



City of Southport

BOARD OF ALDERMEN REGULAR MEETING AGENDA

223 E. Bay Street

April 9, 2020

6:00 p.m.

Due to Social Distancing, we will be streaming meetings so citizens may safely view from home. Please send public comments prior to the meeting to mwindham@cityofsouthport.com so they may be read into the minutes

- A) Call To Order
- B) Invocation
- C) Pledge of Allegiance
- D) Public Comment
- E) APPROVAL OF AGENDA

ETHICS STATEMENT *"If any members know of any conflict of interest or the appearance of a conflict of interest with respect to matters on the agenda please so state at this time."*

- F) Special Recognition – Arbor Day Proclamation

CONSENT AGENDA

1. Approval of Minutes for March 12, 2020 Regular Meeting (orange), Minutes of March 19, 2020 Special Emergency Meeting Covid-19 (purple, Windham)

AGENDA

2. Amendment to Personnel Policy Section 30, State of Emergency Pay as it Applies to Pandemic (May)
3. COVID-19 Fiscal Impact Report (white, May)
 - a. Current Year & FY 2020/2021 Projected Local Sales Tax Collection
 - b. Current Year & FY 2020/2021 Projected Occupancy Tax Collection
 - c. Current Year & FY 2020/2021 Projected Motor Vehicle Tax Collection

- d. PROJECT(S) STATUS:
 - 1. Waterfront Stabilization
 - 2. City Dock
 - 3. Weather Tower
 - 4. WWTP
 - e. FY 2020-2021 Budget Status
 - f. City Manager Position
-
- 4. Discussion; Battery Island Bird Nesting/Audubon Society (Sharkey)
 - 5. Appointment(s) to ABC Board (gray, Spencer)

COMMITTEE REPORTS

MANAGER'S REPORT

STAFF REPORTS – provided in Agenda packet

MAYOR'S COMMENTS

BOARD COMMENTS

ADJOURN

Agenda Summary

April 9, 2020

1. **Approval of Minutes for March 12, 2020 Regular Meeting (orange)**
Approval of Minutes for March 19, 2020 Special Emergency Meeting Covid-19 (purple)
(Windham)

2. **Amendment to Personnel Policy Section 30, State of Emergency Pay as it Applies to Pandemic (May)**
The recently adopted Personnel Policy amendment needs further clarification of applicability during a Pandemic.

3. **COVID-19 Fiscal Impact Report (white, May)**
City Manager May will present and discuss the current year and FY 2020/2021 projected tax collections, status of on-going projects, status of the FY 2020/2021 Budget and status of applications received for the City Manager position.
 - a. Current Year & FY 2020/2021 Projected Local Sales Tax Collection
 - b. Current Year & FY 2020/2021 Projected Occupancy Tax Collection
 - c. Current Year & FY 2020/2021 Projected Motor Vehicle Tax Collection
 - d. PROJECT(S) STATUS:
 1. Waterfront Stabilization
 2. City Dock
 3. Weather Tower
 4. WWTP
 - e. FY 2020-2021 Budget Status
 - f. City Manager Position

4. **Discussion; Battery Island Bird Nesting/Audubon Society (Sharkey)**

5. **Appointment(s) to ABC Board (gray, Spencer)**
A vacancy on the Southport ABC board exists. The vacancy has been advertised and five (5) applications have been received. Alderman Spencer, ABC Board liaison, will provide a recommendation for appointment.



CITY OF SOUTHPORT ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday called *Arbor Day*, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, *Arbor Day* is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires,, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees in our city are a great source of joy and spiritual renewal.

NOW, THEREFORE, I Joseph P. Hatem, Mayor of the City of Southport, NC, and the Board of Aldermen, do hereby proclaim **April 27, 2020 as ARBOR DAY** in the City and urge all citizens to celebrate and support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED, this 9th day of April, 2020.

City of Southport

BY: _____
Joseph P. Hatem, Mayor

Attest: _____
Michele Windham, City Clerk

**BOARD OF ALDERMEN
COMMUNITY BUILDING
223 E. BAY STREET**

**REGULAR SESSION MINUTES
MARCH 12, 2020
SOUTHPORT, N.C.**

PRESENT: Mayor Joseph P. Hatem
Aldermen Karen Mosteller, Lora Sharkey, Lowe Davis,
Marc Spencer, John Allen, Tom Lombardi

STAFF PRESENT: Chris May, Interim City Manager
Michele Windham, City Clerk
Mike Isenberg, City Attorney
Melanie Trexler, Finance Director
Todd Coring, Police Chief
Charles Drew, Fire Chief
David Fox, Public Works Director
Tom Stanley, Assistant Public Works Director
Randy Jones, Tourism Director
B. Wayne Strickland, Building Inspector
John Micheletto, Codes Administrator
Kate Marshall/Animal Protective Services/Code Enforcement Officer

A) Call to Order – 6:00 p.m.

Mayor Hatem called the meeting to order at 6:00 p.m.

B) Invocation

A moment of silence was observed for those suffering with the Covid-19 virus. Reverend Ronald Davis, Mount Carmel AME Church, gave the invocation.

C) Pledge of Allegiance

Mayor Hatem led the assemblage in the Pledge of Allegiance.

D) Public Comment

Ms. Peggy Campbell, 516 W. Brunswick Street, stated that she had seen a surveyor in the marsh at the City Dock. She questioned what the surveyor was doing. City Manager May responded that a survey was being performed to clarify the boundaries of city owned property.

Citing continued traffic impacts to Howe Street, Mr. Nick Kern, 415 Burrington Avenue, spoke in opposition to approval of 100 plus homes subdivisions.

E) Approval of Agenda

Alderman Spencer motioned, second by Alderman Mosteller, to amend the Board of Aldermen agenda items submittal policy to the Wednesday one week prior to the meeting. **Unanimous vote; motion carried.**

Mayor Hatem asked for removal of agenda Item #6: Grease Control Ordinance Violations.

Alderman Mosteller motioned, second by Alderman Lombardi to approve the Agenda as amended. **Unanimous vote; motion carried.**

ETHICS STATEMENT: *If any member of the Board knows of any conflict of interest or the appearance of a conflict of interest with respect to matters on the agenda, to please so state it at this time.*

F) Special Recognition

Mayor Hatem read the Resolution of Appreciation to Musette Steck into the record and presented Ms. Steck with a framed copy.

**CITY OF SOUTHPORT RESOLUTION
OF APPRECIATION TO
MUSETTE STECK**

WHEREAS, the Mayor and Board of Aldermen of the City of Southport, North Carolina recognize with great appreciation the contributions of Musette Steck to the city and its citizens throughout the last 24 years, and

WHEREAS, Musette is a life member and leader of the Southport Historical Society and over the years she increased many residents' appreciation of the city's history by teaching classes at Brunswick Community College and Harper Library and by writing articles for the State Port Pilot, and

WHEREAS, Musette spearheaded the restoration of Southport's Old Smithville Burying Ground in 2006, and she encouraged the ongoing beautification of the cemetery, thereby preserving a treasured part of Southport's history and providing a valuable resource for historians, and

WHEREAS, as an enhancement for visitors to the cemetery, Musette created the "Living Voices" program in which local residents dress in the character of people who were buried there long ago and tell the stories of those people's lives, and

WHEREAS, she has been a benefactor to a number of black churches in Southport, and her dedication to unity and equality was honored by the Martin Luther King Jr. Roundtable, which presented her with the prestigious Walter Welch Award, and

WHEREAS, by her generosity in sharing her knowledge and love of history Musette has been a constant friend to the City of Southport and to the people who live and visit in this community for nearly a quarter of a century, and

NOW, THEREFORE, BE IT RESOLVED, that Mayor Joseph P. Hatem and the Southport Board of Aldermen present Musette Steck with this Resolution of Appreciation on this 12th day of March 2020.

/s/ Joseph P. Hatem, Mayor

/s/ Lowe Davis, Alderman

/s/ Lora Sharkey, Alderman

/s/ John Allen, Alderman

/s/ Thomas Lombardi, Alderman

/s/ Marc Spencer, Alderman

/s/ Karen Mosteller, Alderman

CONSENT AGENDA

Alderman Davis motioned, second by Alderman Lombardi to approve the Consent Agenda.
Unanimous vote; motion carried.

1. Minutes of February 1, 2020 Retreat, Priorities Portion; Minutes for February 10, 2020 Special Meeting, WWTP; Minutes for February 13, 2020 Regular Meeting – *approved*

AGENDA

2. **Presentation/Discussion; Chip Seal**

Alderman Lombardi introduced an alternative to asphalt street resurfacing. He indicated that a chip seal process could be applicable for rural and less traveled streets, lasts five to seven years, stops infiltration and could reduce paving costs by one-third.

3. **Consideration of Beautification Project; Boat Display at Caswell Avenue and Bay Street**

Mr. Nick Kern, 415 Burrington Avenue, spoke to the Board about a proposed Beautification Committee project at W. Bay Street and S. Caswell Avenue. He reported that a vintage metal lifeboat had been donated and the Beautification Committee would like to place it at the entry to the Yacht Basin.

Alderman Lombardi motioned, second by Alderman Allen to approve the location of the boat.

Discussion

Alderman Allen questioned placement of the boat in the right-of-way.

Alderman Sharkey stated she could not support placement of anything in the right-of-way when a debate about right-of-way obstructions is ongoing.

Alderman Mosteller pointed out that the right-of-way encroachment issue pertains to private citizens encroaching on city property and the city puts items in its' own the right-of-way for the benefit of citizens.

Alderman Spencer stated that he would rather see a sidewalk in that location. Alderman Lombardi pointed out that there would still be room for a sidewalk.

Vote: Aye: Aldermen Lombardi, Allen, Davis & Mosteller

Nay: Aldermen Sharkey & Spencer

Motion passed 4-2

4. Presentation; Fire Department FY 2020-2021 Budget

Prior to presenting the Fire Department FY 2020-2021 budget, Chief Drew spoke about:

- 3/9 split insurance rating and efforts to get fire hydrants within 1,000 feet of all structures in the fire district to garner a single insurance rating of 2 or 3
- Fire hydrant flow testing throughout Southport and resultant water discoloration
- Concerns about rental of the Nash Street Fire Substation by his church. He stated that a Facility Use Agreement is executed by all users, including his Church, and a donation is made to the fire department.

Chief Drew pointed out that the substation has been leased for many years to organizations such as the Boy Scouts, Progress Duke Energy, Muscular Dystrophy Association, Brunswick County Sheriff's Office, St. James AME Church, etc.

Noting the Southport Fire Department budget goes through three approval steps, Chief Drew presented the proposed Fire Department FY 2020-2021 budget to the Board in accordance with requirements of the Brunswick County Fire Fees Rating Committee and Brunswick County Commissioners. He reported that the Southport Fire Department would not be recommending any increase in fire fees and the budget would be submitted to the Board during budget considerations for approval by the Board.

Responding to a query from Alderman Allen, Chief Drew stated he had asked for fire hydrant locations mapping from Brunswick County.

5. Purchase of 1st Out Engine for Caswell Beach Fire Substation

Chief Drew explained that the current 1st Out Engine at the Caswell Beach Fire Substation is over 25 years old and experiencing pump problems. He reported that funds are available for purchase without the need of financing. He asked for authorization to proceed with obtaining bids. Responding to a query from Alderman Davis, Chief Drew stated the old engine would be sold as surplus.

Alderman Spencer motioned, second by Alderman Allen to authorize Fire Department personnel to proceed with the formal bid purchase process for acquiring a 1st Out Engine for the Caswell Beach Fire Substation. **Unanimous vote; motion carried.**

6. Item removed from Agenda

7. Police Department Security Improvements

Chief Coring explained the proposed alterations to the City Hall second floor Police Department as depicted in the Board's agenda. He stated the changes are proposed due to safety concerns. The modifications would provide better control of access to the Police Department as stipulated in State guidelines. He noted that the main entrance would be relocated, and a restroom would be removed to be used as an evidence vault. He stated the proposed changes had been cleared with the Building Inspector.

City Manager May stated that the cost to perform the proposed alterations had been quoted at \$4,200 by an independent contractor who has also performed work for the Fire Department.

Alderman Spencer asked if the first floor of City Hall had been assessed for additional security measures, specifically the payment collection area. Chief Coring stated that an assessment is being made and current thoughts are that glass partitions will be needed.

Alderman Allen motioned, second by Alderman Sharkey to approve the Police Department security improvements. **Unanimous vote; motion carried.**

8. Appointment(s) to Board of Adjustment

Alderman Lombardi motioned, second by Alderman Mosteller to accept the recommendation of the Board of Adjustment Chair and reappoint Ms. Fosbury to a full city seat; appoint Mr. Haislip to the city full seat vacated by Mr. Lombardi (expiration December 2021); and appoint Mr. Josh McGee as a city alternate for a three year term. **Unanimous vote; motion carried.**

9. ETJ Appointment to Planning Board

Alderman Mosteller motioned, second by Alderman Allen to recommend to the Brunswick County Commissioners, the appointment of Mr. Christopher W. Jones, 1008 Dutchman Cove SE, as an Alternate Extraterritorial Jurisdiction (ETJ) member of the Planning Board. **Unanimous vote; motion carried.**

10. Appointment to ABC Board

City Manager May pointed out that interviews of applicants for Board appointed committees have routinely been conducted. He noted that interviews have not been held for applicants to the ABC Board. The ABC Board Chairman and the Board of Alderman liaison will conduct interviews and present a recommendation to the Board of Alderman at a future meeting.

11. Discussion; FEMA 101 Training Seminar & Disaster Management Services Control Consultant; Johnson Environmental

Public Works Director Fox presented two proposals from Johnson Environmental for doing a training workshop for staff and city officials on FEMA compliance and for providing disaster management services as needed during a FEMA declared disaster. Alderman Mosteller pointed out that the cost of the workshop would be \$800. It was noted that the fees for disaster management would be reimbursable from FEMA.

Alderman Allen motioned, second by Alderman Lombardi to approve the contract for Disaster Management Services on an hourly basis as needed and approve a FEMA training workshop at a cost of \$800. **Unanimous vote; motion carried.** (contracts on file in the Clerk's office)

Committee Reports - None

Manager's Report

City Manager May reported that an engineer, formerly with the Army, now in private practice, and highly recommended by the State Historic Preservation Office (SHPO), would have a design for replacement of the weather tower within 1-1/2 weeks. Mr. May stated that the design would be submitted to SHPO, the Parks & Recreation Advisory Committee and then to the Board of Aldermen for construction authorization. He noted that people have shown interest in underwriting the cost and the structure was covered with \$12,000 insurance.

City Manager May reported that the City Dock project should soon receive regulatory approvals and begin construction.

Staff Reports – provided in Agenda packet

Mayor's Comments

Mayor Hatem spoke about the thoroughness of the engineer designing the replacement Weather Tower and he thanked those contributing to the project.

Mayor Hatem reported that the turnout was good during the recent *Meet With The Mayor*.

Mayor Hatem reported that he had spoken with Mr. Patrick Butler with North Carolina Department of Environmental Quality (NCDEQ) regarding Capital Power.

Mayor Hatem announced that a survey about what citizens want included in the 4th of July Festival would be distributed by the Southport Tourism Department.

Mayor Hatem stated that Dr. Brad Hilaman had assumed CEO duties for Doshier Memorial Hospital.

Mayor Hatem provided an update on the Covid-19 virus:

- Brunswick County EMS will pick up potential Covid-19 cases; Southport EMS will not
- Novant Hospital will be accepting Covid-19 patients; Doshier Hospital will not
- Events where people would be gathering will be cancelled

Board Comments

Alderman Spencer expressed concern for city employees and their interaction with the public. He proposed shutting down personal contact with citizens paying utility bills and encouraging on-line payment by waiving the \$5 user fee.

Alderman Sharkey reported that the City of Wilmington is expected to pass a resolution acknowledging ocean friendly establishments. She pointed out that Wilmington is mirroring the resolution adopted June 2019 by the Southport Board of Aldermen; ***SOUTHPORT RESOLUTION OF COMMENDATION AND SUPPORT OF ESTABLISHMENTS PARTICIPATING IN THE SKIP THE STRAW PROGRAM TO PROMOTE THE REDUCTION OF PLASTIC WASTE IN OUR CITY***

Responding to a query from Alderman Davis, Alderman Allen replied that the traffic study for the Robert Ruark/Maple Leaf Drive, authorized at February's Board of Aldermen regular meeting, had been completed, is being reviewed by staff, and will be available to the public at the March 19th Planning Board meeting.

Alderman Davis asked if a description of the proposed City Dock could be provided. Alderman Mosteller explained that due to the fact the City could not dredge the Yacht Basin, the City Dock would be rebuilt with a platform at the end.

Alderman Davis recognized the State Port Pilot for receiving 54 journalism awards. She stated appreciation for having the quality newspaper in the community.

Alderman Lombardi announced that the Beautification Committee's March 7th clean up had 24 volunteers. He added that the Committee would be participating in Southport Day of Service and would be planting ornamental grasses, staining benches and swings and doing a waterfront marsh clean up.

Alderman Mosteller emphasized the importance of everyone responding to the Census and that the data collected would be used by federal, state and local entities for making critical decisions for the next ten (10) years.

Alderman Mosteller spoke about the NC Homestead Act that provides tax relief to people 65 and over who own their homes, are permanent residents, and their income is less than \$31,000 annually. She pointed out that the relief can be as much as 50%. She encouraged people to get the word out to fellow citizens that could benefit from the program.

Alderman Mosteller spoke about the Sergei Foundation, how it helps people with sick and injured pets, and that an event is planned for March 21, 10:00 am – 3:00 p.m. in the Yacht Basin.

Alderman Mosteller shared comments of appreciation she received from her neighbor about services performed by the Public Works Department. The neighbor stated that it was clear to her that they cared about doing a good job, they wanted to solve the problem and get it right, they kept their sense of humor even in the rain, and didn't mind her watching their efforts from her porch.

ADJOURN

Alderman Lombardi motioned, second by Alderman Davis to adjourn the March 12, 2020 regular Board meeting at 7:46 p.m.

Joseph P. Hatem, Mayor

Attest: _____
Michele Windham, City Clerk

**BOARD OF ALDERMEN
COMMUNITY BUILDING
223 E. BAY STREET**

**SPECIAL EMERGENCY MEETING MINUTES
MARCH 19, 2020
SOUTHPORT, N.C.**

PRESENT: Mayor Joseph P. Hatem
Aldermen Karen Mosteller, Lora Sharkey, Lowe Davis,
Marc Spencer, John Allen, Tom Lombardi

STAFF PRESENT: Chris May, Interim City Manager
Michele Windham, City Clerk
Mike Isenberg, City Attorney
Todd Coring, Police Chief
Charles Drew, Fire Chief
Tyler Johnson, Deputy Chief
Tom Stanley, Assistant Public Works Director
Ellie Pittenger, Electrical Superintendent
Randy Jones, Tourism Director
B. Wayne Strickland, Building Inspector

A) Call to Order – 2:00 p.m.

Mayor Hatem called the special emergency meeting to order at 2:00 p.m.

B) Invocation

Alderman Davis gave the invocation.

C) Pledge of Allegiance

Mayor Hatem led the assemblage in the Pledge of Allegiance.

DISCUSSION; COVID-19

Mayor Hatem spoke about the unusual times the world, country, state, and Southport are experiencing due to the Covid-19 pandemic. He stressed that the worldwide pandemic is rapidly spreading, fatalities are increasing, and it is the goal of every community to slow the spread and protect the health and safety of its citizens. He pointed out that no one is immune, the virus can stay on surfaces for days and the best defense against the spread of the virus is social distancing. As the Medical Director of the ER at Doshier Memorial Hospital, Mayor Hatem emphasized that the hospital staff are prepared, are getting protective gear ready, and have a contingency plan.

City Manager May stated that a contingency plan had been prepared in relation to the number of virus cases within the City; from hand washing, social distancing, closing offices, to a full-blown state of emergency. He pointed out that the meeting was called to address rules, protocols, and possible ordinance amendments to address the situation. He pointed out that during the meeting social distancing was being adhered to for the Aldermen and staff and the meeting was streaming live.

ORDINANCE AMENDING CHAPTER 6 CONCERNING MAYOR DUTIES DURING TIME OF EMERGENCY

City Manager May explained that the City Attorney had reviewed Chapter 6, Emergency Management, of the Code of Ordinances and amendments are recommended to Article II consisting of Section 6-26 through 6-30.

City Attorney Isenberg explained that the City's ordinance, based on Chapter 166A of the general statutes, was outdated and the proposed amendments would bring the City Ordinance up to date with the State enabling statutes.

At the request of Alderman Davis, Attorney Isenberg read the Ordinance into the record.

Alderman Allen motioned, second by Alderman Sharkey to adopt the Ordinance Amending Chapter 6, Emergency Management, of the Code of Ordinances as presented.

Unanimous vote; motion carried.

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES

BE IT ORDAINED by the Board of Aldermen of the City of Southport that Sections 6-26, 6-27, 6-28, 6-29 and 6-30 of the Code of Ordinances are hereby amended to read as follows:

Section 6-26.- Determination of Emergency.

A state of emergency shall be deemed to exist whenever there is an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.

Section 6-27.- Issuance of Proclamation.

In the event that the Mayor finds that an emergency as herein defined exists, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions hereinafter authorized.

Section 6-28.- Extent of Restrictions.

Unless the Mayor provides otherwise, the emergency area includes this entire jurisdiction of the City, subject to the limitations contained in other sections of this Chapter or state law. The Mayor declaring the state of emergency may declare that the emergency area includes part or all of the city's jurisdiction. The Mayor may exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel, whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting and television broadcasting companies; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the city.

Section 6-29.- Imposition of Restrictions.

During the existence of a proclaimed state of emergency, the mayor may impose by proclamation any or all of the following restrictions as the Mayor deems necessary or suitable to a particular state of emergency:

- (1) Of movements of people in public places, including any of the following:
 - a. Imposing a curfew.
 - b. Directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction.
 - c. Prescribing routes, modes of transportation, and destinations in connection with evacuation.
 - d. Controlling ingress and egress of an emergency area, and the movement of persons within that area.
 - e. Providing for the closure, within the emergency area, of streets, roads, highways, bridges, public vehicular areas, or other areas ordinarily used for vehicular travel, except to the movement of emergency responders and other persons necessary for recovery from the emergency. In addition to any other notice or dissemination of information, notification of any closure of a road or public vehicular area under the authority of this subdivision shall be given to the Department of Transportation as soon as practicable.
- (2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.
- (3) Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages.
- (4) Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subdivision, the term "dangerous weapons and substances" has the same meaning as it does under G.S. 14-288.1. As used in this subdivision, the term "firearm" has the same meaning as it does under G.S. 14-409.39(2).
- (5) Upon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

Section 6-30.- End of Emergency.

A state of emergency and the restrictions and prohibitions declared pursuant thereto shall expire when terminated by the Mayor.

This 19th day of March, 2020.

City of Southport

/s/Joseph P. Hatem, Mayor

ATTEST: /s/Michele Windham, Clerk

EMERGENCY DECLARATION

Mayor Hatem read into the record a proposed proclamation declaring a state of emergency. He explained that he was not declaring a state of emergency at this time and he would consult with each Alderman via telephone in the event it was necessary to declare a state of emergency.

PROCLAMATION BY MAYOR DECLARING A STATE OF EMERGENCY IN THE CITY OF SOUTHPORT PURSUANT TO CHAPTER 6 OF THE CODE OF ORDINANCES

THAT WHEREAS, Covid-19 is a respiratory disease that can result in death or serious illness to persons affected thereby, including citizens and residents of the City of Southport; and **WHEREAS**, the World Health Organization has declared Covid-19 a Public Health Emergency of International Concern and a global pandemic; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has determined that Covid-19 is a public health threat globally and specifically in the United States and that travel restrictions should be implemented, and mass gatherings be prohibited; and

WHEREAS, the United States Department of Health and Human Services Secretary has declared a public health emergency in the United States for Covid-19; and

WHEREAS, the Governor of the State of North Carolina declared a State of Emergency on March 10, 2020, in order to prevent the spread of Covid-19; and

WHEREAS, the President of the United States has declared that the Covid-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, declaring a state of emergency and imposing the restrictions and prohibitions ordered herein is necessary to maintain and protect the public health;

NOW, THEREFORE, I, Joseph P. Hatem, Mayor of the City of Southport, do hereby declare and proclaim a State of Emergency within the entire jurisdiction of the City of Southport.

FURTHERMORE, in response to said Proclamation, the following restrictions and prohibitions are hereby imposed within the City of Southport:

INSERT HERE RESTRICTIONS AFFECTING THE GENERAL PUBLIC LIKE MASS GATHERINGS, HOURS OF OPERATION OF BUSINESS ETC.

This the __ day of _____, 2020.

City of Southport

/s/ Joseph P. Hatem, Mayor

FACILITIES PROTOCOLS

City Manager May and Alderman Allen read into the record the Resolution Setting Forth and Establishing Protocols for the City of Southport and Its’ Employees Due to the Covid-19 Pandemic.

RESOLUTION SETTING FORTH AND ESTABLISHING PROTOCOLS FOR THE CITY OF SOUTHPORT AND ITS’ EMPLOYEES DUE TO THE COVID-19 PANDEMIC

WHEREAS, in order to respond to the public health crisis related to the COVID-19 pandemic, and in order to protect the employees, citizens and residents of the City of Southport, the Board of Aldermen has determined that the following policies and protocols are necessary;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Southport that the following protocols and policies are hereby established and are in effect from the date hereof until such time as they are terminated by the City Manager after consultation with the Mayor.

City Protocols

1. Provide public Access streaming for all meetings to reduce need for attendance by the public.
2. Public comments may be submitted electronically to www.southportnc.org and will be read into the record by the Mayor.
3. Cancel any meetings that are not necessary to continuity of operations of the City.
4. Reduce in-person meetings and make every attempt to conduct public interaction on phone or via email.
5. Essential in-person meetings shall be limited to the parking lot or under the balcony at City Hall or otherwise outside of other offices. Staff are not to take members of the Public back to their offices.
6. All employee and BOA travel outside of the County for City Business is restricted.
7. Citizens will be encouraged to use our Pay Online feature of our website for permits, tickets, and other fees. The “convenience” charge has been waived during this contingency.
8. Any Special Event scheduled is subject to being cancelled. The Governor is advising that any gathering of 50 people be cancelled. The City will do what it can to facilitate rescheduling but can make no guarantees.

9. Social distancing practices must be observed by City personnel.
10. Individual departments may establish operating procedures that allow them to carry out their functions and still allow for social distancing practices. This may include telecommuting.

Facility Protocols

1. All City of Southport Public Buildings are closed to the Public until further notice, effective Monday March 23, 2020.
2. Parks are open to the general public, but social distancing practices are strongly encouraged.
3. Park public restrooms will be closed until further notice.
4. City Hall restrooms will be cleaned daily.
5. The Police common areas shall be cleaned twice daily by the officers coming off shift.
6. All Fire Stations shall be cleaned daily. Common areas shall be cleaned after each gathering.
7. Before and after meetings, all flat surfaces shall be disinfected, including chairs.
8. Common areas shall be wiped down daily.

Employee Protocols

1. Observe social distancing practices.
2. Clean your hands often.
3. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place.
4. If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.
5. To the extent possible, avoid touching high-touch surfaces in public places – elevator buttons, door handles, handrails, handshaking with people, etc. Use a tissue or your sleeve to cover your hand or finger if you must touch something.
6. Wash your hands after touching surfaces in public places.
7. Avoid touching your face, nose, eyes, etc.
8. Clean and disinfect your office/workspace/equipment to remove germs: practice routine cleaning of frequently touched surfaces (for example: tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, armrests & cell phones)
9. Avoid crowds, especially in poorly ventilated spaces. **Your risk of exposure to respiratory viruses like COVID-19 may increase in crowded, closed-in settings with little air circulation if there are people in the crowd who are sick.**
10. If an employee is sick, they shall contact their supervisor and their primary medical provider, and in no case shall they be permitted to come to work until they are well.
11. Secondary employment should be reviewed and determined if there is an increased risk of exposure. If so, it is advised – not required – that employees take a leave of absence from their secondary employment to reduce the risk of exposure.
12. Employees meeting the CDC designation as “at risk” may telecommute remotely from home. If their duties cannot be performed remotely, they shall be given administrative leave on a case by case basis.

Additional Protocols in The Event That the Mayor and Board of Aldermen Declares A State of Emergency:

State of Emergency Protocols

1. Staff that can conduct their work offsite will telecommute to work and work from someplace other than their office. Trips into their office to collect/print files should be planned so that there is minimal contact with the public or other employees.
2. Employees will be required to forward their desk phones to their City provided phones. Calls may be muted after business hours, but phones shall be checked frequently enough to receive communications from supervisors and the Administration.
3. Employees whose work does not involve intensive public interaction shall operate as normal with the exception that as soon as their daily responsibilities are fulfilled, they shall be excused from work for the remainder of the ay.

4. No in-person meetings will be conducted between Staff and the Public unless in the event of an emergency. All contact will be through telephone or email communications.
5. Essential in-person meetings shall be limited to the parking lot or under the balcony at City Hall or otherwise outside of other offices. Staff are not to take members of the Public back to their offices.
6. Planning and Inspections operations will consist of dropping off documentation for review but no in-office consultations. Citizens who have documents and plans for planning review should call ahead and arrange hand-off in the parking lot if they are not able to submit digitally. Payment for permits shall be done online.
7. Building and site inspections will operate as normal with the exception that as soon as the daily inspections are finished, building inspectors are to take work home and conduct plan review off-site.
8. Commercial fire inspections will continue as needed.
9. Any scheduled fire safety and CPR educations sessions will be postponed.
10. Police will operate as normal, though social distancing practices are to be followed as much as possible.
11. Police interaction with community watch meetings is suspended.
12. **All City Council meetings will be streamed live on YouTube if not cancelled.** The public will not be allowed to attend. Public comments may be submitted electronically to www.southportnc.org. The Mayor will read them into the record during any meeting that may be scheduled.
13. The statutorily mandated Planning Board and Zoning Board of Adjustment may meet but attendance shall be limited to essential staff and the applicant(s). The meetings will be steamed like the BOA and comments may be submitted electronically and will be read into the minutes. All other board meetings are cancelled, including hosted citizen meetings using City facilities, until the State of Emergency is over.
14. All Special Events hosted or permitted by the City will be cancelled until State of Emergency is lifted.
15. All employee and BOA travel outside of the County for City Business is prohibited

Board members discussed social distancing, gatherings of more than 10 people, and enforcement against large gatherings. City Attorney Isenberg pointed out that under State Law the Police Chief has enforcement authority when a State of Emergency is declared.

Responding to a query from Alderman Sharkey relating to facilities protocol, City Manager May indicated that city facilities would be closed when a State of Emergency was declared.

Alderman Allen motioned, second by Alderman Spencer to Adopt the Resolution Establishing Protocols for the City of Southport and Its' Employees due to the Covid-19 Pandemic and granting the City Manager authority to cancel or amend the protocols as needed.
Unanimous vote; motion carried.

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Board members discussed potential cancellations and delays of Planning Board, Board of Adjustment and Committee meetings. Attorney Isenberg reported that a School of Government (SOG) webinar urged cancellation of advisory board meetings.

City Manager May asked about delays of development submittals. Attorney Isenberg stated that he had not yet seen information related to development submittals and he suggested holding streaming meetings with applicants. He further reported that the SOG recommended adoption of a resolution giving the Mayor power to cancel meetings or giving cancellation authority to the Chairs of the boards and committees.

Alderman Allen motioned, second by Alderman Mosteller to authorize the Mayor to cancel any regularly scheduled meetings of Board appointed committees and boards as deemed necessary.
Unanimous vote; motion carried.

PERSONNEL POLICY

City Manager May explained that the proposed Personnel Policy amendments would bring the City into compliance with FEMA guidelines and would expedite reimbursements relating to employee pay during times of emergency.

Alderman Sharkey motioned, second by Alderman Mosteller to amend the Employee Personnel Policy as proposed so overtime for a state of emergency provides that exempt employees are compensated with regular time pay plus time and 1/2. **Unanimous vote; motion carried.**

City Manager May reported that the Covid-19 Pandemic is a FEMA declared emergency and city staff are capturing expenses towards reimbursement requests.

RESOLUTION AMENDING SECTION 30 OF THE CITY OF SOUTHPORT PERSONNEL POLICY

BE IT RESOLVED by the Board of Aldermen of the City of Southport that Section 30 of the City of Southport Personnel Policy is hereby amended to read as follows:

Section 30. Adverse Weather/Hazardous Conditions/Non-Emergent Closure and State of Emergency

The City has responsibility for several emergency services including law enforcement and fire services. Adequate staffing is required to operate these critical services seven days per week and 24 hours per day in all weather. Department heads should designate which staff members are in critical positions required to report to work regardless of weather or other hazardous conditions.

The adverse weather/hazardous conditions/non-emergent closure and State of Emergency policy is established to be as fair as possible to all employees applying the following principles:

1. Maintain adequate staffing at all times of emergency services;
2. Provide for as much safety as possible for all employees in traveling to and from work in hazardous conditions; and
3. To fairly compensate employees who are required to be at work, while other employees are not.

City offices and departments shall remain open for the full scheduled working day unless authorization for closing or other deviation is received from the City Manager's office. The Manager, in consultation with the Fire Chief and Chief of Police, will consider the hazard of driving conditions and other relevant factors in determining whether to close City offices. All departments and offices will be given sufficient notice of any authorized closing of noncritical City functions.

During inclement weather, City offices may be open for business. As such, all employees are expected to report for their scheduled shift. Due to discretionary judgment, an employee who does not work their scheduled hours must use 'leave' in order to be paid for the hours not worked. Leave usage will be utilized in the following order:

- Comp time may be used
- Annual leave may be used if comp time exhausted
- Sick leave may be used if comp time and annual leave have been exhausted
- If no leave, employee must take leave without pay

When City offices are closed during a declared State of Emergency, essential employees as designated by the City Manager may work. During the State of Emergency, premium pay will be paid for all hours worked during the time the City is closed for business:

- Non-Exempt Employees will be compensated at 1.5 times the regular rate for all hours worked during closure.
- Exempt Employees will be compensated at 1.5 times the regular rate for all hours worked during the closure.

When non-exempt employees are required to report during unscheduled closings or delayed openings, they will be paid at their regular hourly rate, plus overtime for any hours worked. Exempt employees who are required to work will receive their regular pay for the period plus one time the regular rate for all hours worked.

This the 19th day of March, 2020.

City of Southport

/s/ Joseph P. Hatem, Mayor

ATTEST: /s/ Michele Windham, Clerk

UTILITY ORDINANCE

City Manager May explained that for a utility customer to pay their utility bill online, there is a \$5 convenience fee. He recommended waiving the convenience fee during the Covid-19 Pandemic to encourage more on-line payment and reduce person to person contact with city staff.

City Manager May recommended that through the duration of the Covid-19 Pandemic, there be no utility shutoffs due to non-payment.

Alderman Allen motioned, second by Alderman Mosteller to adopt the Ordinance Amending Chapter 19 as related to utilities. **Unanimous vote; motion carried.**

AN ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES IN RESPONSE TO COVID-19 PANDEMIC

THAT WHEREAS, Covid-19 is a respiratory disease that can result in death or serious illness to persons affected thereby, including citizens and residents of the City of Southport; and

WHEREAS, the United States Department of Health and Human Services Secretary has declared a public health emergency in the United States for Covid-19; and

WHEREAS, the Governor of the State of North Carolina declared a State of Emergency on March 10, 2020, in order to prevent the spread of Covid-19; and

WHEREAS, the President of the United States has declared that the Covid-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, electricity, water and sanitary sewer are essential to the public health of all citizens, especially during this Covid-19 pandemic;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen that:

1. All provisions in Chapter 19 of the Code of Ordinances related to the cut- off of utilities for nonpayment shall be suspended until further notice by the Board of Aldermen; provided, however, that this does not cancel or release the amounts owed but simply suspends the cut-off provisions until such time that the Board of Aldermen determines.
2. The fee for paying the City with a credit card is hereby waived to encourage on-line payments until such time that the Board of Aldermen determines.

This the 19th day of March, 2020.

City of Southport

/s/ Joseph P. Hatem, Mayor

ATTEST: /s/ Michele Windham, Clerk

BOARD COMMENTS

Alderman Allen asked the City Manager and Finance Director to examine what fiscal impact the Covid-19 Pandemic may have on the FY 2020-2021 budget. Alderman Davis asked for projections of Federal aid that may become available.

Responding to a query from Alderman Allen, Mayor Hatem stated that the March Planning Board meeting had been cancelled. Citing the importance of the Unified Development Ordinance update, City Manager May encouraged holding Committee meetings via teleconferencing whenever possible.

Alderman Spencer stated appreciation for the efforts of the Mayor, Board, City Manager and staff during unprecedented times.

Mayor Hatem encouraged everyone to stay safe, healthy, strong, and practice social distancing.

ADJOURN

Alderman Mosteller motioned, second by Alderman Allen to adjourn the Special Emergency Meeting at 3:16 p.m.

Joseph P. Hatem, Mayor

Attest: _____
Michele Windham, City Clerk