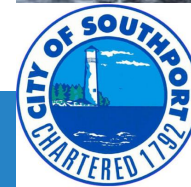
### **Alternative/Supplemental Remedies:**

- Any ordinance violated by the condition of the property can be enforced concurrently**
- Civil action may be filed to remove an occupant**



# APPEALS

- Any decision or order of the Inspector may be taken to the Board of Adjustment within (30) days from the decision.
- Every decision of the Board of Adjustment is subject to review in the Brunswick County Superior Court within (15) days of the Board of Adjustment's decision.



# Questions?



**AN ORDINANCE AMENDING CHAPTER 4. OF THE CITY OF SOUTHPORT CODE OF ORDINANCES AS IT PERTAINS TO A MINIMUM HOUSING ORDINANCE**

**BE IT ORDAINED**, by the Board of Aldermen of the City of Southport that Chapter 4, Article III, of the Code of Ordinances entitled “Condemnation, Repair, and Demolition of Unsafe Buildings” is hereby amended to add the following:

CHAPTER 4: BUILDINGS AND BUILDING REGULATIONS

ARTICLE III. CONDEMNATION, REPAIR, AND DEMOLITION OF UNSAFE BUILDINGS

*DIVISION 1. IN GENERAL*

**Sec. 4-86. Defects in buildings to be corrected.**

When a local inspector finds any defects in a building or finds that the building has not been constructed in accordance with applicable state and local laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his duty to notify the owner or occupant of the building of its defects, hazardous conditions, or failure to comply with law. The owner or occupant shall each immediately remedy the defects, hazardous conditions, or violations of law in the property he owns.

(Code 1974, § 8.55)

State law reference(s)—Similar provisions, G.S. 160A-425.

**Sec. 4-87. Unsafe buildings condemned.**

Every building which shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of such building.

(Code 1974, § 8.56)

State law reference(s)—Similar provisions, G.S. 160A-426.

**Sec. 4-88. Removing notice from condemned building.**

No person shall remove any notice that has been affixed to any building or structure by an inspector under this article and that states the dangerous character of the building or structure.

(Code 1974, § 8.57)

State law reference(s)—Similar provisions, G.S. 160A-427.

**Sec. 4-89. Action in event of failure to take corrective action.**

- (a) If the owner of a building or structure that has been condemned as unsafe pursuant to section 4-87 shall fail to take prompt corrective action, the inspector shall give him written notice, by certified or registered mail to his last known address or by personal service stating that:
- (1) The building or structure is in a condition that appears to constitute a fire or safety hazard or to be dangerous to life, health, or other property.
  - (2) A hearing will be held before the inspector at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.
  - (3) Following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.
- (b) If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten (10) days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the city at least once not later than one (1) week prior to the hearing.

(Code 1974, § 8.58)

State law reference(s)—Similar provisions, G.S. 160A-428.

**Sec. 4-90. Order to take corrective action.**

If, upon a hearing held pursuant to the notice prescribed in section 4-90, the inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health or other property, he shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps, within such period, not less than sixty (60) days, as the inspector may prescribe.

(Code 1974, § 8.59)

State law reference(s)—Similar provisions, G.S. 160A-429.

**Sec. 4-91. Appeal; finality of order if not appealed.**

Any owner who has received an order under section 4-90 may appeal from the order to the board of aldermen by giving notice of appeal in writing to the inspector and to the city clerk within ten (10) days following issuance of the order. In the absence of an appeal, the order to the inspector shall be final. The board shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(Code 1974, § 8.60)

State law reference(s)—Similar provisions, G.S. 160A-430.

#### **Sec. 4-92. Failure to comply with order.**

If the owner of a building or structure fails to comply with an order issued pursuant to section 4-90 from which no appeal has been taken or fails to comply with an order of the board of aldermen following an appeal, he shall be guilty of a violation of this Code and shall be punished in the discretion of the court.

(Code 1974, § 8.61)

State law reference(s)—Similar provisions, G.S. 160A-431.

#### **Sec. 4-93. Equitable Enforcement.**

(A) Whenever any violation of this article is determined to exist in this city, the city, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

(B) In the case of a building or structure declared unsafe under 4-87 of this chapter, the City may, in lieu of taking action under 4-93.A., may instead cause the building or structure to be removed or demolished. The amounts incurred by the City in connection with the removal or demolition are a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in Article 10 of Chapter 160A of the General Statutes. If the building or structure is removed or demolished by the City, the City may sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The City shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the Brunswick County Clerk of Superior Court and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

(C) The amounts incurred by the City in connection with the removal or demolition are also a lien against any other real property owned by the owner of the building or structure and located within the local government's planning and development regulation jurisdiction. The provisions of this section apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

(D) Nothing in this section shall be construed to impair or limit the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

State law reference(s)—Similar provisions, G.S. 160A-432.

#### **Sec. 4-94. Records and reports.**

The inspection department shall keep, in convenient form, complete, permanent, and accurate records of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance granted, and all other work and activities of the department. Periodic reports shall be submitted to the board of aldermen and to the commissioner of insurance as they shall by ordinance, rule, or regulation require.

(Code 1974, § 8.63)

State law reference(s)—Similar provisions, G.S. 160A-433.

#### **Sec. 4-95. Appeals in general.**

Unless otherwise provided by law, appeals from any order, decision, or determination by a member of a local inspection department pertaining to the state building code or other state building laws shall be taken to the commissioner of insurance or his designee or other official specified in G.S. 143-139, by filing a written notice with him and with the inspection department within a period of ten (10) days after the order, decision or determination. Further appeals may be taken to the state building code council or to the courts as provided by law.

(Code 1974, § 8.64)

State law reference(s)—Similar provisions, G.S. 160A-434.

#### **Sec. 4-96. Restrictions within primary fire limits.**

Within the primary fire limits, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved (either into the limits or from one (1) place to another within the limits), except upon the permit of the local inspection department approved by the commissioner of insurance or his designee. The board of aldermen may make additional regulations for the prevention, extinguishment, or mitigation of fires within the primary fire limits.

(Code 1974, § 8.65)

State law reference(s)—Similar provisions, G.S. 160A-436.

#### **Sec. 4-97. Restriction within secondary fire limits.**

Within any secondary fire limits, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved except in accordance with any rules and regulations established by ordinance.

(Code 1974, § 8.66)

State law reference(s)—Similar provisions, G.S. 160A-437.

### *DIVISION 2. DISASTER RECOVERY*

#### ***Subdivision I. Emergency Permitting***

##### **Sec. 4-98. Purpose.**

It has been established that there are a significant number of structures within the city that are nonconforming to the current ordinances. The city has realized that due to the large number of nonconforming structures, in the event of a disaster it may be impractical to require all structures which sustain significant damage to rebuild in compliance with the current ordinances. Furthermore, the community's economy will depend on the ability of all property owners to repair, reconstruct, or rebuild and become operational as quickly as possible following a disaster. These procedures are intended to allow a property owner to obtain approval to repair, reconstruct, or rebuild any structure that is damaged or destroyed as a direct result of a disaster to the state or condition that existed prior to the disaster without the necessity of a full review as may otherwise be required under the City Code of Ordinances or the Southport Unified Development Ordinance (UDO). These structures would be rebuilt on their original footprint, but not increasing the nonconformity. Any application to repair, reconstruct or rebuild a

structure that does not comply with the following procedures shall only be reviewed and acted on pursuant to other applicable sections of the city's ordinances. Building permits are required for all repairs and reconstruction.

#### **Sec. 4-99. Definitions.**

*Damage assessment survey* means a field survey to determine levels of damage for structures and identify the condition of said structures.

*Disaster* means any natural or human-caused catastrophe (including any hurricane, tornado, tsunami, earthquake, or related), or, regardless of cause, any widespread fire or flood, or large-scale impacts from an explosion. The disaster will be declared an emergency by the mayor of the city.

*Emergency* means a local emergency, as defined by the City Code, which has been declared by the mayor of the city for a specific disaster and has not been terminated.

*Reconstruction* means the rebuilding of permanent replacement housing, construction of large-scale public or private facilities badly damaged or destroyed in a major disaster, addition of major community improvements, and full restoration of a healthy economy.

(Ord. of 7-14-11)

#### **Sec. 4-100. Planning review not required.**

- (a) Any structure that sustains damage as a direct result of a disaster and receives a lawful occupancy permit after a damage assessment may be repaired to the state or condition that existed prior to the disaster without the necessity of obtaining planning approval. The work must be completed within eighteen (18) months of when the board of aldermen declares the city is ready to begin receiving applications for permits after the declared disaster.
- (b) If a structure receives a lawful occupancy permit after a damage assessment and the repair is delayed through litigation or other cause beyond the control of the owner, then the owner shall apply for an extension.
- (c) The requirements of the UDO and the City Code of Southport shall be met, except as specifically provided herein.
- (d) For applicants who do not meet the time period set forth by paragraph (a) and (b), any repair that occurs must comply with all requirements of the UDO and the City Code of Southport.

(Ord. of 7-14-11)

#### **Sec. 4-101. Manufactured homes.**

Manufactured homes that are damaged or destroyed may be repaired, replaced, or changed to stick built construction using the following:

- (1) If the structure receives a lawful occupancy permit after damage assessment, the structure may be repaired compliant with this section.
- (2) If the structure is declared restricted use or unsafe to enter or occupy after damage assessment, the structure may be repaired, replaced, or changed to stick built construction.
  - a. The structure may be repaired provided the requirements of the UDO and the City Code of Southport are met.
  - b. The structure may be replaced pursuant to the terms and conditions of this division.

- c. The structure may be removed and a stick built home may be constructed under the current regulations for review and approval. This would be considered a change to the existing condition so the benefits of this division would not apply.

(Ord. of 7-14-11)

#### **Sec. 4-102. Planning emergency permitting.**

In order to be reviewed under the provisions of this division:

- (1) A structure that sustains damage or is destroyed shall be repaired, reconstructed, or rebuilt to the state or condition that existed prior to the disaster.
- (2) A structure that sustains damage or is destroyed must receive a declared restricted use or unsafe to enter or occupy and require an emergency construction building permit after a damage assessment.

(Ord. of 7-14-11)

#### **Sec. 4-103. Planning emergency permitting application.**

The planning emergency permitting application must be submitted within six (6) months of when the board of aldermen declares the city is ready to begin receiving applications for permits. At their discretion, the board of aldermen may extend the application period by resolution.

(Ord. of 7-14-11)

#### **Sec. 4-104. Planning emergency permitting affidavit.**

The planning emergency permitting affidavit must be submitted as part of the planning emergency permitting application. The affidavit, to be signed by the owner of record and notarized, must certify that all structures are being built back to the height, density, setbacks and other such requirements that legally existed prior to the disaster. However, if any local, state, or federal regulations require any changes to the structure with regard to height or square footage, the affidavit will allow the owner to build back with changes to comply with those regulations.

(Ord. of 7-14-11)

#### **Sec. 4-105. Single-family or duplex dwelling.**

- (a) Any single-family or duplex dwelling unit that sustains damage or is destroyed must submit a complete planning emergency permitting application in order to be reviewed under this division. The application shall include such information and documentation as may be reasonably required by the administrator, including all the following items:
  - (1) If the structure sustains damage amounting to less than fifty (50) percent of the fair market value:
    - a. A planning emergency permit and permitting affidavit as described.
    - b. Elevation drawings previously approved by the city showing the height of all four elevations of all structures on the site prior to the disaster or pre-disaster photos showing all four sides of each structure on the property.
    - c. Pre-disaster photos of the entire property layout including front, rear and side yards.
  - (2) If the structure sustains damage amounting to fifty (50) percent or more of the fair market value:

- a. A planning emergency permit and permitting affidavit as described.
  - b. Two copies of an as-built survey or such other documentation or information as required by the administrator.
- (b) The requirements of the UDO and of the City Code of Southport shall be met, except as modified herein.
- (c) For applicants who cannot meet the requirements of paragraph A and for all applicants who do not meet the time period set forth, any repair, reconstruction, or rebuilding that occurs must comply with all requirements of the UDO and the City Code of Southport.

(Ord. of 7-14-11)

**Sec. 4-106. Non-single-family structures (commercial, industrial, multi-family, etc.).**

- (a) Any structure, other than a single-family or duplex dwelling unit, that sustains damage or is destroyed must submit a complete planning emergency permitting application in order to be reviewed under this division. The application shall include such information and documentation as may be reasonably required by the administrator, including all the following items:
  - (1) A planning emergency permit and permitting affidavit, available in the planning department and building inspections division.
  - (2) Two copies of all approved plans or two (2) copies of an as-built survey.
  - (3) Any other documentation as required by the administrator.
- (b) The requirements of the UDO and the City Code of Southport shall be met, except as modified herein.
- (c) For applicants who cannot meet the requirements of paragraph A and for all applicants who do not meet the time period set forth, any repair, reconstruction, or rebuilding that occurs must comply with all requirements of the UDO and the City Code of Southport.

(Ord. of 7-14-11)

**Sec. 4-107. Landscape and tree standards.**

Non single-family properties that sustain damage or are destroyed as a direct result of a disaster must meet the current requirements of the UDO in article eighteen (18) for landscaping and comply with an approved landscape plan. The timeframe for meeting this requirement shall be extended to three (3) years, with one-third ( $\frac{1}{3}$ ) of the required planting to be done in each of the three (3) years. The three-year time period will begin when the property is issued a certificate of occupancy by the city.

(Ord. of 7-14-11)

**Sec. 4-108. Applications under review at the time of a disaster.**

- (a) All action on applications for development, subdivision, or other approvals or permits that are reviewed and acted on by the administrator that are submitted during or are in progress at the time of a state of emergency due to a disaster declaration by the mayor shall be suspended for such time as the administrator deems necessary, provided that such suspension shall not exceed eighteen (18) months. The time frames established for reviews as set forth elsewhere shall be suspended during this period. All such applications shall be reviewed and acted on based on the provisions in effect at the time the application was deemed complete.

- (b) All applications for approvals or permits that are reviewed and acted on by the board of adjustment, the planning board, or the board of aldermen that are submitted during or are in progress at the time of a state of emergency due to a disaster declaration by the mayor shall be suspended until such time that the board can reasonably schedule any required public hearings and meetings to review and act on such applications, provided that such suspension shall not exceed eighteen (18) months. All such applications shall be reviewed and acted on based on the provisions in effect at the time the application was deemed complete.

(Ord. of 7-14-11)

## **Subdivision II. Temporary Single-Family Uses**

### **Sec. 4-109. Purpose.**

The purpose of this subdivision is to allow single-family dwelling owners to place a temporary dwelling on the property where the damaged or destroyed dwelling is located, while the existing single-family dwelling is being repaired or rebuilt.

(Ord. of 7-14-11)

### **Sec. 4-110. Applicability.**

- (a) This subdivision shall apply in all cases where any single-family dwelling, as defined in the Southport UDO, is damaged or destroyed as a direct result of any event that has been declared a state of emergency due to a disaster, as defined in the City Code of Southport. In such cases where these provisions conflict with other provisions, the provisions here shall take precedence.
- (b) These provisions shall be in effect for six (6) months from the date the board of aldermen declares the city is ready to begin receiving applications for permits. At their discretion, the board of aldermen may extend this time period by resolution.

(Ord. of 7-14-11)

### **Sec. 4-111. Provisions.**

- (a) Single-family dwelling owners shall place the temporary dwelling within the legal limits of the property where the damaged or destroyed dwelling is located.
- (b) Each single-family property is limited to one (1) temporary dwelling.
- (c) The dwelling shall be travel ready.
- (d) Basic sanitation facilities shall be in place prior to placement of the temporary dwelling.
- (e) The location of the temporary dwelling shall comply with health and safety regulations as stated by the building inspector and the fire marshal and as approved by the administrator.

(Ord. of 7-14-11)

## **Subdivision III. Temporary Non-Residential Uses**

### **Sec. 4-112. Purpose.**

The purpose of this subdivision is to allow permitted non-residential uses to place a temporary non-residential unit on the property where the damaged or destroyed non-residential use is located, while the existing non-residential use is being repaired or rebuilt.

(Ord. of 7-14-11)

#### **Sec. 4-113. Applicability.**

- (a) This subdivision shall apply in all cases where any non-residential use, as defined in the UDO, is damaged or destroyed as a direct result of any event that has been declared a state of emergency due to a disaster, as defined in the City Code of Southport. In such cases where the provisions of this subdivision conflict with other UDO or City Code provisions, the provisions of this subdivision shall take precedence.
- (b) These provisions shall be in effect for six (6) months from the date the board of aldermen declares the city is ready to begin receiving applications for permits. At their discretion, the board of aldermen may extend this time period by resolution.

(Ord. of 7-14-11)

#### **Sec. 4-114. Provisions.**

- (a) Non-residential uses shall place temporary unit(s) within the legal limits of the property where the damaged or destroyed non-residential use is located.
- (b) Temporary non-residential units shall be travel ready.
- (c) Basic sanitation facilities shall be in place prior to placement of the temporary non-residential units.
- (d) The location of the temporary non-residential units shall comply with health and safety regulations as stated by the building inspector and the fire marshal and as approved by the administrator.

(Ord. of 7-14-11)

#### **Sec. 4-115. Reserved.**

### ***DIVISION 3. MINIMUM HOUSING REGULATIONS***

#### **Secs. 4-116. General Provisions**

**(A) Scope.** The provisions of this chapter and of the regulatory codes herein adopted shall apply to the following:

(1.) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every dwelling or any appurtenances connected, attached, or used in connection with any dwelling;

(2.) The installation, erection, alteration, repair, use and maintenance of plumbing systems consisting of building sewers, building drains, waste and vent systems, hot and cold-water supply systems, and all fixtures and appurtenances thereof;

(3.) The installation, erection, alteration, repair, use and maintenance of mechanical systems consisting of heating, ventilating, air conditioning or refrigerating systems, fuel burning equipment, and appurtenances thereof; and

(4.) The installation, erection, alteration, repair, use and maintenance thereof.

**(B.) Jurisdiction.** The provisions of this chapter and of the regulatory codes herein adopted shall apply within the corporate limits of the city and within the city's extraterritorial jurisdiction beyond and surrounding the corporate limits as shown on the official zoning map of the city (if applicable).

**(C.) State Building Code Adopted.** The current version of the North Carolina State Building Code is hereby adopted, and any later adopted versions of the State Building Code shall be deemed adopted by the city without further action by the Board of Aldermen.

**(D.) Compliance with the Building Code.** All dwellings, nonresidential buildings and other structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished, or moved shall conform to the requirements of the North Carolina State Building Code.

#### **Secs. 4-117. Minimum Housing Standards.**

**(A.) Findings.** Pursuant to G.S. § 160D-1203, it is hereby found and declared that there exist in the city dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering the dwellings unsafe or unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the city.

**(B) Purpose.** In order to protect the health, safety and welfare of the residents of the city, as authorized by G.S. § 160D-1203et seq., it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § 160D-1203.

**(C.) Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***Basement.*** A portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

***Cellar.*** A portion of a building located partly or wholly underground having inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

***Deteriorated.*** A dwelling which is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this chapter, at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

***Dilapidated.*** A dwelling which is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50% of its value, as determined by a finding of the Inspector.

***Dwelling.*** Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that a "dwelling" does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose, or other temporary housing. See, "Temporary Housing," below.

**Dwelling, dwelling unit, rooming house, rooming unit, premises.** Shall be construed as though they were followed by the words or any part thereof.

**Dwelling unit.** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

**Extermination.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Inspector.

**Garbage.** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Habitable room.** A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

**Infestation.** The presence, within or around a dwelling, of any insects, rodents or other pests in a number as to constitute a menace to the health, safety or welfare of the occupants or the public.

**Inspector.** A Building Inspector or any other official or employee of the city authorized by ordinance to exercise the powers and duties of this chapter. The term "Inspector" shall have the same meaning as "public officer," as that term is used in G.S. Chpt. 160A, Art. 19., Part 6, "Minimum Housing Standards."

**Manufactured home.** Means a structure as defined in G.S. § 143-145(7). A manufactured home may also be referred to as a "mobile home."

**Multiple dwelling.** Any dwelling containing more than two dwelling units.

**Occupant.** Any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

**Operator.** Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

**Owner.** The holder of fee simple title to real property and every mortgagee of record.

**Parties in interest.** All individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

**Plumbing.** All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basin, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

**Public authority.** The city Housing Authority or any officer who is in charge of any department or branch of the government of the city of Southport or Brunswick County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the city.

**Rooming house.** Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator.

**Rooming unit.** Any room or group of rooms forming a single habitable unit, used or intended to be used for living and sleep, but not for cooking or eating purposes.

***Rubbish.*** Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

***Supplied.*** Paid for, furnished, or provided by, or under the control of, the owner or operator.

***Temporary housing.*** Any tent, trailer or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

***Unfit for human habitation.*** Conditions which exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

#### **(D.) Fitness Of Dwellings And Dwelling Units.**

(1.) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with the North Carolina State Building Code and all of the minimum standards of fitness for human habitation and other requirements this code.

(2.) No person shall occupy as owner-occupant or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with the North Carolina State Building Code and all of the minimum standards of fitness for human habitation and other requirements of this code.

#### **(E.) Structural Condition.**

(1.) Walls or partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.

(2.) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(3.) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

(4.) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in a condition that they will not fail or collapse.

(5.) Adequate facilities for egress in case of fire or panic shall be provided.

(6.) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

(7.) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather and watertight.

(8.) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in a condition or location to constitute a fire hazard.

(9.) There shall be no use of the ground for floors, or wood floors on the ground.

**(F.) Basic Equipment And Facilities.**

(1.) Plumbing system. Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewage disposal system.

(2.) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water.

(a) All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(b) All plumbing fixtures shall meet the standards of the North Carolina State Building Code and shall be maintained in a state of good repair and in good working order.

(c) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of the same.

(d) The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(3.) Heating system. Every dwelling and dwelling unit shall have facilities for providing heat in accordance with either division (a) or (b) below.

(a) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity, and shall be connected, so as to heat all habitable rooms, bathrooms, and water closet compartments in every dwelling unit to a minimum temperature of 70°F measured as a point three (3) feet above the floor.

(b) Other heating facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, or gas vents whereby heating appliances may be connected so as to heat all habitable rooms to a minimum temperature of 70°F measured three (3) feet above the floor.

(c) Portable kerosene heaters. Portable kerosene heaters are not acceptable as a permanent source of heat but may be used as a supplementary source in single family dwellings and duplex units. An owner who has complied shall not be held

in violation of this subsection where an occupant of a dwelling unit uses a kerosene heater as a primary source of heat.

(4.) Electrical system.

(a.) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall-type electric convenience receptacles, connected in a manner as determined by the North Carolina State Building Code.

(b.) There shall be installed in every bathroom, water closet room, laundry room and furnace room, at least one supplied ceiling, or wall-type electric light fixture.

(c.) In the event wall or ceiling light fixtures are not provided in any habitable room, then each habitable room shall contain at least three floor or wall-type electric convenience receptacles.

(d.) Every public hall and stairway in every multi-dwelling shall be adequately lit by electric lights at all times when natural daylight is not sufficient.

(e.) All fixtures, receptacles, equipment, wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the North Carolina State Building Code.

(5.) Ventilation.

(a.) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors.

(b.) The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of the room.

(c.) Whenever walls or other portions of structures face a window or any room and the light-obstructing structures are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, the window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

(d.) Whenever the only window in a room is a skylight-type window in the top of the room, the total window area of the skylight shall equal at least 15% of the total floor area of the room.

(6.) Habitable rooms.

(a.) Every habitable room shall have at least one (1) window or skylight which can easily be opened, or other device as will adequately ventilate the room.

(b.) The total openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size as required, or shall have other approved, equivalent ventilation.

(c.) Bathroom and water closet rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

**(G.) Space, Use And Location.**

(1.) Room sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the North Carolina State Building Code.

(a.) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant.

(b.) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

(2.) Ceiling height. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and six (6) inches.

(3.) Floor area calculation.

(a.) Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than 10% of the required habitable floor area.

(b.) The floor area of any part of any room where the ceiling height is less than four and one-half (4 1/2) feet shall not be considered as part of the floor area computing the total area of the room to determine maximum permissible occupancy.

(4.) Cellar. No cellar shall be used for living purposes.

(5.) Basements. No basement shall be used for living purposes unless:

(a.) The floor and walls are substantially watertight;

(b.) The total window area, total openable window area and ceiling height are equal to those required for habitable rooms; and

(c.) The required minimum window area of every habitable room is entirely above the grade adjoining the window area, except where the window or windows face a stairwell, window well or access way.

#### **(H.) Safe And Sanitary Maintenance.**

(1.) Exterior foundation, walls, and roofs.

(a.) Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof, shall be kept in sound condition and good repair, shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(b.) Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(2.) Interior floors, walls, and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(3.) Windows and doors. Every window, exterior door, basement or cellar door, and hatchway shall be substantially weather tight, watertight, and rodent proof, and shall be kept in sound working condition and good repair.

(4.) Stairs, porches, and appurtenances. Every outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(5.) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit the floor to be easily kept in a clean and sanitary condition.

(6.) Supplied facilities. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(7.) Drainage. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(8.) Noxious weeds. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

(9.) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the North Carolina State Building Code.

**(I.) Control Of Insects, Rodents, And Infestations.**

(1.) Screens. In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed.

(2.) Rodent control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or other approved device as will effectively prevent their entrance.

(3.) Infestation.

(a.) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination whenever his or her dwelling unit is the only one infested.

(b.) Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner.

(c.) Whenever infestation exists in two or more dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(4.) Rubbish storage and disposal. Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by city ordinances, and the owner, operator, or agent in control of the dwelling or dwelling unit shall be responsible for the removal of rubbish.

(5.) Garbage storage and disposal. Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by a city Building Inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can as required by city ordinances.

**(J.) Responsibilities Of Owners And Occupants.**

(1.) Public areas. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(2.) Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he or she occupies and controls.

(3.) Rubbish and garbage.

(a.) Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish and garbage in a clean and sanitary manner.

(4.) Supplied plumbing fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of the same.

(5.) Care of facilities, equipment, and structure. No occupant shall willfully destroy, deface or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

#### **(K.) Inspector; Powers And Duties.**

(1.) Inspector appointed. The city Administrator is hereby appointed to serve as the Minimum Housing Inspector. The city Administrator may delegate these duties to any city employee or contractor.

(2.) Duties. It shall be the duty of the Inspector:

(a.) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the city, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to the dwellings and dwelling units;

(b.) To take action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

(c.) To keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and

(d.) To perform the other duties as may be herein prescribed.

(3.) Powers. The Inspector is authorized to exercise the powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter including the following powers in addition to others herein granted:

(a.) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation;

(b.) To administer oaths and affirmations, examine witnesses and receive evidence;

(c.) To enter upon premises for the purpose of making examinations and inspections; provided, the entries shall be made in accordance with law and in the manner as to cause the least possible inconvenience to the persons in possession; and

(d.) To appoint and fix the duties of the officers, agents, and employees as he or she deems necessary to carry out the purpose of this chapter.

(4.) Relief from personal liability. Any official, officer, employee, or authorized qualified third-party agency or individual charged with the enforcement of this code, while acting for the city, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of the official duties described herein.

#### **(L.) Procedure For Enforcement; Service Of Complaints And Orders.**

##### **(1.) Procedure for enforcement.**

##### **(a.) Preliminary investigation; notice; hearing.**

(i) Whenever a petition is filed with the Inspector by a public authority or by at least five (5) residents of the city charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he or she shall if his or her preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of and parties in interest in the dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten (10) nor more than thirty (25) days after the serving of the complaint.

(ii) The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.

(iii) Notice of the hearing shall also be given to at least one of the persons signing a petition relating to the dwelling.

(iv) Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard.

(v) Hearings before the Inspector shall be quasi-judicial in nature. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

(b.) Procedure after hearing.

(i) After the notice and hearing, the Inspector shall state in writing his or her determination whether the dwelling or dwelling unit is unfit for human habitation. If the Inspector determines the dwelling or dwelling unit is unfit for human habitation, then he or she shall also determine whether the structure is deteriorated or dilapidated.

(ii) If the Inspector determines that the dwelling or dwelling unit is deteriorated, he or she shall state in writing his or her findings of fact in support of the determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter and improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time, not to exceed ninety (90) days.

(iii) If the Inspector determines that the dwelling or dwelling unit is deteriorated, the order may also require that the property be vacated and closed. The Inspector may issue an order to vacate and close only if the Inspector determines in writing that continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of eighteen (18) or occupants with physical or mental disabilities.

(iv) If the Inspector determines that the dwelling is dilapidated, he or she shall state in writing his or her findings of fact to support the determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter or else vacate and remove or demolish the same within a specified period of time not to exceed ninety (90) days. However, notwithstanding any other provision of law, if the dwelling is located in a historic district of the city and the city's Historic District Commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. § 160D-1203.

(v) An order issued shall also state:

1. That the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order; and

2. That any person aggrieved by the order may appeal the decision to the Zoning Board of Adjustment within thirty (30) days from the rendering of the decision or service of the order.

(2.) Whenever the Inspector orders a dwelling be vacated and closed or removed or demolished, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the Inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Inspector or city Clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Inspector to wait forty-five (45) days before causing removal or demolition.

(3.) Methods of service of complaints and orders.

(a.) Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(b.) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the Inspector makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under this chapter. When service is made by publication, notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

**(M.) Failure To Comply With An Order.**

(1.) Failure to comply with an order – in personam remedy. Pursuant to G.S. § 160D-1203, if the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Inspector to vacate and close, and remove or demolish the same within the time specified therein, the Inspector may submit to the Board of Alderman a resolution directing the city Attorney to institute any appropriate action in the Brunswick County Superior Court for an order directing the owner and/or occupants to comply with the order of the Inspector; to otherwise prevent the unlawful erection, construction, reconstruction, alteration or use; to restrain, correct or abate the violation; to prevent the occupancy of the dwelling; or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

(2.) Failure to comply with an order – in rem remedy.

(a.) If the owner of any deteriorated or dilapidated dwelling or dwelling unit shall fail to comply an order of the Inspector issued pursuant to this chapter, the Inspector may petition the Board of Alderman adopt an ordinance authorizing the Inspector to carry the Inspector's order into effect. Upon adoption of said ordinance, the Inspector shall proceed to cause the dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter or to be vacated and closed and removed or demolished, as directed by the ordinance of the Board of Alderman and shall cause to be posted on the main entrance of the dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(b.) No ordinance adopted by the Board of Alderman shall direct the Inspector to take an action other than those actions specified in the Inspector's written order, except that the Board may allow additional time to repair a dwelling.

(c.) No ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the city Minimum Housing Code.

(d.) Occupation of a building so posted shall constitute a Class 1 misdemeanor.

(3.) Each ordinance shall be recorded in the office of the Brunswick County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.

#### **(N.) Costs A Lien On Premises; Sale Of Materials.**

(1.) As provided by G.S. § 160D-1203, the amount of the cost of any repairs, alterations or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. Chapter. 160D-1203.

(2.) If the real property upon which the cost was incurred is located within the corporate limits of the city, then the amount of the cost is also a lien on any other real property of the owner located within the city limits or within one (1) mile thereof except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.

(3.) If the dwelling is removed or demolished by the Inspector, he or she shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Brunswick County Superior Court by the Inspector, shall be secured in a manner directed by the Court, and shall be disbursed by the Court to the persons found to be entitled thereto by final order or decree of the Court. Nothing in this subsection shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

#### **(O.) Abandonment Of Intent To Repair.**

(1.) If the two following conditions exist, the Board may conduct a hearing to determine whether the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation.

(a.) the Board of Alderman has adopted an ordinance as provided in this chapter or the Inspector has issued an order determining a structure is deteriorated and ordering a dwelling to be repaired or vacated and closed; and

(b.) the dwelling has been vacated and closed for a period of one (1) year pursuant to the ordinance or order.

After a hearing, the Board finds that the owner has abandoned his or her intent to repair the dwelling and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the Board may, after the expiration of such one (1) year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(i) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days; or

(ii) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within ninety (90) days.

**(P.) Alternative And Supplemental Remedies.**

(1.) Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by G.S. § 14-4.

(2.) The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(3.) If any occupant fails to comply with an order to vacate a dwelling, the Inspector, with authorization from the Board of Alderman, may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The Brunswick County Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the Inspector produces a certified copy of an ordinance adopted by the Board of Alderman pursuant to this chapter authorizing the Inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of such judgment may be stayed as provided in G.S. § 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the Board of Alderman has ordered the Inspector to proceed to exercise his or her duties pursuant to this chapter to vacate and close or remove and demolish the dwelling.

**(Q.) Appeals.**

(1.) An appeal from any decision or order of the Inspector may be taken to the Zoning Board of Adjustment by any person aggrieved thereby or by any Officer, Board or Council of the city. Any appeal from the Inspector shall be taken within thirty (30) days from the rendering of the decision or service of the order by filing a notice of appeal with the Inspector, which notice shall specify the grounds upon which the appeal is based.

(2.) Upon the filing of any notice of appeal, the Inspector shall promptly transmit to the Zoning Board of Adjustment all the papers, photographs and other documents constituting the record upon which the decision appealed from was made.

(3.) When an appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Zoning Board of Adjustment, unless the Inspector certifies to the board, after the notice of appeal is filed with him or her, that because of facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of his or her requirement would cause imminent peril to life or property. In that case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the Inspector, by the board, or by a court of record upon petition.

(4.) The Zoning Board of Adjustment shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Inspector, but the concurring vote of a majority of the members of the board shall be necessary to reverse or modify any decision or order of the Inspector. The board shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(5.) Every decision of the Zoning Board of Adjustment shall be subject to review by proceedings in the nature of certiorari instituted in the Brunswick County Superior Court within fifteen (15) days of the decision of the board, but not otherwise.

(6.) Any person aggrieved by an order issued by the Inspector, or a decision rendered by the Zoning Board of Adjustment may petition the Brunswick County Superior Court for an injunction restraining the Inspector from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the Inspector pending a final disposition of the cause. The petition shall be filed within thirty (30) days after issuance of the order or rendering of the decision. Hearings shall be had by the court on a petition within twenty (20) days and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

**(R.) Conflict With Other Provisions.**

In the event any provision, standard or requirement of this chapter is found to be in conflict with any provision of any other ordinance or code of the city, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the city shall prevail.

**(S.) Violations.**

(1.) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in the order, and each day that any failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense.

(2.) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to this chapter, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration or improvement or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

**(T.) Penalty And Enforcement.**

(1.) In addition to the other remedies provided here in, any provision of this chapter may be enforced by any remedy, including but not limited to civil penalties as provided in Code Section 10.99 and G.S. § 160D-1203.

## **ARTICLE IV. SPECIFIC BUILDINGS<sup>1</sup>**

### *DIVISION 1. HOME OCCUPATIONS*

**Sec. 4-118. Generally.**

*Home occupation:* Any business, profession, or trade in which the principal income-generating work of the business, profession or trade is conducted principally within a dwelling unit or accessory structure by the inhabitants of the dwelling unit, which business use is incidental and secondary to the use of the property for dwelling purposes. Furthermore, in order to be classified as a home occupation, the business, profession, or trade must satisfy the following requirements:

- (1) Not more than twenty-five (25) percent of the gross floor area of the dwelling unit (excluding porch and garage areas) or five hundred (500) square feet, whichever is more, shall be used in the conduct of the home occupation. The twenty-five (25) percent or five hundred (500) square feet, whichever is more, may be used in either the dwelling unit or an accessory structure or a combination of the two (2).
- (2) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding eighteen (18) inches by twenty-five (25) inches in size, and may be lighted with indirect

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<sup>1</sup>Editor's note(s)—Ordinance of October 11, 2001 did not specifically amend the Code. At the discretion of the editor said provisions have been added as §§ 4-116—4-132 as set out herein.

illumination of not more than seventy-five (75) watts per side and shall not be illuminated from 10 p.m. till 8 a.m.

- (3) There shall be no outside storage of anything connected with the home occupation, except one (1) vehicle used in connection with the business. Such a vehicle may be no larger than a passenger van or pick-up truck.
- (4) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be in accordance with § 4-117 of this article, and other than in a required front yard.
- (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interferences detectable to the normal sense off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- (6) There shall not be more than one (1) person other than residents of the dwelling unit employed at the premises in connection with the home occupation.
- (7) In the event a home occupation is being conducted at the time of the adoption of this article which does not comply with the requirements of subsection (a) hereof, said home occupation may continue provided that all requirements of subsections (b) through (f) are complied with. Any home occupation not complying with all requirements of subsections (b) through (f) is in violation of the Southport Zoning Ordinance and subject to all remedies allowed by law. If said home occupation does not meet the restrictions in subsection (a) at the time of the adoption of this article, no action can be taken to increase the non-conformity in any manner.

(Ord. of 10-11-01(1))

**Sec. 4-119. Off-street parking.**

- (a) *Remote parking space:* If the off-street parking space required by this article cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use.
- (b) *Minimum parking requirements:* The following off-street parking space shall be required.

| Residential & Related Uses                                        | Required Off-Street Parking                                                |
|-------------------------------------------------------------------|----------------------------------------------------------------------------|
| Any residential use consisting of one (1) or more dwelling units. | Two (2) parking spaces on the same lot for each dwelling unit.             |
| Home occupations (except medical doctor or dentist offices).      | Two (2) parking spaces in addition to the residential parking requirement. |

*Parking space, off-street:* An adequate size space (10'×20') for parking a vehicle with room for opening doors on both sides, proper access to streets and adequate maneuvering room.

(Ord. of 10-11-01(1))

**Secs. 4-120—4-130. Reserved.**

NOW, THEREFORE, BE IT ORDAINED by the City of Southport Board of Aldermen that the proposed Code of Ordinances amendment of Chapter 4, Article III: Condemnation, Repair, and Demolition of Unsafe Buildings, is hereby adopted and shall become effective immediately. All provisions of any City ordinance 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 November 2023.

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent or Excused: \_\_\_\_\_

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

\_\_\_\_\_  
Dorothy Dutton, Asst City Manager/Clerk



## BOARD OF ALDERMEN AGENDA ITEM SUMMARY

**DATE:** December 14, 2023

**DEPARTMENT:** Parks and Recreation/Engineering

**PRESENTED BY:** Bob Jarvis – City Engineer, Heather Hemphill – Parks and Recreation Director

**ITEM SPONSORED BY:** Parks and Recreation

**ITEM/TOPIC:** Shoreline Stabilization – Olsen Task Order 03

**COST:** \$70,000

**BUDGET LINE ITEM:** 60-60-8111-5800

**JUSTIFICATION:** The Southport/Cape Fear River shorefront beach is experiencing ongoing erosion due to the long-term effects of storm-related wind and waves generated from both recreational and commercial boat and ship traffic and the effects of the ongoing increase in average water level. The erosional effect of these forces has increased over time due to (1) an increase in sea level, (2) an increase in size and frequency of recreational boat traffic in the area, and (3) an increase in the size and frequency of the commercial boats and ships that use the Wilmington Harbor Federal Navigation Channel. Anticipated future increases in sea level and the size and frequency of ship traffic in an expanded Federal navigation channel will further exacerbate the erosional stress along the Southport shorefront. To date, mostly limited, localized shore protection projects have been implemented to protect upland development and infrastructure along the shorefront from coastal flooding and wave impacts. While the shore protection approaches implemented to date have provided a moderate level of reliable protection to some areas of the shorefront, more all-encompassing efforts will be needed to mitigate further erosion of the shorefront.

Olsen Associates conducted an initial planning and design investigation in 2018/2019. In May 2019, Olsen Associates presented a report to the Board of Aldermen entitled "Site Conditions and Analysis for Shoreline Improvement Project." This report defined the shoreline erosion problem and offered several options for mitigating the impacts of that erosion. The City selected a preferred plan for addressing the erosion.

Olsen Associates was engaged again in January 2023 to provide a comprehensive LiDAR/topographic/hydrographic survey and a cultural resources survey to support future design and permitting services. Olsen also made a presentation to the Board that highlighted the existing conditions, options for solutions to the erosion issues, and a definition of the project goals and approaches to attaining those goals. They also highlighted previously proposed mitigation alternatives.

A BOA workshop was held on October 11 to update the Board on the progress of the topographic and cultural resource surveys. City staff and Olsen Associates provided the update and sought consensus on project phasing and prioritization. Developing a phasing scheme is necessary due to the current funding available for the proposed improvements' design, permitting, and construction. Funding for the project was provided through a \$5M grant from the State Emergency Response and Disaster Relief Fund (SERDRF). The SERDRF grant will expire on June 30, 2026. Approximately \$70k has been spent on the project since Olsen commenced their work in January 2023.

Olsen has recently prepared Task Order 03 (attached) for the next phase of their work on the project. This phase will include the incorporation of the recent, comprehensive LiDAR/topographic/hydrographic survey and the 2023 cultural resources survey to reevaluate

previously developed project plans, update project design scope and cost analyses, assist the City with design alternative selection, and prepare for, and participation in, a pre-application meeting with State and Federal regulatory and resource agencies. The completion of this phase of the project is expected to be approximately 150 days.

The City Attorney has reviewed the proposed Task Order.

**IMPACT IF NOT APPROVED:** The shoreline protection project will come to a halt if we do not proceed with continued design and permitting efforts. The shoreline within the project area will continue to erode and impact adjacent properties.

**DEPARTMENT HEAD COMMENTS:** It is recommended that the City enter into the next phase of Olsen Associates' contract for ongoing engineering and permitting work for the project to enable the project to be completed within the funding timeframe.

**CITY MANAGER COMMENTS:** I recommend moving forward with Olsen Associates' Task Order 03.

**ATTACHMENTS:** Task 03 Proposal: Plan Reevaluation, Selection, and Regulatory Pre-Application Meeting.

**REQUESTED ACTION:** Accept the proposed Contract with Olsen Associates for continued design and permitting activities related to the shoreline stabilization project.

**PROPOSED MOTION:** Motion to authorize the Contract with Olsen Associates to continue the work for design development, coordination, and permitting for dredging the Shoreline Stabilization Project.

December 1, 2023

Robert A. Jarvis, P.E., City Engineer  
City of Southport  
Southport City Hall  
1029 N. Howe Street, Suite 100  
Southport, NC 28461



Re: City of Southport, North Carolina  
Shoreline Stabilization Project  
Task 03 Proposal: Plan Reevaluation, Selection and Regulatory  
Pre-Application Meeting

Dear Mr. Jarvis:

Olsen Associates, Inc. (OAI) is pleased to submit for your consideration the following proposal to provide to the City of Southport (City) professional coastal engineering services to assist the City with further development of a shoreline restoration and stabilization plan. The specific tasks for this phase of the work will reevaluate previously developed project plans, update project scope and cost analyses, assist the City with plan selection, and prepare for and participate in a pre-application meeting with State and Federal regulatory and resource agencies. The February 2023 comprehensive LiDAR / topographic / hydrographic survey performed by McKim & Creed and the 2023 cultural resources survey performed by Tidewater Atlantic Research (surveys conducted under **Task Order 01**), will be used to reevaluate project plans and update project scope and cost analyses. The proposed project reevaluation will consider restoration and stabilization of up to 4,000 ft of City shoreline. The work provided for herein shall consist of:

- (1) Engineering Analysis (update site design conditions, reevaluate project plans / updated cost analysis/select a preferred plan).
- (2) Permit Pre-Application Meeting

A subsequent proposal will include the development of the detailed design; preparation, submittal and processing of permit applications; construction plans and technical specifications; bidding assistance; construction oversight; and post-construction reporting. The scope of work and proposed costs for this task are provided in **Attachment A**.

Please let me know if you have any questions regarding this submittal. Thank you for the opportunity to present this proposal to the City of Southport.

Sincerely,

Christopher G. Creed, P.E., D. CE  
Principal Engineer, Vice President

/attachment

Approved: City of Southport

Date

## ATTACHMENT A - SCOPE-OF-WORK and COST

This scope of work provides for professional coastal engineering and environmental consulting services to assist the City of Southport with (1) the reevaluation, update, cost analysis and selection of a shorefront improvement plan and (2) preparation and participation in a pre-application meeting, in Wilmington, with State and Federal regulatory and resource agencies. The SOW also includes a visit to the City for a Board of Alderman workshop to discuss the results in the analyses and selected a preferred plan. The professional coastal engineering services will be provided by Olsen Associates, Inc. (OAI). The environmental consulting services will be provided by Davey Resource Group, Inc. (DRG), through the OAI contract with the City of Southport.

### **Sub-task 3.1 Engineering Reevaluation of Project Plan / Plan Selection Confirmation:**

Olsen Associates, Inc. (OAI) shall reevaluate up to four (4) project options explored in the Phase I report entitled, “*Southport, NC, Site Conditions and Analysis for Shoreline Improvement Project*,” dated May 2019 and discussed during the October 11, 2023 Board of Alderman Workshop. OAI shall reconsider the scope and feasibility of the four options to meet the shoreline improvement and shore protection goals of the City. OAI shall update design conditions, the probable material quantities relative to the current seabed and shoreline conditions, as documented in the February 2023 survey conducted by McKim & Creed (Task 01) and the opinion of proposal cost to construct each option.

OAI shall consider the latest available meteorological and oceanographic information, sea level rise projections, existing wave climate and predicted effects (by others) of the planned port deepening, as necessary. The analysis will include a desktop assessment of tide levels, currents, waves, storm conditions, and sea level rise projections at the project site. The potential impacts of port deepening upon the shoreline and project design will be considered using published findings (NC Ports, 2020). Design conditions for the various project elements (i.e., beach fill, breakwaters, revetments, and living shorelines) will be identified. OAI shall use the current and expected future site conditions as well as the updated design conditions to evaluate the appropriateness of the four (4) project options noted above. OAI shall consider design modifications that may be necessary to address the changes in site conditions and goals of the City.

OAI shall travel to the City of Southport to present the findings to City staff and the Board of Aldermen (Board) and seek the selection of a preferred plan to advance in **Sub-task 3.2**.

### **Deliverables:**

- (1) A memorandum-of-findings summarizing the results of the investigation.
- (2) Meeting with City staff and Board of Aldermen (in-person) to present the results and seek the selection of a preferred plan to advance in **Sub-task 3.2**. A PDF copy of the presentation will be provided to the City following the meeting.

**Schedule:** A draft copy of the memorandum of findings will be submitted to the City within ninety (90) days of a Notice-to-Proceed to OAI from the City.

|                     |                                               |                                        |
|---------------------|-----------------------------------------------|----------------------------------------|
| <b><u>Cost:</u></b> | <b><i>OAI Lump Sum:</i></b>                   | <b>\$47,552</b>                        |
|                     | <b><i>Travel Expenses for site visit:</i></b> | <b>\$ 2,000</b> (NTE budget allowance) |

### **Sub-task 3.2: Permit Pre-Application Meeting:**

Once the preferred alternative has been selected, Davey Resource Group (DRG), will serve as agent to the City and lead the permit application and processing effort. DRG and OAI will coordinate and participate in pre-application meeting with the State of North Carolina Division of Coastal Management (NCDCM) and USACE in Wilmington, NC. OAI will provide technical support. OAI will provide the preliminary project details to DRG and the agencies prior to the meeting. OAI will also support the preparation of a technical presentation that will be used by OAI and DRG during the meeting.

Deliverable: PDF copies of presentation materials and meeting notes will be provided to the City.

Schedule: Within forty-five (45) days following selection of the preferred plan by the City and notification as such to OAI.

Cost: *OAI Lump Sum:* \$ 8,532.00  
*DRG Lump Sum:* \$ 3,500.00  
*Travel Expenses for site visit:* \$ 2,000.00 (NTE budget allowance)

Table A-1: Cost development details.

| Sub Task 3.1 - Engineering Reevaluation of Project Plan / Plan Selection-Confirmation |             |          |                           |               |               |                |               |             |             |       |          | ODC's           |         | OUTSIDE SVS/SUB-CONTRACTORS |      | TOTAL    |
|---------------------------------------------------------------------------------------|-------------|----------|---------------------------|---------------|---------------|----------------|---------------|-------------|-------------|-------|----------|-----------------|---------|-----------------------------|------|----------|
| DIRECT LABOR                                                                          |             |          |                           |               |               |                |               |             |             |       |          | ITEM            | COST    | SERVICE                     | COST | COST     |
| LABOR CATEGORY                                                                        | ADMIN/ MGMT | DATA MGT | Design Condition Analysis | Design Update | Cost Analysis | QA/QC/ LIAISON | BOARD MEETING | REPORT PREP | TOTAL HOURS | RATE  | COST     |                 |         |                             |      |          |
| Principal                                                                             | 4           |          | 8                         | 4             | 8             | 20             | 12            | 12          | 68          | \$235 | \$15,980 | TRAVEL PER DIEM | \$1,200 |                             |      |          |
| Senior Engineer                                                                       |             |          | 60                        |               |               |                |               | 20          | 80          | \$174 | \$13,920 |                 | \$800   |                             |      |          |
| Coastal Engineer III                                                                  |             | 4        |                           | 40            | 4             | 4              | 8             | 24          | 84          | \$122 | \$10,248 |                 |         |                             |      |          |
| Coastal Engineer II                                                                   |             |          |                           |               |               |                |               |             | 0           | \$116 | \$0      |                 |         |                             |      |          |
| Coastal Engineer I                                                                    |             |          | 8                         |               | 16            |                |               | 8           | 32          | \$105 | \$3,360  |                 |         |                             |      |          |
| CAD Tech/Designer                                                                     |             | 4        | 8                         | 8             |               |                |               | 16          | 36          | \$91  | \$3,276  |                 |         |                             |      |          |
| Administrative Assistant                                                              | 4           |          |                           |               |               |                |               | 4           | 8           | \$96  | \$768    |                 |         |                             |      |          |
| SUBTOTAL DIRECT LABOR                                                                 |             |          |                           |               |               |                |               |             |             |       | \$47,552 | subtotal        | \$2,000 | subtotal                    | \$0  | \$49,552 |

| Sub Task 3.2 - Permit Pre-Application Meeting |             |      |                 |  |  |  |  |  |             |       |         | ODC's           |         | OUTSIDE SVS/SUB-CONTRACTORS |         | TOTAL    |
|-----------------------------------------------|-------------|------|-----------------|--|--|--|--|--|-------------|-------|---------|-----------------|---------|-----------------------------|---------|----------|
| DIRECT LABOR                                  |             |      |                 |  |  |  |  |  |             |       |         | ITEM            | COST    | SERVICE                     | COST    | COST     |
| LABOR CATEGORY                                | ADMIN/ MGMT | PREP | PRE-APP MEETING |  |  |  |  |  | TOTAL HOURS | RATE  | COST    |                 |         |                             |         |          |
| Principal                                     | 4           | 8    | 12              |  |  |  |  |  | 24          | \$235 | \$5,640 | TRAVEL PER DIEM | \$1,200 | Davey Resource Group (DRG)  | \$3,500 |          |
| Senior Engineer                               |             |      |                 |  |  |  |  |  | 0           | \$174 | \$0     |                 | \$800   |                             |         |          |
| Coastal Engineer III                          |             | 16   |                 |  |  |  |  |  | 16          | \$122 | \$1,952 |                 |         |                             |         |          |
| Coastal Engineer II                           |             |      |                 |  |  |  |  |  | 0           | \$116 | \$0     |                 |         |                             |         |          |
| Coastal Engineer I                            |             |      |                 |  |  |  |  |  | 0           | \$105 | \$0     |                 |         |                             |         |          |
| CAD Tech/Designer                             |             | 4    |                 |  |  |  |  |  | 4           | \$91  | \$364   |                 |         |                             |         |          |
| Administrative Assistant                      | 2           | 4    |                 |  |  |  |  |  | 6           | \$96  | \$576   |                 |         |                             |         |          |
| SUBTOTAL DIRECT LABOR                         |             |      |                 |  |  |  |  |  |             |       | \$8,532 | subtotal        | \$2,000 | subtotal                    | \$3,500 | \$14,032 |



## BOARD OF ALDERMEN

### AGENDA ITEM SUMMARY

**DATE:** 12/20/2023

**DEPARTMENT:** Administration

**PRESENTED BY:** Alderman Mosteller

**ITEM SPONSORED BY:** Alderman Mosteller

**ITEM/TOPIC:** Discussion of Municipally Owned Alleyways

**COST:** n/a

**BUDGET LINE ITEM:** n/a

**JUSTIFICATION:** Several residents have inquired about the maintenance of existing alleyways near their homes. Some of the alleyways are overgrown and need to be cleared out and better maintained to allow residents access to the rear of their property. One resident asked if the City was held to the same standards as the residents. There may be other aspects for discussion.

**IMPACT IF NOT APPROVED:** n/a

**DEPARTMENT HEAD COMMENTS:** n/a

**CITY MANAGER COMMENTS:** n/a

**ATTACHMENTS:** none

**REQUESTED ACTION:** Discussion only

**PROPOSED MOTION:** Discussion only



## BOARD OF ALDERMEN

### AGENDA ITEM SUMMARY

**DATE:** 12/20/2023

**DEPARTMENT:** Administration

**PRESENTED BY:** Mayor Alt, Members of the Board of Aldermen

**ITEM SPONSORED BY:** Mayor Alt, Members of the Board of Aldermen

**ITEM/TOPIC:** Ad Hoc Committee to Help Create a Steering Committee

**COST:** n/a

**BUDGET LINE ITEM:** n/a

**JUSTIFICATION:** At the Board meeting on December 14, 2023, members of the Board of Aldermen suggested asking several of the existing Boards and Committees to make a recommendation of one or two members to serve on the Steering Committee for the City's Comprehensive Plan. The Board will be selecting which Boards and Committees to include in this process and this needs to be done at your December 20<sup>th</sup> Special Meeting and how many members from each Board should be on the Committee.

**IMPACT IF NOT APPROVED:** Currently, the decision to use the Planning Board is still in effect. If no other process is determined, or changes are made, they will continue to serve in that capacity.

**DEPARTMENT HEAD COMMENTS:** The consultant, Stewart, will be starting this process in January, so this is an urgent matter to form the Steering Committee as soon as possible. The Committee is a group of individuals who focus on the direction, scope, and timeline of a project. They meet to discuss topics with the public and consultant and also set the timeline and direction of the Plan with public input.

**CITY MANAGER COMMENTS:** Once the staff knows which Committees will be a part of the Steering Committee then staff can have the selection of one or two members which will be chosen at their next meeting.

**ATTACHMENTS:** List of all the Board and Committees.

**REQUESTED ACTION:** Make a decision and motion regarding the Committees that will be selected to serve on the Steering Committee and which members will represent their group.

**PROPOSED MOTION:** Motion to have the following Committees represented on the Comprehensive Master Plan Committee to have each Committee pick (one or two) of their own members to serve.

## List of all the City of Southport's Boards and Committees

ABC

Beautification

Cemetery

Forestry

Historic Preservation Commission

Parks and Recreation

Planning and Zoning Board

Zoning Board of Adjustments

Sunny Point/MOTSU

ElectriCities Board Liaison

4<sup>th</sup> of July Festival Board Liaison

## Dorothy Dutton

---

**From:** Bonnie Therrien  
**Sent:** Friday, December 15, 2023 2:24 PM  
**To:** Dorothy Dutton  
**Subject:** RE: Steering Committee

I sent this on to the Board and told them we would add it to the packet next week.

---

**From:** Dorothy Dutton <[Ddutton@cityofsouthport.com](mailto:Ddutton@cityofsouthport.com)>  
**Sent:** Friday, December 15, 2023 12:21 PM  
**To:** Bonnie Therrien <[btherrien@cityofsouthport.com](mailto:btherrien@cityofsouthport.com)>  
**Subject:** FW: Steering Committee

FYI-

---

**From:** Andrea Radford <[aradford@stewartinc.com](mailto:aradford@stewartinc.com)>  
**Sent:** Friday, December 15, 2023 12:11 PM  
**To:** Dorothy Dutton <[Ddutton@cityofsouthport.com](mailto:Ddutton@cityofsouthport.com)>; Jake Petrosky <[jpetrosky@stewartinc.com](mailto:jpetrosky@stewartinc.com)>  
**Cc:** Maureen Meehan <[mmeehan@cityofsouthport.com](mailto:mmeehan@cityofsouthport.com)>  
**Subject:** RE: Steering Committee

Good morning,

I would suggest at least 9-10 members. As far as the composition is concerned, I would suggest the following:

1. 1 member from the Beautification Committee
2. 1 member from the Historic Preservation Committee
3. 1-2 Planning Board members
4. 1 member from the Parks & Recreation Advisory Board
5. 1 Business Owner
6. 1-2 members from other committees
7. 1 involved citizen
8. 1 Minority representative

I hope this helps. If you have any other questions, please let me know.

Thank you,

Andrea Radford  
Community Planning Team Lead  
Community Planning

**STEWART**  
**STRONGER BY DESIGN**  
[Connect with us. We value your feedback.](#)

Direct 919.866.4734  
Office 919.380.8750



## BOARD OF ALDERMEN

### AGENDA ITEM SUMMARY

**DATE:** 12/20/2023

**DEPARTMENT:** Public Services

**PRESENTED BY:** Tom Zilinek, City Engineer

**ITEM SPONSORED BY:** Public Services Department

**ITEM/TOPIC:** System Development Fee-Rates

**COST:** n/a

**BUDGET LINE ITEM:** n/a

**JUSTIFICATION:** NCGS 162A, Article 8, requires that any municipality assessing a System Development Fee must have a revised study adopted at a minimum every five years. At the December 14, 2023 Board of Aldermen meeting, the Board did adopt the revised study that was conducted by Withers-Ravenel. The Board of Aldermen wanted more time to consider changing any of the rates, or rate structure.

As previously mentioned, the Board can adopt one methods for all development, or can differentiate between residential and commercial development. The Board may also leave the rates the same in consideration of the potential utility merger with Brunswick County.

**IMPACT IF NOT APPROVED:** We are awaiting more information from Attorney Herman.

**DEPARTMENT HEAD COMMENTS:** n/a

**CITY MANAGER COMMENTS:** We are awaiting further information from Attorney Herman as to whether the System Development Fees can be changed at a later date, as long as the study was adopted. We will provide this information to you next week.

**ATTACHMENTS:** 1.) Proposed schedule based on new study; 2.) Proposed schedule based on mixed calculation method

**REQUESTED ACTION:** Decide whether to change the rates at all, and if so, which method to employ.

**PROPOSED MOTION:** I make a motion to: *(choose one)*

1. Leave the rates as they are currently.
2. Update the rates according to the new study and use the usage or meter size method.
3. Update the rates according to the new study and apply residential rates by use, but commercial rates by meter size.



TABLE 7  
PROPOSED/CALCULATED SYSTEM DEVELOPMENT FEES

| Description                                                                       | Unit                           | Fees by System |           | Combined  |
|-----------------------------------------------------------------------------------|--------------------------------|----------------|-----------|-----------|
|                                                                                   |                                | Water          | Sewer     |           |
| <b>Existing Residential</b>                                                       |                                |                |           |           |
| 2 bedroom                                                                         | Water - 400gpd, Sewer - 240gpd | \$ 1,700       | \$ 10,565 | \$ 12,265 |
| 3 bedroom                                                                         | Water - 400gpd, Sewer - 360gpd | \$ 1,700       | \$ 15,847 | \$ 17,547 |
| 4 bedroom                                                                         | Water - 528gpd, Sewer - 480gpd | \$ 2,244       | \$ 21,130 | \$ 23,374 |
| <b>Proposed/Calculated - Residential</b>                                          |                                |                |           |           |
| 2 bedroom                                                                         | Water - 400gpd, Sewer - 240gpd | \$ 1,910       | \$ 13,267 | \$ 15,177 |
| 3 bedroom                                                                         | Water - 400gpd, Sewer - 360gpd | \$ 1,910       | \$ 19,900 | \$ 21,810 |
| 4 bedroom                                                                         | Water - 528gpd, Sewer - 480gpd | \$ 2,521       | \$ 26,534 | \$ 29,055 |
| <b>Type of Establishments</b>                                                     |                                |                |           |           |
| <b>Barber and beauty shops</b>                                                    |                                |                |           |           |
| Barber Shops                                                                      | per chair                      | \$ 239         | \$ 2,764  | \$ 3,003  |
| Beauty Shops                                                                      | per booth or bowl              | \$ 597         | \$ 6,910  | \$ 7,507  |
| <b>Businesses, offices and factories</b>                                          |                                |                |           |           |
| General business and office facilities                                            | per employee/shift             | \$ 119         | \$ 1,382  | \$ 1,501  |
| Factories, excluding industrial waste                                             | per employee/shift             | \$ 119         | \$ 1,382  | \$ 1,501  |
| Factories or businesses with showers or food preparation                          | per employee/shift             | \$ 167         | \$ 1,935  | \$ 2,102  |
| Warehouse                                                                         | per loading bay                | \$ 478         | \$ 5,528  | \$ 6,006  |
| Warehouse – self storage (not including caretaker residence)                      | per unit                       | \$ 5           | \$ 55     | \$ 60     |
| <b>Churches</b>                                                                   |                                |                |           |           |
| Churches without kitchens, day care or camps                                      | per seat                       | \$ 14          | \$ 166    | \$ 180    |
| Churches with kitchen                                                             | per seat                       | \$ 24          | \$ 276    | \$ 300    |
| Churches providing day care or camps                                              | per person (child & employee)  | \$ 119         | \$ 1,382  | \$ 1,501  |
| <b>Fire, rescue and emergency response facilities</b>                             |                                |                |           |           |
| Fire or rescue stations without on site staff                                     | per person                     | \$ 119         | \$ 1,382  | \$ 1,501  |
| Fire or rescue stations with on-site staff                                        | per person/shift               | \$ 239         | \$ 2,764  | \$ 3,003  |
| <b>Food and drink facilities</b>                                                  |                                |                |           |           |
| Banquet, dining hall                                                              | per seat                       | \$ 143         | \$ 1,658  | \$ 1,801  |
| Bars, cocktail lounges                                                            | per seat                       | \$ 96          | \$ 1,106  | \$ 1,202  |
| Caterers                                                                          | per 100 sq ft floor space      | \$ 239         | \$ 2,764  | \$ 3,003  |
| Restaurant, full Service                                                          | per seat                       | \$ 191         | \$ 2,211  | \$ 2,402  |
| Restaurant, single service articles                                               | per seat                       | \$ 96          | \$ 1,106  | \$ 1,202  |
| Restaurant, drive-in                                                              | per car space                  | \$ 239         | \$ 2,764  | \$ 3,003  |
| Restaurant, carry out only                                                        | per 100 sq ft floor space      | \$ 239         | \$ 2,764  | \$ 3,003  |
| Institutions, dining halls                                                        | per meal                       | \$ 24          | \$ 276    | \$ 300    |
| Deli                                                                              | per 100 sq ft floor space      | \$ 191         | \$ 2,211  | \$ 2,402  |
| Bakery                                                                            | per 100 sq ft floor space      | \$ 48          | \$ 553    | \$ 601    |
| Meat department, butcher shop or fish market                                      | per 100 sq ft floor space      | \$ 358         | \$ 4,146  | \$ 4,504  |
| Specialty food stand or kiosk                                                     | per 100 sq ft floor space      | \$ 239         | \$ 2,764  | \$ 3,003  |
| <b>Hotels and Motels</b>                                                          |                                |                |           |           |
| Hotels, motels and bed & breakfast facilities, without in-room cooking facilities | per room                       | \$ 573         | \$ 6,633  | \$ 7,206  |
| Hotels and motels, with in-room cooking facilities                                | per room                       | \$ 836         | \$ 9,674  | \$ 10,510 |
| Resort hotels                                                                     | per room                       | \$ 955         | \$ 11,056 | \$ 12,011 |
| Cottages, cabins                                                                  | per unit                       | \$ 955         | \$ 11,056 | \$ 12,011 |
| Self service laundry facilities                                                   | per machine                    | \$ 2,388       | \$ 27,639 | \$ 30,027 |
| Medical, dental, veterinary facilities                                            |                                |                |           |           |
| Medical or dental offices                                                         | per practitioner/shift         | \$ 1,194       | \$ 13,819 | \$ 15,013 |
| Veterinary offices (not including boarding)                                       | per practitioner/shift         | \$ 1,194       | \$ 13,819 | \$ 15,013 |
| Veterinary hospitals, kennels, animal boarding facilities                         | per pen, cage, kennel or stall | \$ 96          | \$ 1,106  | \$ 1,202  |
| Hospitals, medical                                                                | per bed                        | \$ 1,433       | \$ 16,583 | \$ 18,016 |
| Hospitals, mental                                                                 | per bed                        | \$ 716         | \$ 8,292  | \$ 9,008  |
| Convalescent, nursing, rest homes without laundry facilities                      | per bed                        | \$ 287         | \$ 3,317  | \$ 3,604  |
| Convalescent, nursing, rest homes with laundry facilities                         | per bed                        | \$ 573         | \$ 6,633  | \$ 7,206  |
| Residential care facilities                                                       | per person                     | \$ 287         | \$ 3,317  | \$ 3,604  |



TABLE 7  
PROPOSED/CALCULATED SYSTEM DEVELOPMENT FEES (CONT.)

| Description                                                                      | Unit                            | Fees by System |           | Combined  |
|----------------------------------------------------------------------------------|---------------------------------|----------------|-----------|-----------|
|                                                                                  |                                 | Water          | Sewer     |           |
| Parks, recreation, camp grounds, R-V parks and other outdoor activity facilities |                                 |                |           |           |
| Campgrounds with comfort station, without water or sewer hookups                 | per campsite                    | \$ 358         | \$ 4,146  | \$ 4,504  |
| Campgrounds with water and sewer hookups                                         | per campsite                    | \$ 478         | \$ 5,528  | \$ 6,006  |
| Campground dump station facility                                                 | per space                       | \$ 239         | \$ 2,764  | \$ 3,003  |
| Construction, hunting or work camps with flush toilets                           | per person                      | \$ 287         | \$ 3,317  | \$ 3,604  |
| Construction, hunting or work camps with chemical or portable toilets            | per person                      | \$ 191         | \$ 2,211  | \$ 2,402  |
| Parks with restroom facilities                                                   | per plumbing fixture            | \$ 1,194       | \$ 13,819 | \$ 15,013 |
| Summer camps without food preparation or laundry facilities                      | per person                      | \$ 143         | \$ 1,658  | \$ 1,801  |
| Summer camps with food preparation and laundry facilities                        | per person                      | \$ 287         | \$ 3,317  | \$ 3,604  |
| Swimming pools, bathhouses and spas                                              | per person                      | \$ 48          | \$ 553    | \$ 601    |
| Public access restrooms                                                          | per plumbing fixture            | \$ 1,552       | \$ 17,965 | \$ 19,517 |
| Schools, preschools and day care                                                 |                                 |                |           |           |
| Day care and preschool facilities                                                | per person (child & employee)   | \$ 119         | \$ 1,382  | \$ 1,501  |
| Schools with cafeteria, gym and showers                                          | per student                     | \$ 72          | \$ 829    | \$ 901    |
| Schools with cafeteria                                                           | per student                     | \$ 57          | \$ 663    | \$ 720    |
| Schools without cafeteria, gym or showers                                        | per student                     | \$ 48          | \$ 553    | \$ 601    |
| Boarding schools                                                                 | per person (student & employee) | \$ 287         | \$ 3,317  | \$ 3,604  |
| Service stations, car wash facilities                                            |                                 |                |           |           |
| Service stations, gas stations                                                   | per plumbing fixture            | \$ 1,194       | \$ 13,819 | \$ 15,013 |
| Car wash facilities                                                              | per bay                         | \$ 5,730       | \$ 66,333 | \$ 72,063 |
| Sports centers                                                                   |                                 |                |           |           |
| Bowling center                                                                   | per lane                        | \$ 239         | \$ 2,764  | \$ 3,003  |
| Fitness, exercise, karate or dance center                                        | per 100 sq ft                   | \$ 239         | \$ 2,764  | \$ 3,003  |
| Tennis, racquet ball                                                             | per court                       | \$ 239         | \$ 2,764  | \$ 3,003  |
| Gymnasium                                                                        | per 100 sq ft                   | \$ 239         | \$ 2,764  | \$ 3,003  |
| Golf course with only minimal food service                                       | per plumbing fixture            | \$ 1,194       | \$ 13,819 | \$ 15,013 |
| Country clubs                                                                    | per member or patron            | \$ 287         | \$ 3,317  | \$ 3,604  |
| Mini golf, putt-putt                                                             | per plumbing fixture            | \$ 1,194       | \$ 13,819 | \$ 15,013 |
| Go-kart, motocross                                                               | per plumbing fixture            | \$ 1,194       | \$ 13,819 | \$ 15,013 |
| Batting cages, driving ranges                                                    | per plumbing fixture            | \$ 1,194       | \$ 13,819 | \$ 15,013 |
| Marinas without bathhouse                                                        | per slip                        | \$ 48          | \$ 553    | \$ 601    |
| Marinas with bathhouse                                                           | per slip                        | \$ 143         | \$ 1,658  | \$ 1,801  |
| Video game arcades, pool halls                                                   | per plumbing fixture            | \$ 1,194       | \$ 13,819 | \$ 15,013 |
| Stadiums, auditoriums, theaters, community centers                               | per seat                        | \$ 24          | \$ 276    | \$ 300    |
| Stores, shopping centers, malls and flea markets                                 |                                 |                |           |           |
| Auto, boat, recreational vehicle dealerships/showrooms with restrooms            | per plumbing fixture            | \$ 597         | \$ 6,910  | \$ 7,507  |
| Convenience stores, with food preparation                                        | per 100 sq ft                   | \$ 287         | \$ 3,317  | \$ 3,604  |
| Convenience stores, without food preparation                                     | per plumbing fixture            | \$ 1,194       | \$ 13,819 | \$ 15,013 |
| Flea markets                                                                     | per stall                       | \$ 143         | \$ 1,658  | \$ 1,801  |
| Shopping centers and malls with food service                                     | per 1000 sq ft                  | \$ 621         | \$ 7,186  | \$ 7,807  |
| Stores and shopping centers without food service                                 | per 1000 sq ft                  | \$ 478         | \$ 5,528  | \$ 6,006  |
| Transportation terminals – air, bus, train, ferry, port and dock                 | per passenger                   | \$ 24          | \$ 276    | \$ 300    |

It is not suggested the City change its current methodology for calculating the SDFs applied to non-residential customers. However, this Report considers a potentially more administratively efficient fee structure. It is common practice in the utility industry to charge capacity-related fees



based upon the size of the water meter. The concept is that the meter size is directly correlated to the potential demand a customer can place on the system. With a meter-based fee structure, one ERU is equal to the average anticipated flow for a single-family dwelling unit with a standard 5/8 x 3/4-inch water meter. New connections with larger water meters have the potential of placing more demand on the system (i.e., require more capacity) and are assessed ERU factors accordingly. The methodology for incrementing the fees for larger connection sizes is based on standardized demand criteria established by the American Water Works Association (AWWA) and the Water Environment Federation (WEF) pursuant to the size of the water meter. Utilizing the AWWA/WEF demand criteria, the applicable ERU factors for larger water meters are based on the incremental increase in potential demand as compared to the standard meter size. If the Town chooses to go this direction, the meter-based fees displayed below utilize the AWWA/WEF meter equivalency methodology. Since wastewater flow is generally a direct function of water flow, applying the water and wastewater SDFs based upon the size of the water meter is equitable, administratively efficient, and consistent with industry standards. The applicable meter-based fees are summarized in **Exhibit 7** and summarized in **Table 8**.

**TABLE 8**  
**METER-BASED SYSTEM DEVELOPMENT FEES**

| Description    | Meter Factor <sup>(1)</sup> | Proposed/Calculated Fees By Meter Size |              |              |
|----------------|-----------------------------|----------------------------------------|--------------|--------------|
|                |                             | Water                                  | Wastewater   | Total        |
| Meter Size:    |                             |                                        |              |              |
| 5/8 x 3/4 Inch | 1.00                        | \$ 1,910                               | \$ 19,900    | \$ 21,810    |
| 1.0 Inch       | 2.50                        | \$ 4,775                               | \$ 49,750    | \$ 54,525    |
| 1.5 Inch       | 5.00                        | \$ 9,550                               | \$ 99,500    | \$ 109,050   |
| 2.0 Inch       | 8.00                        | \$ 15,280                              | \$ 159,200   | \$ 174,480   |
| 3.0 Inch       | 16.00                       | \$ 30,560                              | \$ 318,400   | \$ 348,960   |
| 4.0 Inch       | 25.00                       | \$ 47,750                              | \$ 497,500   | \$ 545,250   |
| 6.0 Inch       | 50.00                       | \$ 95,500                              | \$ 995,000   | \$ 1,090,500 |
| 8.0 Inch       | 80.00                       | \$ 152,800                             | \$ 1,592,000 | \$ 1,744,800 |

(1) Meter-size equivalency factors established by the AWWA and identified in AWWA Standards C700, M1 and M22. Such factors are commonly applied consistently for both water and wastewater fee calculations.

In situations where the application of the meter-based fees will result in the collection of fees significantly different than the potential demand requirement of a new customer requesting service, a special calculation methodology may be applied at the discretion of the City's Public Works Department. For such situations, it is important for the utility to have the flexibility to utilize an ERU methodology for individual accounts based on specific capacity requirements. This alternative methodology is to apply the calculated unit costs per gallon of capacity as provided in **Exhibit 7** times the capacity requirement for the customer. This type of situation will be uncommon and will typically only involve larger commercial and industrial connections. It is

| Description                       | Unit                           | Fees by System |           | Combined  |
|-----------------------------------|--------------------------------|----------------|-----------|-----------|
|                                   |                                | Water          | Sewer     |           |
| Proposed/Calculated - Residential |                                |                |           |           |
| 2 bedroom                         | Water - 400gpd, Sewer - 240gpd | \$ 1,910       | \$ 13,267 | \$ 15,177 |
| 3 bedroom                         | Water - 400gpd, Sewer - 360gpd | \$ 1,910       | \$ 19,900 | \$ 21,810 |
| 4 bedroom                         | Water - 528gpd, Sewer - 480gpd | \$ 2,521       | \$ 26,534 | \$ 29,055 |

| Description | ERU Factor | Fees by System |            | Combined Fee |
|-------------|------------|----------------|------------|--------------|
|             |            | Water          | Wastewater |              |

#### NON-RESIDENTIAL

##### Meter Size:

|                |       |            |              |              |
|----------------|-------|------------|--------------|--------------|
| 5/8 x 3/4 Inch | 1.00  | \$ 1,910   | \$ 19,900    | \$ 21,810    |
| 1.0 Inch       | 2.50  | \$ 4,775   | \$ 49,750    | \$ 54,525    |
| 1.5 Inch       | 5.00  | \$ 9,550   | \$ 99,500    | \$ 109,050   |
| 2.0 Inch       | 8.00  | \$ 15,280  | \$ 159,200   | \$ 174,480   |
| 3.0 Inch       | 16.00 | \$ 30,560  | \$ 318,400   | \$ 348,960   |
| 4.0 Inch       | 25.00 | \$ 47,750  | \$ 497,500   | \$ 545,250   |
| 6.0 Inch       | 50.00 | \$ 95,500  | \$ 995,000   | \$ 1,090,500 |
| 8.0 Inch       | 80.00 | \$ 152,800 | \$ 1,592,000 | \$ 1,744,800 |



**Planning Board Minutes**  
**Community Building 223 E. Bay Street**  
**November 16, 2023**  
**6:00 P.M.**

**Members Present:** Sue Hodgins, Will Hewett, Fred Fiss, Chris Jones, Roy Pender, Kevin Locklin, Donnie Joyner, and Scott Jones.

**Members Absent:** Dick Sloan

**Staff Present:** Mo Meehan, City Planner  
Tanya Shannon, Deputy Clerk  
Allayna Dail, Community Relations Assistant

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

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

B. Mr. Donnie Joyner gave the Invocation.

C. Chair Hodgins led the Pledge of Allegiance.

Chair Hodgins appointed Mr. Locklin as a Voting Member in the absence of Mr. Sloan.

D. Motion to approve the October 19, 2023 Meeting Minutes by Mr. Joyner and second by Vice-Chair Hewett. **Unanimous vote; Motion carried.**

E. Motion to approve the Meeting Agenda with an amendment to remove Item G (3) Text Amendment Mixed Use In HC, by Vice-Chair Hewett and seconded by Mr. Joyner. **Unanimous vote; Motion Carried.**

F. Public Comment: A Motion was made by Vice-Chair Hewett to open public comment and seconded by Mr. Joyner. **Unanimous Vote; Motion Carried.**

Since there was no public comment, Chair Hodgins requested a motion to close public comment. A Motion was made by Vice-Chair Hewett and seconded by Mr. Joyner. **Unanimous Vote; Motion Carried.**

**G. Old Business: Text Amendment -Section 3.9.b.5 Setback Exception and Encroachment**

Ms. Meehan provided an overview of the proposed amendment, and the applicant, Mr. Cameron Smith, was also in attendance to review the suggested revisions. She explained the various options available for the amendment. Mr. Joyner inquired whether this change would impact many properties and expressed that changes to the Unified Development Ordinance should be made only if necessary. Mr. Joyner asked if this revision was necessary and if there were a lot of requests for these exemptions, to which Ms. Meehan responded that it was not enforced previously, but now it will be, and several lots will be affected. Some lots will be able to make setbacks while others will not. Mr. Joyner raised a concern about privacy fences on some lots, which may be slightly off the lot line, and Ms. Meehan confirmed that they may indeed be on the lot line.

Vice-Chair Hewett brought up the topic of generators and air conditioners and their placement near the electrical panel. He questioned whether it was necessary to have them placed

there and suggested that smaller, more efficient units could be placed closer to the panel. He also recommended that if this were to happen, the lines should be buried. Vice-Chair Hewett believes that having these items closer to the electrical panel would improve the situation, especially since everything is crammed on one side of the house.

Mr. Fiss, a builder, disagreed with Vice-Chair Hewett regarding the placement of a generator. He stated that the generator did not need to be near the electrical panel and gave an example of building one that was 50 feet away. He also mentioned that he is not willing to place any equipment less than 2 feet from the property line for a 33 ft lot or any other lot due to safety concerns, and that adjusting footprints and mini-splits may be an option. Mr. Locklin agreed with Mr. Fiss and used a constitutional analogy to explain his belief that changing the placement rules could potentially lead to other issues, and he feels that alternatives already exist.

Mr. Scott Jones emphasized that minor setbacks on the 33-foot lots should not overshadow the importance of the 8-foot setbacks. He expressed his concern that any wording should not penalize people with enough space and suggested that it should be phrased in a way that doesn't punish them.

Mr. Pender expressed his concerns about the units' size and proximity to the property line. He mentioned that the property is already built out, and there is insufficient space to keep the equipment too close to the property line. He was unsure how to handle a situation where something needed to be that close to the property line. On the other hand, Mr. Joyner disagreed and suggested using R-10 lots in the language, which may not work well on a 33-foot lot. Ms. Meehan brought up the issue of the request for all lots, PUDs, and subdivisions and clarified that there is already a 30-inch encroachment on the existing property.

Chair Hodgins approved the beginning of the current text (not more than 30 inches) for the items listed but requested that no objects be placed closer than 2ft. in. She recommended, in the second sentence, to make a separate line that states no closer than 36 inches from the lot line and perhaps protect the non-conforming lots to reduce the cases that may go to the Board of Adjustments. Ms. Meehan agreed that no closer than 36 inches on the line would reduce the encroachment by a lot on the smaller lots. Chair Hodgins commented that non-conforming lots are tough to deal with. Ms. Meehan stated that the Planning Department has been working with the builders to ensure that everything is in accordance with the UDO.

Mr. Joyner raised concerns about the wording of the 36-inch property line and the required setbacks. Ms. Meehan clarified that it was 1/2 foot for the small lots.

Mr. Pender inquired if the new regulations would affect larger lots. Ms. Meehan responded that it usually does not. He also asked if adjustments could be made on a lot-by-lot basis and if exemptions could be granted. Ms. Meehan stated that they were working with builders to provide assistance and bring hardship cases to the Board of Adjustments if needed. Mr. Pender suggested not changing anything, and Mr. Locklin concurred and asked what would be necessary. He said that if the changes would cause hardship as a whole, then working with the City could help accomplish good and potentially reduce hardships. He reiterated that since it does not apply to every lot, changing the regulations could lead to other issues.

Mr. Chris Jones asked if more applications for variances would be submitted to the Board of Adjustment in case nothing changed. Ms. Meehan was uncertain, but no cases have been presented yet.

Mr. Pender made a motion to deny the application for the text amendment and leave the UDO as it is, which was seconded by Mr. Locklin.

Mr. Scott Jones requested to reread the current UDO before a vote. Ms. Meehan read it out loud.

**Existing Text Section 3.9.B**

*5. Sills, cornices, buttresses, ornamental features, gutters, eaves, heating and air conditioning units, and similar items may project into a required setback of not more than 30 inches.*

**Applicant Proposed Text Amendment to Section 3.9.B**

*5. Sills, cornices, buttresses, ornamental features, gutters, eaves, heating and air conditioning units, and similar items may project into a required setback of not more than 30 inches. Heating and air conditioning units, generators, pool equipment, and similar items may project not exceeding 48 inches into a required setback.*

**Text with 42" Encroachment Option**

*5. Sills, cornices, buttresses, ornamental features, gutters, eaves, heating and air conditioning units, and similar items may project into a required setback of not more than 30 inches. Heating and air conditioning units, generators, pool equipment, and similar items may project 42 inches into a required setback but not closer than 24 inches from the lot line.*

**Text with 36" from Property Line Option**

*5. Sills, cornices, buttresses, ornamental features, gutters, eaves, heating and air conditioning units, and similar items may project into a required setback not more than 30 inches and not closer than 36" from the property line.*

Mr. Joyner suggested that if nothing changed and it went to the Board of Aldermen, a Public Hearing would be held, and changes would be made based on the recommendations.

With a Motion and Second on the Floor, and additional discussion held, Chair Hodgins called for a vote. Yay: Vice-Chair Hewett, Mr. Pender, Mr. Locklin, Mr. Joyner, Mr. Fiss, and Mr. Chris Jones. Nay: Mr. Scott Jones. **Motion Carried 6-1.**

**2. Text Amendment-Section 3.12.B.2 Driveways**

Ms. Meehan explained that the Board of Adjustment requested that Staff bring forward a text amendment to the Planning Board after a variance hearing on the driveway standards. The applicant's request for a variance included the following two exceptions: Section 3.12.B.4.d) In no case may the total width of all driveways exceed 50% of the total property frontage. (the lot frontage for the subject property was less than 75') and Section 3.12.B.4.e) No driveway (nearest edge) shall be located within 10 feet of a side lot property line except in the case of a shared driveway (single curb/access point) utilized by two (2) or more lots. This variance was the first of several that would be brought forward to the Board of Adjustment.

**Existing Text Section 3.12.B.2**

*Before a zoning permit is issued for the construction, reconstruction, or change in use of any building or land. "Construction, reconstruction, or change in use" refers to those improvements made to the site involving overall structure size or to changes in use that would require the addition of one (1) or more off-street parking spaces; it is not intended to refer to construction activities which merely involve changes to exterior architectural features (e.g., painting, addition of siding, roofing activities, etc.).*

**Board of Adjustment Requested/Pre-2020 Adopted Text for Section 3.12.B.2.**

*Before a zoning permit is issued for the construction, reconstruction, or change in use of any building or land used for purposes other than a single- or two-family residence, all driveways shall be reviewed and approved by the UDO Administrator or his/her designee. "Construction, reconstruction, or change in use" refers to those improvements made to the site involving overall structure size or changes in use that would require the addition of one (1) or more off-street parking spaces; it is not intended to refer to construction activities which merely involve changes to exterior architectural features (e.g., painting, addition of siding, roofing activities, etc.).*

**Driveway Only Residential and Nonresidential Setback Text Option 3.12.B.4.e)**

*No nonresidential driveway (nearest edge) shall be located within 10 feet of a side lot property line except in the case of a shared driveway (single curb/access point) utilized by two (2) or more lots. Residential driveways for single- and two-family dwelling units shall not be located within two(2) feet of side lot property lines.*

Chair Hodgkin reviewed the minutes from the Board of Adjustments meeting that took place in September. She mentioned that she wanted to ensure that the current proposal is in line with the Board's decision to approve the variance allowing a reduced setback of up to 8ft. She also stated that the driveway width should be reduced to 50% or less of the width of the front of the property. Ms. Meehan confirmed that the proposed amendment covers all aspects related to the driveway. The Board reached consensus for the approval.

Vice-Chair Hewett Made a Motion to recommend approval of the Text Amendment Driveway Only Residential and Nonresidential Setback Text 3.12.B.4.e to be forwarded to the Board of Aldermen; Mr. Locklin seconded. **Unanimous Vote; Motion Carried.** Vice-Chair Hewett read the Statement of Consistency in favor of the approval.

**H. Old Business: None**

**I. Other Business: Update on Comprehensive Plan**

Ms. Meehan provided an update on the Comprehensive Plan. The Board of Aldermen appointed the Planning Board as the Steering Committee to oversee the project and recommend updates. The updates will be discussed during quarterly meetings, which will last approximately 1 to 1.5 hours each. The project is set to begin in the new year and will be managed by the Stewart Consulting Firm. Chair Hodgkin noted that she was very pleased with the impressive qualifications for Stewart.

**J. Announcements:** Chair Hodgkin wished everyone a Happy Thanksgiving.

Mr. Locklin was confirmed back to the Alternate Position.

Chair Hodgkin asked for a Motion to Adjourn as there was no other business to discuss.

A Motion was made by Vice-Chair Hewett to adjourn and seconded by Mr. Pender. **Unanimous Vote; Motion Carried.** Meeting adjourned at 6:59PM.

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Chair, Sue Hodgkin

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Deputy Clerk, Tanya Shannon



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December 11, 2023

| ADDRESS                     | VIOLATION | STATUS |
|-----------------------------|-----------|--------|
| 115 E Owens St              | MH/OL     | OPEN   |
| 210 E Brown St              | OL/JV     | OPEN   |
| 511 W 11 <sup>th</sup> St   | OL/JP/MH  | OPEN   |
| 722 W 11 <sup>th</sup> St   | MH/JP/OL  | OPEN   |
| 813 W 11 <sup>th</sup> St   | MH/JP/OL  | OPEN   |
| 516 Clarendon Ave           | OL        | ABATED |
| 605 N Fodale Ave            | JP        | ABATED |
| 907 N Lord St               | OL        | OPEN   |
| PID 237EA013 N Caswell Ave  | OL/JP     | OPEN   |
| 1061 Downrigger Trl         | OL        | ABATED |
| 1065 Downrigger Trl         | OL        | ABATED |
| 609 Burrington Ave          | MH/OL     | OPEN   |
| PID 237EB003 Burrington Ave | OL        | ABATED |
| 211 N Rhett St              | OL        | ABATED |
| 829 N Lord St               | OL        | OPEN   |
| 203 W 9 <sup>th</sup> St    | OL        | OPEN   |
| 314 N Rhett St              | MH        | OPEN   |
| 602 N Lord St               | JV/JP     | OPEN   |
| PID 222PA00101 E Leonard St | OL        | ABATED |
| 607 N Caswell Ave           | ZN        | OPEN   |
| 1013 E Moore St             | JP        | OPEN   |
| 512 N Atlantic Ave          | MH        | OPEN   |
| 215 N Fodale Ave            | OL        | OPEN   |
| 204 Herring Dr              | OL        | ABATED |
| 114 Frink Dr                | JV/JP     | ABATED |
| 113 Frink Dr                | JP/OL     | OPEN   |
| 215 Willis Dr               | JP        | OPEN   |
| PID 238HB002 Herring Dr     | MH/OL     | OPEN   |
| 705 Cape Harbor Dr          | JV        | OPEN   |
| 414 Burrington Ave          | JV        | OPEN   |
| 1201 N Lord St              | OL        | OPEN   |
| 416 E Bay St                | ZN        | OPEN   |
| PID 238AA021 Yaupon Dr      | OL        | ABATED |
| PID 238AA02101 Yaupon Dr    | OL        | ABATED |
| 129 Park Ave                | JV        | OPEN   |
| 403 Stuart Ave              | JV        | ABATED |
| 311 Stuart Ave              | JP        | ABATED |



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|                                       |          |               |
|---------------------------------------|----------|---------------|
| 139 Stuart Ave                        | OL       | <b>ABATED</b> |
| 315 W Brown St                        | ZN       | <b>OPEN</b>   |
| PID 237DF01412 (W 9 <sup>th</sup> St) | ZN       | <b>OPEN</b>   |
| 316 Stuart Ave                        | JP       | <b>OPEN</b>   |
| 111 Park Ave                          | JP       | <b>OPEN</b>   |
| 120 Park Ave                          | JV       | <b>OPEN</b>   |
| 403 N Fodale Ave                      | JP/JV    | <b>OPEN</b>   |
| 711 Cottage Ln                        | MH       | <b>OPEN</b>   |
| 320 College St                        | JV       | <b>OPEN</b>   |
| 309 Stuart Ave                        | JV       | <b>OPEN</b>   |
| 1209 N Howe St                        | JV/JP/OL | <b>OPEN</b>   |
| 1209 N Howe St (Lot 26)               | MH/JV/JP | <b>OPEN</b>   |
| 1209 N Howe St (Lot 30)               | JP       | <b>OPEN</b>   |
| 1209 N Howe St (Lot 44)               | MH/ZN    | <b>OPEN</b>   |
| 1209 N Howe St (Lot 47)               | MH       | <b>OPEN</b>   |
| 1209 N Howe St (Lot 51)               | JV       | <b>OPEN</b>   |
| 1209 N Howe St (Lot 54)               | JP       | <b>OPEN</b>   |
| 1209 N Howe St (Lot 34)               | MH       | <b>OPEN</b>   |
| 1209 N Howe St (Lot 6)                | MH       | <b>OPEN</b>   |
| 1209 N Howe St (Lot 15)               | MH       | <b>OPEN</b>   |
| 1228 N Lord St                        | OL       | <b>OPEN</b>   |
| 732 N Lord St                         | MH/OL    | <b>OPEN</b>   |
| 730 N Lord St                         | MH/JP    | <b>OPEN</b>   |
| 724 N Lord St                         | MH/JP    | <b>OPEN</b>   |
| 712 N Lord St                         | JV       | <b>OPEN</b>   |
| 822 N Howe St                         | ZN       | <b>OPEN</b>   |
| 827 N Howe St                         | ZN       | <b>OPEN</b>   |
| 731 N Howe St                         | ZN       | <b>OPEN</b>   |



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### HIGHLIGHTS

- 26 New cases opened for the month of October.
- 14 Cases have been Abated.
- 114 Frink Dr – The property owner has removed the junk vehicle from the property and removed the junk pile. Property is now in compliance.
- 210 E Brown St – Property owner will be receiving the Finding of Facts and a 10-day Tow Notice for (Two Junk Vehicles) located on the property.
- PID 237EA013 N Caswell Ave - Property owner will be receiving the Finding of Facts for the (Junk Pile) located on the property.
- 605 N Fodale Ave – Property owner will be receiving a Notice of Hearing for the (Open Storage/Junk Pile) located under the open carport on the property.
- 602 N Lord St – Property owner will be receiving a Notice of Hearing for the (Junk Vehicle/Junk Pile) located in the rear of the property.
- 607 N Caswell Ave – Property owner will be receiving a Notice of Hearing for the (Shipping Container) located in the rear of the property.
- 1013 E Moore St – Property owner will be receiving a Notice of Hearing for the large amount of (Open Storage/Junk Pile) located in the rear of the property.
- 113 Frink Dr – Property owner will be receiving a Notice of Hearing for the (Junk Piles/Overgrowth) throughout the property.
- 705 Cape Harbor Dr – Property owner will be receiving a Notice of Hearing for the (Two Junk Vehicles) located in the rear of the property.



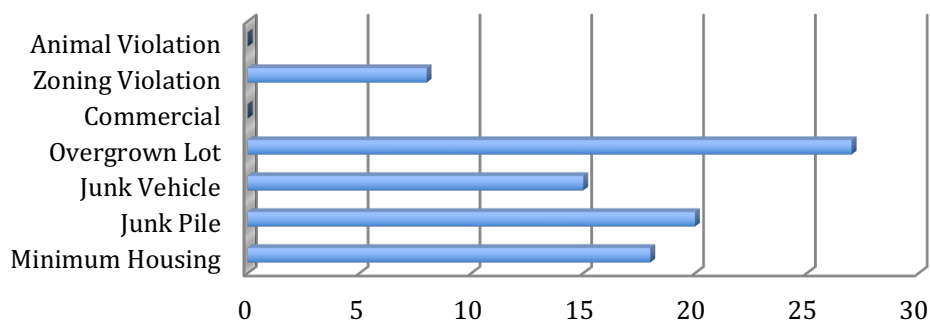
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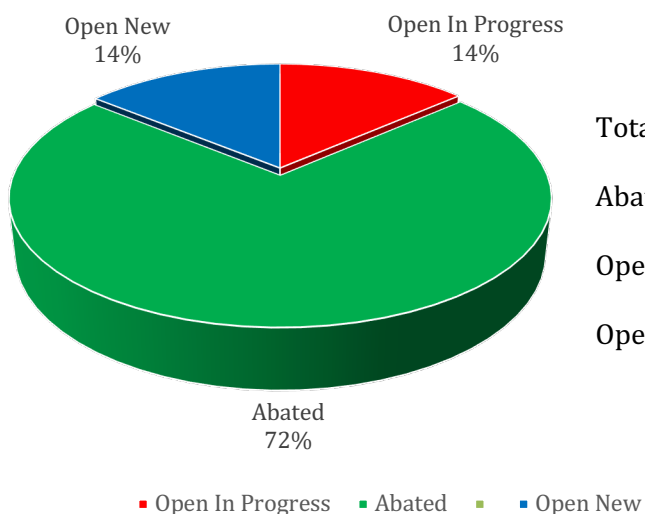
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## Violations by the Numbers



|                             | Minimum Housing | Junk Pile | Junk Vehicle | Overgrown Lot | Commercial | Zoning Violation | Animal Violation |
|-----------------------------|-----------------|-----------|--------------|---------------|------------|------------------|------------------|
| ■ Violations by the Numbers | 18              | 20        | 15           | 27            | 0          | 8                | 0                |

## Case Status To Date



Total Cases - 184

Abated - 133

Open In Progress - 25

Open New - 26

■ Open In Progress ■ Abated ■ Open New

| No | WOID  | Request Date | Description                                                                       | Assigned To    | Location           | Actual Completion Date |
|----|-------|--------------|-----------------------------------------------------------------------------------|----------------|--------------------|------------------------|
| 1  | 20876 | 10/26/2023   | INDIGO MARINA D-DOCK....MOVE METER BOX 25' TO STAKE WITH BLUE FLAG                | Mike Spicer    | Indigo Plantation  |                        |
| 2  | 20878 | 10/26/2023   | MOVE TABLE THAT IS ON THE RIVER SIDE DECK - NEXT TO THE SHED BEHIND THE GARRISON. | David Kelly    | Community Building | 10/26/2023             |
| 3  | 20880 | 10/27/2023   | RUN CABLE FROM KILEY'S OFFICE TO OTHER SIDE OF THE WALL                           | Jeremy Kennedy | City Hall          | 10/26/2023             |
| 4  | 20881 | 10/26/2023   | CHANGE DOOR HANDLE ON HR TO A KEYED ENTRY                                         | Jeremy Kennedy | City Hall          | 10/26/2023             |
| 5  | 20882 | 10/25/2023   | MISSING BULB IN BACK CORNER FLOOD LIGHT AT GYM. Replaced fixture                  | Jeremy Kennedy | City Gym           | 10/25/2023             |
| 6  | 20894 | 10/27/2023   | N LORD/W WEST/E MOORE/N HOWE, UNDERGROUND POWER                                   | Tyrus Davis    | Downtown           | 10/24/2023             |
| 7  | 20908 | 10/30/2023   | PICK UP TOTES FROM COOKIE                                                         | David Kelly    | Downtown           | 10/30/2023             |
| 8  | 20909 | 10/30/2023   | CHANGE LOCK ON DORRIE'S OFFICE                                                    | Jeremy Kennedy | City Hall          | 10/27/2023             |
| 9  | 20910 | 10/30/2023   | CAMERA/FIND LATERAL AT 310 STUART INSTALL CLEAN OUT                               | Mike Spicer    | Downtown           | 10/30/2023             |
| 10 | 20911 | 10/30/2023   | ALLAYNA NEEDS VARIOUS SIZED BULBS REPLACED AT THE VISITOR CENTER.                 | Jeremy Kennedy | Downtown           | 10/31/2023             |
| 11 | 20913 | 10/31/2023   | CHANGE LOCKS ON GARRISON BACK/FRONT, MAIN OFFICE AND INDIAN TRAIL                 | Jeremy Kennedy | City Hall          | 10/27/2023             |
| 12 | 20914 | 10/25/2023   | LOCATE 1218 N CASWELL/W 14TH, LOT CLEARING                                        | Tyrus Davis    | Downtown           | 10/30/2023             |
| 13 | 20917 | 10/25/2023   | LOCATE 335 E BROWN ST, GRADING                                                    | Tyrus Davis    | Downtown           | 10/30/2023             |
| 14 | 20918 | 10/31/2023   | PUT OUT BARRICADES FOR HOLLY DAYS                                                 | Mike Spicer    | Downtown           | 11/3/2023              |
| 15 | 20919 | 11/2/2023    | PUT DESK TOGETHER IN PD                                                           | Jeremy Kennedy | Police Station     | 11/2/2023              |
| 16 | 20920 | 11/2/2023    | HORNETS NEST AT POLICE DEPARTMENT                                                 | Jeremy Kennedy | Police Station     | 11/2/2023              |

|    |       |            |                                                                                  |                |                        |            |
|----|-------|------------|----------------------------------------------------------------------------------|----------------|------------------------|------------|
| 17 | 20921 | 10/31/2023 | STAIN 2 NEW RAW WOOD DOORS AND COAT WITH POLY 4 X                                | Jeremy Kennedy | Police Station         | 10/31/2023 |
| 18 | 20922 | 11/3/2023  | MOVE BLEACHERS TO 9TH STREET. (CAVINESS PARK FIELD)                              | Mike Spicer    | Caviness Park          | 11/3/2023  |
| 19 | 20923 | 10/27/2023 | LOCATE N HOWE/RIVER RD/J SWAIN, INSTALLING TRAFFIC SIGNAL                        | Tyrus Davis    | Downtown               | 11/1/2023  |
| 20 | 20924 | 10/27/2023 | LOCATE 403 HERRING, INSTAL LUNDG CABLE.                                          | Tyrus Davis    | Downtown               | 11/1/2023  |
| 21 | 20925 | 10/27/2023 | LOCATE 515 N CASWELL, GRADING                                                    | Tyrus Davis    | Downtown               | 11/1/2023  |
| 22 | 20926 | 10/26/2023 | LOCATE 502 LORD THOMAS, INSTALL ELECTRIC LINE                                    | Tyrus Davis    | Downtown               | 10/31/2023 |
| 23 | 20927 | 10/26/2023 | LOCATE 370 CHAMPION CT, BURY PHONE DROP                                          | Tyrus Davis    | Downtown               | 10/31/2023 |
| 24 | 20928 | 10/30/2023 | LOCATE 213 STUART AVE, INSTALL UND G CABLE.                                      | Tyrus Davis    | Downtown               | 11/2/2023  |
| 25 | 20929 | 10/30/2023 | LOCATE 306 E BROWN ST, INSTALLING SEWER LINE                                     | Tyrus Davis    | Downtown               | 11/2/2023  |
| 26 | 20930 | 10/30/2023 | LOCATE 605 COTTAGE POINT WAY, BURY PHONE DROP                                    | Tyrus Davis    | Downtown               | 11/2/2023  |
| 27 | 20931 | 10/30/2023 | LOCATE 6211 PEBBLE SHORE LANE, FENCING                                           | Tyrus Davis    | Downtown               | 11/2/2023  |
| 28 | 20932 | 11/3/2023  | HANG POLICE DEPT SIGN                                                            | Jeremy Kennedy | Police Station         | 11/3/2023  |
| 29 | 20933 | 11/3/2023  | ALLISON NEEDS SOME BUBLS REMOVED, SHE FEELS LIKE SHE IS IN A NEW CAR SHOWROOM :0 | Jeremy Kennedy | Police Station         | 11/3/2023  |
| 30 | 20934 | 11/6/2023  | KITCHEN SINK LEAKING AT P&R 209 N ATLANTIC                                       | Jeremy Kennedy | Parks and Rec Building | 11/7/2023  |
| 31 | 20935 | 11/6/2023  | PICK UP BROWN BAG OF WEEDS AT THE OLD JAIL ANNEX                                 | David Kelly    | Old Jail               | 11/7/2023  |
| 32 | 20936 | 11/7/2023  | SEWER BACK UP AT 916 CASWELL, NEEDS CAMERA                                       | Mike Spicer    | Downtown               | 11/7/2023  |
| 33 | 20937 | 11/7/2023  | SEE ATTACHED EMAIL, brackets and mirrors in Bridal area.                         | Jeremy Kennedy | Community Building     | 11/9/2023  |
| 34 | 20938 | 10/31/2023 | LOCATE 809 MEMORY LANE, NEW GAS MAIN                                             | Tyrus Davis    | Downtown               | 11/3/2023  |

|    |       |            |                                                                                                              |             |          |           |
|----|-------|------------|--------------------------------------------------------------------------------------------------------------|-------------|----------|-----------|
| 35 | 20939 | 10/31/2023 | LOCATE 617 PORT HAVEN WAY, INSTALLING GENERATOR                                                              | Tyrus Davis | Downtown | 11/3/2023 |
| 36 | 20940 | 11/7/2023  | At the city gym, weld/reattach a metal strip along the outside back gym door at the outdoor basketball court | Kevin Alley | City Gym | 11/9/2023 |
| 37 | 20941 | 10/31/2023 | LOCATE 244 JOSHUAS WAY, INSTALL U NDG CABLE                                                                  | Tyrus Davis | Downtown | 11/3/2023 |
| 38 | 20942 | 10/31/2023 | LOCATE 416 E BAY ST, MAIN WATER/SEWER LINES                                                                  | Tyrus Davis | Downtown | 11/3/2023 |
| 39 | 20943 | 10/31/2023 | LOCATE 215 E LEONARD ST, INSTALL GENERATOR                                                                   | Tyrus Davis | Downtown | 11/3/2023 |
| 40 | 20944 | 11/2/2023  | LOCATE 1671 N HOWE ST, NEW GAS MAIN                                                                          | Tyrus Davis | Downtown | 11/6/2023 |
| 41 | 20945 | 10/30/2023 | LOCATE 5240 SHIPMAST WAY, LANDSCAPING                                                                        | Tyrus Davis | Downtown | 11/3/2023 |
| 42 | 20946 | 11/2/2023  | LOCATE W ST GEORGE/BURRINGTON, HANDICAP RAMP                                                                 | Tyrus Davis | Downtown | 11/6/2023 |
| 43 | 20947 | 11/2/2023  | LOCATE W ST GEORGE/N CASWELL, HANDIDCAP RAMP                                                                 | Tyrus Davis | Downtown | 11/6/2023 |
| 44 | 20948 | 11/2/2023  | LOCATE N LORD/W OWENS, HANDICAP RAMPS                                                                        | Tyrus Davis | Downtown | 11/6/2023 |
| 45 | 20949 | 11/2/2023  | LOCATE W ST GEORGE/CLARENDON, INST HANDICAP RAMPS                                                            | Tyrus Davis | Downtown | 11/6/2023 |
| 46 | 20950 | 11/2/2023  | LOCATE N LORD ST/W WEST, INSTALL HANDICAP RAMPS                                                              | Tyrus Davis | Downtown | 11/6/2023 |
| 47 | 20951 | 11/2/2023  | LOCATE N LORD/W LEONARD, INST HANDICAP RAMPS                                                                 | Tyrus Davis | Downtown | 11/6/2023 |
| 48 | 20952 | 11/6/2023  | LOCATE W LEONARD/CLARENDON, INST HANDICAP RAMPS                                                              | Tyrus Davis | Downtown | 11/6/2023 |
| 49 | 20954 | 11/1/2023  | LOCATE 1218 N CASWELL, INSTALL WATER/SEWER                                                                   | Tyrus Davis | Downtown | 11/7/2023 |
| 50 | 20955 | 11/1/2023  | LOCATE N FODALE AVE, UNDG POWER                                                                              | Tyrus Davis | Downtown | 11/7/2023 |
| 51 | 20956 | 11/1/2023  | LOCATE N HOW/N FODALE, UNDG POWER CONST                                                                      | Tyrus Davis | Downtown | 11/7/2023 |
| 52 | 20957 | 11/3/2023  | LOCATE 8 DOWNING CT, BURY PHONE DROP                                                                         | Tyrus Davis | Downtown | 11/8/2023 |

|    |       |            |                                                                                      |                |                        |            |
|----|-------|------------|--------------------------------------------------------------------------------------|----------------|------------------------|------------|
| 53 | 20958 | 11/13/2023 | SR BLDG, BRING TREE DOWN FROM THE ATTIC                                              | David Kelly    | Senior Building        | 11/13/2023 |
| 54 | 20959 | 11/13/2023 | PICK UP 2 BAGS OUTSIDE JAIL ANNEX BY THE BUSHES FROM BEAUTIFICATION.                 | David Kelly    | Old Jail               | 11/13/2023 |
| 55 | 20960 | 11/4/2023  | LOCATE 1013 AND 1015 N CASWELL, LANDSCAPING                                          | Tyrus Davis    | Downtown               | 11/8/2023  |
| 56 | 20961 | 11/6/2023  | LOCATE 713 BURRINGTON, INSTALLING ELECTRIC LINE                                      | Tyrus Davis    | Downtown               | 11/8/2023  |
| 57 | 20962 | 11/4/2023  | LOCATE 6179 COMPASS CT, INSTAL UNDГ CABLE.                                           | Tyrus Davis    | Downtown               | 11/13/2023 |
| 58 | 20963 | 11/7/2023  | LOCATE 109 E MOORE, CONNECT TO CITY WATER                                            | Tyrus Davis    | Downtown               | 11/8/2023  |
| 59 | 20964 | 11/14/2023 | LOCATE VARIOUS AREAS ON WEST SIDE FOR INSTALLING HANDICAP RAMPS.                     | Tyrus Davis    | Downtown               | 11/13/2023 |
| 60 | 20965 | 11/7/2023  | LOCATE BURRINGTON/CLARENDON/CASWELL/N LORD AVE/W ST GEORGE, UNDГ POWER               | Tyrus Davis    | Downtown               | 11/13/2023 |
| 61 | 20966 | 11/7/2023  | LOCATE 6167 RIVER SOUND CIR/NAVIGATOR WAY, NEW GAS SERVICE                           |                | Downtown               |            |
| 62 | 20967 | 11/7/2023  | LOCATE 311 FIREFLY LANE, NEW GAS SERVICE                                             | Tyrus Davis    | Downtown               | 11/7/2023  |
| 63 | 20968 | 11/14/2023 | PUT SMALL NAIL OR COMMAND STRIP ON THE DOOR OF THE JAYCEE BLDG FOR CHRISTMAS WREATH. | Jeremy Kennedy | Jaycee Bldg            | 11/15/2023 |
| 64 | 20969 | 11/14/2023 | GET AN AED BOX AND INSTALL AT THE PR BLDG.                                           | Harlan Pyles   | Parks and Rec Building | 11/15/2023 |
| 65 | 20970 | 11/15/2023 | LOCATE AND PAINT METER BOXES AT 708 E MOORE ST                                       | Mark Caban     | Downtown               | 11/15/2023 |
| 66 | 20971 | 11/15/2023 | PAINT THE DOOR AT P&R THAT KEVIN A. WELDED ON. SEE KEVIN....                         | Jeremy Kennedy | Parks and Rec Building | 12/1/2023  |
| 67 | 20974 | 11/8/2023  | LOCATE N LORD ST/W WEST, INSTALL HANDICAP RAMPS                                      | Tyrus Davis    | Downtown               | 11/13/2023 |
| 68 | 20975 | 11/8/2023  | LOCATE 202 E 8TH ST, REPLACING FENCE                                                 | Tyrus Davis    | Downtown               | 11/14/2023 |
| 69 | 20976 | 11/8/2023  | LOCATE 300 W 11TH/HANKINSVILLE RD, INSTALL UNDГ CABLE.                               | Tyrus Davis    | Downtown               | 11/15/2023 |

|    |       |            |                                                                                                                 |                |                      |            |
|----|-------|------------|-----------------------------------------------------------------------------------------------------------------|----------------|----------------------|------------|
| 70 | 20977 | 11/9/2023  | LOCATE 6088 TURTLEWOOD DR, REMOVAL OF TREE                                                                      | Tyrus Davis    | Downtown             | 11/15/2023 |
| 71 | 20978 | 11/10/2023 | LOCATE 304 WILLIS DR, INSTALL ELECTRIC CONDUIT                                                                  | Tyrus Davis    | Downtown             | 11/15/2023 |
| 72 | 20979 | 11/9/2023  | LOCATE 705 N CASWELL AVE, INSTALL U NDG CABLE.                                                                  | Tyrus Davis    | Downtown             | 11/15/2023 |
| 73 | 20980 | 11/9/2023  | LOCATE SANDY LANE, INSTALL WOOD POLES                                                                           | Tyrus Davis    | Downtown             | 11/15/2023 |
| 74 | 20981 | 11/8/2023  | LOCATE 602 N FODALE, ACCESS RAMP                                                                                | Tyrus Davis    | Downtown             | 11/14/2023 |
| 75 | 20982 | 11/14/2023 | LOCATE 1005 E MOORE ST, INSTALL POSTS                                                                           | Tyrus Davis    | Downtown             | 11/14/2023 |
| 76 | 20983 | 11/13/2023 | LOCATE 713 BURRINGTON AVE, INSTALLING ELEC                                                                      | Tyrus Davis    | Downtown             | 11/14/2023 |
| 77 | 20984 | 11/16/2023 | TAKE DOWN CHRISTMAS STUFF AND TEA STUFF - SEE EMAIL                                                             | David Kelly    | Community Building   | 11/28/2023 |
| 78 | 20985 | 11/17/2023 | TAKE DOWN BANNER AND INFO ATTACHMENT ON THE FRONT OF THE STAGE AT FSP. RETURN TO ALLAYNA AT THE COMMUNITY BLDG. |                | Franklin Square Park | 11/20/2023 |
| 79 | 20986 | 11/14/2023 | LOCATE 1013 N CASWELL AVE, INSTALL UND G CABLE.                                                                 | Tyrus Davis    | Downtown             | 11/16/2023 |
| 80 | 20987 | 11/14/2023 | LOCATE 5938 DUTCHMAN CREEK RD, NEW GAS SERVICE                                                                  | Tyrus Davis    | Downtown             | 11/16/2023 |
| 81 | 20988 | 11/14/2023 | LOCATE 220 RIVEDR DR, WELL DRILLING                                                                             | Tyrus Davis    | Downtown             | 11/16/2023 |
| 82 | 20989 | 11/14/2023 | LOCATE 700 E MOORE ST, NEW SCONSTRUCTION                                                                        | Tyrus Davis    | Downtown             | 11/16/2023 |
| 83 | 20990 | 11/14/2023 | LOCATE 618 W OWENS ST, WELL DRILLING                                                                            | Tyrus Davis    | Downtown             | 11/16/2023 |
| 84 | 20991 | 11/15/2023 | LOCATE 304 RIVER DR, REPAIR SEWER MAIN                                                                          | Tyrus Davis    | Downtown             | 11/16/2023 |
| 85 | 20992 | 11/13/2023 | LOCATE 1102 N HOWE ST/11TH, DIGGING FOR POST HOLES                                                              | Tyrus Davis    | Downtown             | 11/16/2023 |
| 86 | 21002 | 11/20/2023 | NEED PLUGS ON POSTS AT KEZIAH PARK ON DUSK TO DAWN SENSOR                                                       | Jeremy Kennedy | Keziah Park          | 11/20/2023 |
| 87 | 21003 | 11/16/2023 | 304 RIVER DR/CAPE FEAR LINE HAS BEEN DAMAGED.                                                                   | Tyrus Davis    | Downtown             | 11/17/2023 |

|     |       |            |                                                                                         |                |                        |            |
|-----|-------|------------|-----------------------------------------------------------------------------------------|----------------|------------------------|------------|
| 88  | 21004 | 11/15/2023 | LOCATE 619 CLARENDON AVE/GRADING                                                        |                | Downtown               | 11/20/2023 |
| 89  | 21005 | 11/16/2023 | LOCATE 750 SKIPJACK CIR, INSTALLING ELECTRIC LINE                                       | Tyrus Davis    | Downtown               | 11/21/2023 |
| 90  | 21006 | 11/16/2023 | LOCATE 515 N CASWELL AVE, GRADING                                                       | Tyrus Davis    | Downtown               | 11/21/2023 |
| 91  | 21007 | 11/16/2023 | LOCATE 1125 N HOWE, IRRIGATION                                                          | Tyrus Davis    | Downtown               | 11/21/2023 |
| 92  | 21008 | 11/16/2023 | LOCATE 7000 ROBERT RUARK DR, INSTALLING POOL                                            | Tyrus Davis    | Downtown               | 11/21/2023 |
| 93  | 21009 | 11/17/2023 | LOCATE 809 MEMORY LANE, NEW GAS LINE                                                    | Tyrus Davis    | Downtown               | 11/27/2023 |
| 94  | 21011 | 11/16/2023 | LOCATE 215 N FODALE, DEMOLITION                                                         | Tyrus Davis    | Downtown               | 11/27/2023 |
| 95  | 21012 | 11/17/2023 | LOCATE 210 N LORD/W WEST, INSTALLING POOL                                               | Tyrus Davis    | Downtown               | 11/27/2023 |
| 96  | 21013 | 11/21/2023 | LOCATE 244 E 11TH ST, INSTALL UNDG CABLE                                                | Tyrus Davis    | Downtown               | 11/28/2023 |
| 97  | 21016 | 11/20/2023 | LOCATE 369 TREVALLY CT, INSTALL UNDG CABLE.                                             | Tyrus Davis    | Downtown               | 11/28/2023 |
| 98  | 21018 | 11/20/2023 | LOCATE W ST GEORGE/N CASWELL UNDG POWER CONST.                                          | Tyrus Davis    | Downtown               | 11/28/2023 |
| 99  | 21033 | 11/22/2023 | LOCATE N HOWE/N FODALE, REPORT OF DAMAGE                                                | Tyrus Davis    | Downtown               | 11/28/2023 |
| 100 | 21034 | 11/24/2023 | LOCATE 708 LONGLEAF DR/FRINK DR, PLANTING TREES                                         | Tyrus Davis    | Downtown               | 11/29/2023 |
| 101 | 20877 | 10/26/2023 | REPLACE SPINDLE ON THE LEFT-HAND SIDE RAMP TO THE STAGE                                 | Jeremy Kennedy | Franklin Square Park   |            |
| 102 | 20879 | 10/27/2023 | PLEASE CLEAN UPSTAIRS POLICE DEPT / ADMIN / KITCHEN CARPETS                             | Jeremy Kennedy | Police Station         |            |
| 103 | 20912 | 10/30/2023 | DECORATE INDIAN TRAIL WITH THE CANDY CANES ON DECEMBER 5TH. THEY WILL BE THERE BY THEN. | David Kelly    | Downtown               |            |
| 104 | 20953 | 11/8/2023  | COOKIE PUT A REQUEST FOR HAND SINK                                                      | Jeremy Kennedy | Parks and Rec Building |            |
| 105 | 20972 | 11/15/2023 | EMPLOYEE DOOR ON INSPECTION SIDE OF THE BLDG NEEDS A PART TO KEEP IT FROM SLAMMING.     | Jeremy Kennedy | City Hall              |            |

|     |       |            |                                                                                |                |           |
|-----|-------|------------|--------------------------------------------------------------------------------|----------------|-----------|
| 106 | 20973 | 11/16/2023 | NEED HELP SWITCHING 2 DESKS, FROM KELLY'S OFFICE TO KILEY'S OFFICE             | Jeremy Kennedy | City Hall |
| 107 | 20993 | 11/21/2023 | PLACE CONES (4 TO 6) AT WATERFRONT PARK FOR TREE LIGHTING CEREMONY ON DEC 1ST. | Mike Spicer    | Downtown  |

## Utility Billing

### Service Requests Report by Service Date

|                |        |           |                                                                                                                                           |
|----------------|--------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 000107-10-2023 | Closed | 11/1/2023 | Extension 139.99 GRANTED UNTIL 11/6/2023                                                                                                  |
| 000112-10-2023 | Closed | 11/1/2023 | Install Irrigation Tap                                                                                                                    |
| 000001-11-2023 | Closed | 11/2/2023 | Inspect RPZ/Install IRR Meter                                                                                                             |
| 000002-11-2023 | Closed | 11/2/2023 | Reconnect PAID                                                                                                                            |
| 000003-11-2023 | Closed | 11/2/2023 | Reconnect PAID                                                                                                                            |
| 000004-11-2023 | Closed | 11/2/2023 | INSPECTORS OFFICE NEEDS INTERNET JACK/ BOX INSTALLED PER TORI                                                                             |
| 000005-11-2023 | Closed | 11/2/2023 | Reconnect paid                                                                                                                            |
| 000006-11-2023 | Closed | 11/2/2023 | Reconnect PAID                                                                                                                            |
| 000048-10-2023 | Closed | 11/2/2023 | Extension GRANTED 108.56 UNTIL 11/6/2023                                                                                                  |
| 000114-10-2023 | Closed | 11/2/2023 | Extension 75.54 GRANTED UNTIL 11/6/2023                                                                                                   |
| 000122-10-2023 | Closed | 11/2/2023 | Extension 137.02 granted until 11/6/2023                                                                                                  |
| 000094-10-2023 | Closed | 11/3/2023 | Extension 133.78 granted until 11/6/2023                                                                                                  |
| 000002-08-2023 | Void   | 11/6/2023 | Inspect RPZ/Install IRR Meter                                                                                                             |
| 000007-11-2023 | Closed | 11/6/2023 | Inspect RPZ/Install IRR Meter                                                                                                             |
| 000009-11-2023 | Closed | 11/6/2023 | Reconnect, customer says water is off but a service request was sent 11/1/2023 for a reconnect and stated the water was reconnected then. |
| 000010-11-2023 | Closed | 11/6/2023 | Reconnected via RDM                                                                                                                       |

|                |        |           |                                                                                                                                                                                                          |
|----------------|--------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 000011-11-2023 | Closed | 11/6/2023 | Cut-Off Non-Pay VIA RDM 8.45                                                                                                                                                                             |
| 000013-11-2023 | Closed | 11/6/2023 | Check Water Meter; Customer had his water turned on by public works over the weekend and was told the meter was "clogged". He has high usage (due to irrigation schedule) but requested Meter Change Out |
| 000019-11-2023 | Closed | 11/6/2023 |                                                                                                                                                                                                          |
| 000117-10-2023 | Closed | 11/6/2023 | Extension granted to 11/6/2023                                                                                                                                                                           |
| 000155-10-2023 | Closed | 11/6/2023 | Install Water Sewer Tap                                                                                                                                                                                  |
| 000156-10-2023 | Closed | 11/6/2023 | Install Water Meter                                                                                                                                                                                      |
| 000014-11-2023 | Closed | 11/7/2023 | Check Water Meter, if possible between 7-8 AM. Customer has high usage on house meter (10,000-15,000 for 3 months) and cannot understand how she can use so much water.                                  |
| 000015-11-2023 | Closed | 11/7/2023 | Cut-Off Non-Pay                                                                                                                                                                                          |
| 000016-11-2023 | Closed | 11/7/2023 | Cut-Off Non-Pay VIA RDM                                                                                                                                                                                  |
| 000017-11-2023 | Closed | 11/7/2023 | Install Water Meter                                                                                                                                                                                      |
| 000018-11-2023 | Closed | 11/7/2023 | Reconnected VIA RDM                                                                                                                                                                                      |
| 000020-11-2023 | Closed | 11/7/2023 | Meter Change Out                                                                                                                                                                                         |
| 000021-11-2023 | Closed | 11/7/2023 | Meter Change Out                                                                                                                                                                                         |
| 000051-10-2023 | Closed | 11/7/2023 | Extension granted to 11/6/2023 110.24                                                                                                                                                                    |
| 000108-10-2023 | Closed | 11/7/2023 | Extension 163.76 TO BE PAID 11/6/2023                                                                                                                                                                    |
| 000120-10-2023 | Closed | 11/7/2023 | Extension granted until 11/6/2023 in the amount of 117.55                                                                                                                                                |
| 000121-10-2023 | Closed | 11/7/2023 | Extension granted until 11/6/2023 in the amount of 146.96                                                                                                                                                |
| 000022-11-2023 | Closed | 11/8/2023 | Miscellaneous plumber needs meter located                                                                                                                                                                |

|                |        |            |                                                                                                                                                                        |
|----------------|--------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 000023-11-2023 | Cancel | 11/8/2023  | Check Water Meter; Customer wants to be sure leak isn't on the City side. Please call Ricky at 910-368-3711                                                            |
| 000024-11-2023 | Closed | 11/8/2023  | Check Water Meter; Leak alert rec'd and customer can hear water running faintly at the meter box and wants to verify the issue is on his side of the meter.            |
| 000025-11-2023 | Closed | 11/9/2023  | Reconnect paid                                                                                                                                                         |
| 000026-11-2023 | Closed | 11/14/2023 | Inspect RPZ/Install IRR Meter                                                                                                                                          |
| 000034-11-2023 | Closed | 11/14/2023 | Check Water Meter; Per customer, very high usage and they haven't used any more water than normal.                                                                     |
| 000106-10-2023 | Closed | 11/14/2023 | Miscellaneous blinds/shades are needed for the upper window in inspections office per Tori                                                                             |
| 000028-11-2023 | Closed | 11/15/2023 | Miscellaneous; Please take a look at door for entrance, by the elevator, to see if it can be modified to automatically close when open and not being used.             |
| 000033-11-2023 | Closed | 11/15/2023 | Miscellaneous LIGHT POLES LOCATED AT AMERICAN LEGION BUILDING ON W 9TH ST ARE NOT WORKING PER RESIDENT.                                                                |
| 000037-11-2023 | Closed | 11/15/2023 | Sewer Line Blocked VERBAL TO CONNOR DAVIS                                                                                                                              |
| 000039-11-2023 | Closed | 11/16/2023 | Check Water Meter; Low water pressure at the property for the past 2-3 weeks.It has been like this after meter was disconnected & reconnected                          |
| 000032-11-2023 | Closed | 11/17/2023 | Miscellaneous RESIDENT CALLED TO REPORT THAT ONE LIGHT POLE WAS OUT AT CAVINESS PARK                                                                                   |
| 000040-11-2023 | Closed | 11/17/2023 | Install Water Meter taps already in place                                                                                                                              |
| 000041-11-2023 | Closed | 11/17/2023 | Check Water Meter, customer says water is off, please assist                                                                                                           |
| 000044-11-2022 | Closed | 11/18/2023 | Miscellaneous customer called and said that the meter is in the drive way; he would like to have it relocated. .please advise of cost so that I can tell the customer. |
| 000042-11-2023 | Closed | 11/20/2023 | Reconnect paid                                                                                                                                                         |
| 000043-11-2023 | Closed | 11/20/2023 | Leak Detected, Meter running 110+ gph. Please verify not on city side and leave door hanger. Not able to reach by phone.                                               |

|                |        |            |                                                                                                                          |
|----------------|--------|------------|--------------------------------------------------------------------------------------------------------------------------|
| 000044-11-2023 | Closed | 11/20/2023 | Leak Detected; Please check meter and if still running, turn off at meter and Mgmt company will get plumber to check.    |
| 000053-11-2023 | Closed | 11/22/2023 | Check Water Meter - provide manual read. this meter has disappeared in Sentryx & installed 3/2023 & was providing reads. |
| 000055-11-2023 | Closed | 11/22/2023 | Check Water Meter manual read request, missing in sentryx. was installed 5/18/23                                         |
| 000056-11-2023 | Closed | 11/22/2023 | Check Water Meter - need manual read last read in sentryx is 10/17/2023                                                  |
| 000057-11-2023 | Closed | 11/22/2023 | Check Water Meter provide manual read meter in sentryx last read 10/18/2023                                              |
| 000058-11-2023 | Closed | 11/22/2023 | Check Water Meter Check Water Meter provide manual read meter in sentryx last read 10/19/2023                            |
| 000059-11-2023 | Closed | 11/22/2023 | Check Water Meter provde manual read. this meter disapeared in sentryx & installed in 1988                               |
| 000060-11-2023 | Closed | 11/22/2023 | Check Water Meter provide manual read, missing in sentryx                                                                |
| 000061-11-2023 | Closed | 11/22/2023 | Check Water Meter provide manual read, last read 10/18                                                                   |
| 000062-11-2023 | Closed | 11/22/2023 | Check Water Meter provide manual read, this meter has disappeared in sentryx/ installed in 7/15/2015                     |
| 000063-11-2023 | Closed | 11/22/2023 | Check Water Meter provide manual read. Meter missing in sentryx, installed 1/2018.                                       |
| 000064-11-2023 | Closed | 11/22/2023 | Check Water Meter provide manual read missing in sentryx installed 5/11/2023                                             |
| 000065-11-2023 | Closed | 11/22/2023 | Check Water Meter provide manual read, missing in sentryx installed 1/2023                                               |
| 000066-11-2023 | Closed | 11/22/2023 | Check Water Meter provide manual read, missing in sentryx, installed 9/2023                                              |
| 000067-11-2023 | Closed | 11/22/2023 | Check Water Meter provide manual read missing in sentryx, installed 9/20/2023                                            |
| 000069-11-2023 | Closed | 11/22/2023 | Check Water Meter provide manual read, meter missing in sentryx, installed 1/3/1996                                      |
| 000071-11-2023 | Closed | 11/22/2023 | Check Water Meter provide manual read, meter missing in sentryx, installed 1/25/1988                                     |
| 000073-11-2023 | Void   | 11/24/2023 | Extension 147.15 GRANTED UNTIL 12/7/2023                                                                                 |

|                |        |            |                                                                    |
|----------------|--------|------------|--------------------------------------------------------------------|
| 000027-11-2023 | Closed | 11/27/2023 | Miscellaneous PLEDGE 24.99                                         |
| 000049-11-2023 | Void   | 11/27/2023 | Extension CUSTOMER MAILED A CHECK THAT HAS NOT MADE IT TO US YET   |
| 000074-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ SENTRYX IS SHOWING 0         |
| 000075-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ SENTRYX IS SHOWING ZERO      |
| 000076-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ SENTRYX IS SHOWING 0         |
| 000077-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ SENTRYX IS SHOWING 0         |
| 000078-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ SENTRYX IS SHOWING 0         |
| 000079-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ SENTRYX IS SHOWING 0         |
| 000080-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ SENTRYX IS SHOWING 0         |
| 000083-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX |
| 000084-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX |
| 000087-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX |
| 000088-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX |
| 000089-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX |
| 000090-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX |
| 000091-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX |
| 000094-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX |
| 000097-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX |
| 000100-11-2023 | Closed | 11/27/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX |

|                |        |            |                                                                                                             |
|----------------|--------|------------|-------------------------------------------------------------------------------------------------------------|
| 000101-11-2023 | Closed | 11/27/2023 | Check Water Meter; need read for billing; invalid read in Sentryx                                           |
| 000102-11-2023 | Closed | 11/27/2023 | Check Water Meter; need read for billing. Invalid read in Sentryx                                           |
| 000104-11-2023 | Closed | 11/27/2023 | Meter Reading Needed for billing                                                                            |
| 000105-11-2023 | Closed | 11/27/2023 | Meter Reading Needed for billing                                                                            |
| 000111-11-2023 | Closed | 11/27/2023 | Miscellaneous / remove existng map on wall in building inspectors office                                    |
| 000072-11-2023 | Closed | 11/28/2023 | Install Water Meter                                                                                         |
| 000092-11-2023 | Closed | 11/28/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX                                          |
| 000093-11-2023 | Closed | 11/28/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX                                          |
| 000098-11-2023 | Closed | 11/28/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX                                          |
| 000117-11-2023 | Closed | 11/28/2023 | Reconnect paid                                                                                              |
| 000119-11-2023 | Closed | 11/28/2023 | Reconnect- PAID                                                                                             |
| 000120-11-2023 | Closed | 11/28/2023 | Reconnect-PAID                                                                                              |
| 000128-11-2023 | Closed | 11/28/2023 | Reconnect- PAID                                                                                             |
| 000129-11-2023 | Closed | 11/28/2023 | Reconnect- PAID                                                                                             |
| 000133-11-2023 | Closed | 11/28/2023 | Reconnect- PAID                                                                                             |
| 000134-11-2023 | Closed | 11/28/2023 | Check Water Meter Check Water Meter NEED MANUAL READ FOR BILLIN GREADING 0 IN STRYX. LAST READ 10/6: 292940 |
| 000136-11-2023 | Closed | 11/28/2023 | Reconnect- PAID                                                                                             |
| 000141-11-2023 | Closed | 11/28/2023 | Reconnect- CUSTOMER PAID PART AND BFA PLEDGED \$125.00 (HAVING TROUBLE WITH THEIR FAX)                      |
| 000082-11-2023 | Closed | 11/29/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX                                          |

|                |        |            |                                                                                               |
|----------------|--------|------------|-----------------------------------------------------------------------------------------------|
| 000085-11-2023 | Closed | 11/29/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX                            |
| 000086-11-2023 | Closed | 11/29/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX                            |
| 000095-11-2023 | Closed | 11/29/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX                            |
| 000099-11-2023 | Closed | 11/29/2023 | Check Water Meter PROVIDE MANUAL READ. INVALID 0 READ FROM SENTRYX                            |
| 000145-11-2023 | Closed | 11/29/2023 | Reconnect- PAID                                                                               |
| 000109-11-2023 | Closed | 11/30/2023 | Check Water Meter METER IS UNDER WATER PER OWNER                                              |
| 000115-11-2023 | Closed | 11/30/2023 | Reconnect PAID                                                                                |
| 000116-11-2023 | Closed | 11/30/2023 | Reconnect PAID                                                                                |
| 000118-11-2023 | Closed | 11/30/2023 | Reconnect paid                                                                                |
| 000122-11-2023 | Closed | 11/30/2023 | Reconnect paid                                                                                |
| 000123-11-2023 | Closed | 11/30/2023 | Reconnect PAID                                                                                |
| 000124-11-2023 | Closed | 11/30/2023 | Reconnect PAID                                                                                |
| 000125-11-2023 | Closed | 11/30/2023 | Reconnect PAID                                                                                |
| 000126-11-2023 | Closed | 11/30/2023 | Reconnect PAID                                                                                |
| 000130-11-2023 | Closed | 11/30/2023 | Reconnect, disconnected in error                                                              |
| 000132-11-2023 | Closed | 11/30/2023 | Reconnect- PAID                                                                               |
| 000137-11-2023 | Closed | 11/30/2023 | Miscellaneous man hole located at corner of river drive that is full of water, please assist. |
| 000139-11-2023 | Closed | 11/30/2023 | Reconnect- PAID. (NOTE- customer said water is on?)                                           |
| 000143-11-2023 | Closed | 11/30/2023 | Reconnect- PAID                                                                               |

|                |        |            |                                                                                                                                          |
|----------------|--------|------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 000144-11-2023 | Closed | 11/30/2023 | Reconnect- PAID                                                                                                                          |
| 000146-11-2023 | Closed | 11/30/2023 | Turn meter off-as soon as possible for repairs to be completed, per homeowner                                                            |
| 000147-11-2023 | Closed | 11/30/2023 | Reconnect PAID                                                                                                                           |
| 000150-11-2023 | Closed | 11/30/2023 | Reconnect 11/30/23- PAID 11/29 (NO AFTER HOURS FEE)                                                                                      |
| 000151-11-2023 | Closed | 11/30/2023 | Install Water Meter, taps should already be in place                                                                                     |
| 000152-11-2023 | Closed | 11/30/2023 | Reconnect PAID                                                                                                                           |
| 000154-11-2023 | Closed | 11/30/2023 | Meter Reading Needed- Sentryx isn't showing any reads since 11/20/23 and customer needs to verify his usage has stopped or been reduced. |