

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, May 13, 2025 - 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



MINUTES

CALL TO ORDER

Mayor Barbee called the meeting to order at 6:00 PM, followed by the invocation by Mayor Pro Tem LeCompte and Pledge of Allegiance.

PRESENT

Mayor Lynn Barbee
Mayor Pro Tem Deb LeCompte
Council Member Jay Healy
Council Member Joe Benson
Council Member Mike Hoffer

ALSO PRESENT

Town Manager Bruce Oakley
Assistant Town Manager Ed Parvin
Finance Director Debbie Hall
Town Clerk Kim Ward
Town Attorney Noel Fox

ADOPT THE AGENDA

ACTION: Motion to adopt the agenda

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

CONSENT AGENDA

1. Budget Amendments/Transfers
2. Set a Public Hearing for June 17 at 9:00 AM to Consider a Special Use Permit Modification at 401 Marina Street in the Marina Business District (MB-1) for Additional Boat Slips
Applicant: CBYC, LLC
3. Set a Public Hearing for June 10, 2025, to Consider a Zoning Map Amendment to Consider a Request to Rezone 204 Harper Avenue from Mixed Use (MX) to Central Business District (CBD)
Applicant: STLNC, LLC
4. Second Street Extension Bid Award
5. Proclamation to Recognize June 22-28, 2025, as Pleasure Island Pride Week
6. Appropriate Funds for Ocean Boulevard Sidewalk Project

7. Appropriate Funds for N.C. Department of Transportation (DOT) Sidewalk from Carolina Sands to the Lake
8. Approval of Council Meeting Minutes

Mayor Pro Tem LeCompte asked if adjacent property owners are paying two-thirds and the Town one-third for item 4, the Second Street extension bid award. Mr. Oakley said yes.

Council Member Hoffer mentioned item 7, saying residents wanted a sidewalk from Carolina Sands to Lake Park and they are getting it.

Regarding item 5, Council Member Healy read Proclamation No. 25-2330, which proclaims June 22-28 as Pleasure Island Pride Week in the Town.

ACTION: Motion to approve the consent agenda

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

SPECIAL PRESENTATIONS

9. Events Update by Tim Murphy

Community Services Manager Tim Murphy said the Town received an application from the Carolina Beach Police Foundation for a new event and introduced Wayne Rouse to give details.

Mr. Rouse said an events company approached the foundation about doing a Bikini Bash 1950s party and fundraiser in collaboration with the Centennial Committee. He said the June 28 event, a runway competition with contests and bands, is requesting to use the Gazebo stage area and stressed that this will be family-friendly with no alcohol. Mr. Rouse said Silver Dollar and Sand Dollar are sponsoring the event, so any alcohol consumed would be on those premises. He said there is no cost to the Town, and the funds raised will go to the Police Department's K9 group. Mr. Rouse said the event will be good for the community and feature modest bikini attire.

Mr. Murphy said the process has gone through the Events Committee and there are no major concerns, just a few minor details to figure out on the staff level. He said they are OK with it and think it should move forward.

ACTION: Motion to approve the Bikini Bash 1950s party for the Carolina Beach Police Foundation on June 28 as presented

Motion made by Mayor Pro Tem LeCompte

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Mr. Murphy reviewed upcoming events:

- CB Skatepark Grand Prix – May 17
- CB100 MuralFest – May 17-18 at Lake Park
- Centennial Poker Bar Crawl – May 17 starting at The Sandspur
- Venus Flytrap Statue Installation – May 21 at Fort Fisher and June 2 and the Elementary School
- Boardwalk Blast Fireworks/Music – begins Friday, May 23, continues every Thursday through August 21, and concludes Friday, August 29
- Carolina Beach Market – begins May 24 and continues every Saturday through October 4
- Movies at the Lake – begins May 25 and continues every Sunday through August 31
- Flamingo Bingo – begins May 28 and continues every Wednesday through August 27 at the Gazebo
- Charity Pickleball Tournament – May 31 at Mike Chappell Park
- Beach Music Festival – June 7-8 on the beach strand in front of the Boardwalk
- Family Night – begins June 17 and continues every Tuesday through July 29 at Lake Park

10. Proclamation for Safe Boating Week – May 17-23, 2025

Members of the Cape Fear Sail & Power Squadron spoke about boater safety and the importance of wearing life jackets, reading highlights from the proposed proclamation recognizing May 17-23 as Safe Boating Week.

ACTION: Motion to adopt the proclamation recognizing Safe Boating Week May 17-23

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Mayor Barbee said the inlet is in rough shape and recommended that only very experienced boaters go through it until it gets dredged, which will hopefully be in June.

11. Manager's Update

Mr. Oakley gave an update on various projects:

- The budget message will be submitted to Council on May 27, and a public hearing is scheduled for June 10. Council will vote on the budget at the June 10 meeting.
- The State of the Town meeting is May 19 at St. Paul's United Methodist Church.
- The beach nourishment contract was awarded. The project will start after November. There will be an open house with the community prior to the start date.
- The Lake pump house project should start in the next week or two.
- The Boardwalk bathroom project will resume in September. Staff is meeting with the contractor to discuss scaling back fencing more and bringing out planters to spruce up the area around the construction site. Mayor Pro Tem LeCompte asked that signs be put out to direct the public to the temporary restrooms.
- The Ocean Boulevard Sidewalk Project is almost complete. The Town is recommending that the N.C. Department of Transportation (DOT) provide a crosswalk over South Lake Park Boulevard in the next few years.

Council Member Hoffer asked about the boulders on the west side of Lake Park. He said they showed up out of nowhere. Mr. Oakley said staff will look into this and give an update.

Council Member Hoffer asked about the fountains at the Lake and suggested having backups. Mr. Oakley said the fountains are under repair because they are not functioning correctly, and he will find out the status.

Mayor Pro Tem LeCompte said the duckweed in the Lake is bad. Mr. Oakley said it's being treated again.

Council Member Hoffer asked staff to pursue an encroachment agreement to connect the Searay Lane sidewalk to the new Ocean Boulevard sidewalk and said he wants the Town to pursue reducing the speed limit on Ocean Boulevard to 25 mph. Mr. Oakley said DOT recommended against it, and studies show that people will drive the speed the road is designed for, so until there is another crosswalk or some changes to the road it will be problematic for the Police Department to enforce a speed limit of 25 mph.

Council Member Benson mentioned the amount of resources the Fire Department provided Military Ocean Terminal Sunny Point (MOTSU) during the prescribed burn. He also asked staff to get clarification from DOT on who is responsible for the maintenance of the right-of-way on Ocean Boulevard, especially regarding stormwater.

Council Member Healy said the electronic speed sign on Cape Fear Boulevard needs to be recharged, and he said near The Sea Merchants there are rocks on the base of telephone poles that are not attractive. Mr. Oakley said staff reached out to Duke Energy but has not yet received a response. Council Member Healy said the new trash cans are amazing.

Mayor Barbee asked to get an update on the bulkhead situation on the north end during an upcoming workshop.

Community Development Director Jeremy Hardison reported the following recent developments:

- 59 permits issued for renovation/repair/additions, etc., 9 new residential construction permits, and 5 certificates of occupancy
- The Sunny Day Flooding Project group had an open house and will make a presentation at the July 22 workshop.
- Island Burgers and K38 are now open.

Mr. Hardison reported the following upcoming meetings:

- Board of Adjustment May 22: 817 Canal Drive variance
- Planning and Zoning Commission June 12: pool fence text amendment and Unified Development Ordinance (UDO) discussion
- Embassy Suites will hold a community meeting on May 14 at SeaWitch.

Mayor Barbee asked if Embassy Suites representatives have started the permitting process at all. Mr. Hardison said they submitted an application and an original set of plans, but they have said they have since modified the plans, although the Town has not seen the revisions. He said they put everything on hold after the first community meeting a couple months ago.

PUBLIC COMMENT

Matt Bearrow of Canal Drive spoke about the Town's upcoming events, including Pride Week. He also thanked the Town for offering SeeClickFix.

Holley Snider of Florida Avenue spoke in favor of a residential parking zone on the north end.

Kerry Machovec of Georgia Avenue also spoke in favor of a residential parking zone on the north end.

Cindy Dunn of 915 Tidewater Lane spoke in favor of a 25 mph speed limit on Ocean Boulevard and gave an update on Beautification Committee items.

Natalie Evans of 1205 Saint Joseph Street said she received public notice from the U.S. Army Corps of Engineers that the developer of 1215 Saint Joseph Street is applying to fill in 2 acres of wetlands on the site, adding 10 additional residential lots. She encouraged residents to let their voices be heard and asked if the area really needs a development of 19 residential lots.

Billy Cooley of 414 Atlanta Avenue spoke about homeowners not keeping sidewalks clear from vegetation.

PUBLIC HEARINGS

12. Public Hearing to Receive Input on the FY 25-26 Budget

This is an opportunity for Council to gather input from the community for the upcoming FY 25-26 budget.

Mr. Oakley went over highlights of the proposed balanced budget. He is requesting a revenue-neutral budget, meaning residents would pay the same amount in taxes as last year for the Town. That number is \$0.1552. The proposed budget includes 3 additional Firefighters and 3 additional Police Officers as well as a 5% increase in water, sewer, and stormwater fees.

Mr. Oakley said sales tax is distributed by the County based on how much property tax a municipality collects, so if the Town goes down on property taxes and the City or County goes up, the Town's distribution of sales tax will go down and the Town will have to make up the balance.

Council Member Healy asked which way the County is leaning on its tax rate. Mr. Oakley said some County Commissioners want to go revenue-neutral, and some want to keep a higher rate. Mayor Pro Tem LeCompte asked residents to contact their County Commissioner to explain that they are going to hurt beach town residents and demand that they stay revenue-neutral.

Mr. Oakley said the proposed budget also includes a 3% cost-of-living adjustment and up to a 2% merit increase for staff.

Council Member Hoffer asked if staff could put together a comparison of our Police Department budget and staff with that of similar towns. Mr. Oakley said staff can compile some numbers. He said in the past it has been done for the Town as a whole, not by department, and the conclusion every year is that the Town provides more services than most similar towns at a lower tax rate.

Mayor Barbee said he agreed the comparison would be a good idea.

Council Member Healy said because the Town does not have a Magistrate, they lose an Officer for 3 hours when someone is arrested. He asked if it would be feasible to get an on-call Magistrate to serve the island. Mayor Pro Tem LeCompte said one issue is that the Town does not have a jail, just three small holding cells.

ACTION: Motion to open the public hearing to receive public input on the FY 25-26 budget

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Cindy Dunn of 915 Tidewater Lane said in reviewing the proposed budget, she noticed some big differences in some figures compared to the current year: a decrease in on-street parking meter revenue, a decrease in the amount for Freeman Park citations, a decrease in daily-fee revenue for Freeman Park, an increase in the cost of vehicle leases, and an increase in the amount for maintenance and repair of buildings. She said it would be helpful to include an expanded line item in some parts of the budget to cut down on questions from the public. Ms. Dunn also said she hopes the proposed budget includes money for an entrance sign.

Paul Levy of 1606 Mackerel Lane thanked Council and staff for putting together a revenue-neutral budget or as close as possible.

Lynn Conto of 707 Magnolia Avenue said she feels very safe and secure living in the Town, so she fully supports whatever money the Police Department and Fire Department need.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Mayor Barbee said when a line item increases or decreases by a certain amount, he thinks it would be a good idea to include a blurb explaining why. He said sometimes there is a good reason, such as

transfers to other line item items, but the public doesn't know that. Mr. Oakley said Council brought this up last year and he apologizes for not doing it this year, but he can add it. Mayor Barbee said it's not necessary for every line item, just the ones that have a big change.

13. Conditional Zoning to Consider a Bar/Tavern in the Highway Business District (HB) at 1360 Bridge Barrier Road
Applicant: Secret Sand Castles Unlimited, LLC

Applicant Secret Sand Castles Unlimited, LLC, applied for a Conditional Zoning (CZ) application for a bar/tavern in the Highway Business (HB) district. The existing use of the property is an approved miniature golf course that is under construction. The applicant proposes to provide on-premise wine and beer. According to the ordinance, if alcohol is served on-premise and the establishment does not meet the criteria for a standard restaurant, it is classified as a bar. Alcoholic Beverage Control (ABC) stipulates that a restaurant must have food sales constituting at least 30% of sales to avoid being classified as a bar. A bar is allowed through the approval of CZ district in HB.

The existing approval for the site is a mini golf course with 18 holes. The project also includes a tiki hut area with an office, bar, covered patio, storage, and bathrooms. The applicant has an active building permit for the project, and it meets the current code, including lot coverage and setback requirements. The addition of beer and wine sales is proposed is within the current footprint. The sale of alcohol will take place at the tiki hut only. The proposal meets the requirement that all new bars/taverns shall be located a minimum of 200 feet from churches, schools, and residential districts.

The applicant is providing a 10-foot Type B landscape buffer around the perimeter of the property; this buffer is required for any project that is greater than 10,000 square feet of impervious surface. The applicant proposes to reshape and widen the existing curb that leads to the site and connect a new sidewalk to the existing sidewalk that runs along Bridge Barrier Road.

Parking must be provided on site for all uses. The parking requirement for bars is 1 per 110 square feet of indoor gross floor area, and the parking for mini golf is .5 spaces per hole. The minimum number of required spaces is 19. The applicant will provide a total of 24 parking spaces on site; 8 parking spaces are for golf carts. Up to 20% of the required parking may be utilized for golf cart/low-speed vehicle parking. In utilizing this exemption, the applicant will have to install a bike rack with a minimum of 4 spaces.

Proposed conditions

1. The use and development of the subject property shall comply with all regulations and requirements of any other Federal, State, or Local law, ordinance, or regulations.
2. Provide a bike rack with a minimum of 4 spaces.
3. Lighting shall be angled downward as to not disturb neighboring properties.
4. Any proposed signage will have to meet all standard zoning requirements in the future.
5. The refuse collection site must be enclosed on 3 sides by a minimum 6-foot opaque fence.

As part of the application process, a community meeting is required. The applicant held the required meeting on February 15, 2025. No one attended, so there were no concerns or changes to the plan.

The project is in general conformity with the 2020 Land Use Plan, and staff recommends approval of the project as proposed. In addition, the Planning and Zoning Commission recommended approval 6-0.

ACTION: Motion to open the public hearing

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Senior Planner Gloria Abbotts presented the details. She showed photos of the site and adjacent properties, reviewed site data, and went over criteria that must be considered in the decision.

Ms. Abbotts showed photos indicating the applicant significantly cleaned up an adjacent ditch that is part of the Food Lion stormwater permit, so there is now better flow.

Applicant representative Mike Matsinger said he is excited about the project and clarified that he pushed the owner of the shopping center to clear the ditch. He said the course was designed to fit within the Town, and the business plans to give back, including 5 days per year with 100% of the revenue going to different organizations on the island. Mr. Matsinger said they will not serve liquor, just craft beer and wine products, and plan to keep the business family-friendly.

Mayor Barbee asked Mr. Matsinger if they are pushing to get the exit going out the back changed so the curbing is not bumped out so far. Mr. Matsinger said it's in the plan, and Mr. Hardison said the choker is going away.

Council Member Healy asked how many Americans with Disabilities Act (ADA) holes will be on the course. Mr. Matsinger said they will have 9 holes that are ADA-accessible, but the rest of the course is designed so there is space on every hole for somebody in a wheelchair to be able to play if someone is willing to push the wheelchair through the course.

Council Member Healy said he has heard some negative comments from the public about the plan to allow people to cut the line for \$10 extra. Mr. Matsinger said they hope to be crowded and will offer a locals' discount to attract regular players. He said to counter this, he wanted to offer an option for people who are on a time crunch.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Council Members expressed support for the project and did not voice any concerns.

ACTION: Motion that whereas in accordance with the provisions of the NCGS, Town Council does hereby find and determine that the adoption of the Conditional Use District to allow for a bar located at 1360 Bridge Barrier Road is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans, and the potential impacts on the surrounding area are mitigated by the approved conditions

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

14. Text Amendment to Amend Article 3: Zoning and Article 7: Definitions of the UDO to Address Water-Oriented Businesses and Personal Watercraft Sales and Rental
Applicant: Town of Carolina Beach

During the Unified Development Ordinance (UDO) rewriting process, staff and the Commission identified the need to address water-oriented businesses in the ordinance. To facilitate a more focused discussion, this text amendment is being introduced currently, after the UDO has been adopted.

The goal of this text amendment is to clarify water-oriented businesses and related uses. Prior to this text amendment, there were multiple uses that were similar with different requirements and parking calculations. Staff has reorganized the text to group similar uses together into categories that clearly state parking requirements and development standards for each activity.

The automotive use category includes all establishments engaged in vehicle sales, repair, and servicing with the proposed addition of boat sales, boat repair, and car washing. The rental of boats and personal watercraft (PWC), golf carts, mopeds, e-bikes, and scooters are a separate use with separate use standards and parking requirements. Additionally, the text amendment addresses what constitutes a wet boat slip. Wet boat slips include residential, commercial, and transient slips for the purposes of calculating required parking.

The text amendment is in general conformity with the Land Use Plan. The recreational and working waterfront are major drivers in the Town's economy, and the plan recommends preserving traditional water-dependent uses such as marinas.

ACTION: Motion to open the public hearing

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

Mayor Pro Tem LeCompte said she would like to continue this item until the July meeting based on the Planning and Zoning Commission requesting to see documentation before voting on it.

Council Member Benson said he agreed.

ACTION: Motion to continue the item until the July meeting

Motion made by Mayor Pro Tem LeCompte

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

ITEMS OF BUSINESS

15. Consider Amending Article V Stopping, Standing, and Parking to Create an Allowance to Authorize Public On-Street Parking Spaces to Be Specifically Designated for Hotel/Motel Uses
Applicant: Dan Tollens, Carolina Beach Inn, LLC

Applicant Dan Tollens of Carolina Beach Inn, LLC, applied to dedicate public parking spaces for exclusive rights for hotel guests only to utilize located at 205 Harper Avenue (Carolina Beach Inn). The property was purchased by the applicant in 2022. The use of the property is defined as a hotel/motel. Prior to the purchase, it was formerly Mt. Vernon Inn. According to New Hanover County records, the structure was built in 1951. The property does not have any parking spaces on site. The inn consists of 12 rental rooms.

Historically, the inn has used public parking spaces located on Harper Avenue for their guests. This is currently allowed, and Harper Avenue is dedicated as free parking for anyone to utilize. After the purchase, staff noticed signs that were erected stating resident parking only. Staff notified the owner that the ordinance does not authorize dedicating public parking spaces for private businesses. The Town recently delineated parking spaces along Harper Avenue to count towards the number needed to provide spaces to the general public to meet the U.S. Army Corps of Engineers criteria for a Coastal Storm Damage Reduction project. This included the placement of wheel stops in front of Carolina Beach Inn.

The applicant's request is to dedicate parking spaces in front of the building located in the Harper Avenue right-of-way. The property has 85 feet of property frontage on Harper Avenue. There are 8 spaces in front of the inn. The Town will still meet the Corps' requirements if this is approved. There are currently 4 other hotels that were built on or before 1952, but they all have parking spaces on site.

The current ordinance allows only for year-round residents that do not have on-site parking on their property. They can have up to 2 spaces assigned if it was built prior to 1980 with approval by the Town Manager.

Staff created a draft ordinance for Council's consideration. Town staff's concerns are:

- Non-conforming residential rental property will make similar requests to use the parking exemption.
- This decreases the number of public spaces available to the general public.
- This reduces the number of spaces that can count towards the Corps' program.
- This creates conflicts with the continued use of the public right-of-way.

Mr. Hardison presented the details. He reviewed adjacent uses, presented the proposed ordinance, and highlighted concerns. He also went over possible fees that could be charged to the applicant if this is approved, an amount that could go as high as \$25 per day for 8 spaces, for a total of \$48,000.

Council Member Healy asked if this would apply to short-term rentals built prior to 1952. Mr. Hardison said no, this would just be for hotels/motels.

Mayor Barbee asked if the applicant wanted to speak.

Mr. Tollens said he does not think paying nearly \$50,000 for the 8 spaces is fair when they are already contributing to room occupancy tax (ROT) funds. He said that area has not been part of paid parking for the past 74 years, and the request for the inn to use the 8 spaces without paying a fee conforms with the way the spaces have been historically used.

Mr. Tollens added that the Police Department was flawless responding to an incident at the inn a couple of weeks ago, and he would like to donate enough money to buy another K9 officer.

Mayor Barbee said he loves what the applicant is doing and appreciates the positive changes to distressed properties.

Cassie Tollens, Mr. Tollens' wife, said they are requesting parking now because everybody knows Harper Avenue has free parking, and people are parking on Harper Avenue more now that regulations have changed in other areas. She said this creates a hardship for inn guests who are elderly or families with strollers who now must park farther away, and she cited parking as the biggest issue for a drop in the inn's percentage of returning guests.

Council Member Healy said the couple has done a lot for the community and it's greatly appreciated, but he worries this will set a precedent, which is a stumbling block for him.

Council Member Hoffer said he's sympathetic to their plight and suggested a compromise solution might be granting them use of half of the spots they are requesting. He said he doesn't see precedent posing a problem because he doesn't put the inn in the same category as short-term rentals and doesn't see another scenario around the Town that's similar. Council Member Hoffer said he does have concerns about possible plans for a multi-use path down Harper Avenue being on the same side of the street as these spots.

Council Member Healy said this is a good point and wondered what would happen in the future if the parking spaces are granted and then the Town decides to move forward with the sidewalk.

Mayor Barbee said this is a tough choice because these are great businesses owners who have turned their properties into something good, but he is concerned about where the future goes and that makes him uncomfortable, especially related to other properties.

Mayor Pro Tem LeCompte agreed this is a quandary because she loves everything the applicant has done on the island, but she also has concerns about future implications. She said every short-term

rental along Harper Avenue could decide they want a dedicated parking space and challenge the language of this ordinance.

ACTION: Motion to deny Ordinance No. 25-1258 for permitting stopping, standing, and parking to create an allowance to use public parking in the right-of-way for hotel and/or motel use

Motion made by Council Member Benson

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy

Voting Nay: Council Member Benson, Council Member Hoffer

Motion passed 3-2

16. Expanding the Residential Parking Zone

In 2023, Council added new regulations for areas of the Town that experience cars parking on the grass adjacent to the edge of the road. These areas are described in Town code as “undesigned” right-of-way. In other words, it is the grass shoulder of the road that does not have parking delineated. People parking in these areas are typically visitors who do not live in one of the houses adjacent to where they are parking. The ordinance adopted and in place now allows for parking in these areas only by residents.

As originally adopted into Town code, anyone parking in the undesigned areas was required to have residential passes. This year, Council changed the requirement to only allow vehicles with re-entry passes to park in the undesigned areas. The undesigned areas impacted by this ordinance are enforced on a complaint basis by parking ambassadors from Pivot Parking. The program has seemed to work well to keep tourists in designated parking areas and preserves the undesigned areas in Town neighborhoods for residents.

The community has enjoyed the results of the new program, and many of the residents of the far north end have requested their neighborhood be included. At the budget retreat, Council requested staff develop an ordinance to expand the program to this area. The proposed ordinance will add the requested area to this program.

Mr. Parvin presented the details. He said even those with re-entry passes will not be allowed to park with their tires in the road. Mr. Parvin said if this is approved, it would be immediate and the Town will post signs, distribute a press release, and post on social media to let the public know.

Council Member Hoffer said the only feedback he has heard about this is from the two residents who spoke in favor of it tonight. He asked what the overall wishes of residents are.

Mayor Barbee said based on meetings he has had with residents of this area, they are asking for relief. Mr. Parvin said staff has heard the same thing for the past few years.

Council Member Hoffer said he has never been a big fan of this policy and voted against it a couple years ago, but he thinks residents should be given some allowance of ownership of the right-of-way in front of their house. He said the proposal does not stop somebody with a re-entry pass from parking in

front of someone's yard, so he doesn't think this is the way to go, but he'll support it because this is what residents are requesting.

ACTION: Motion to adopt Ordinance No. 25-1254 expanding undesignated parking to areas of the north end east of Canal Drive to include Delaware, Florida, Georgia, Virginia, and Maryland avenues

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

17. Resolution Opposing Legislative Preemption of Local Government Planning and Zoning – House Bill 765

Several bills have been introduced in the 2025 session of the N.C. General Assembly (Senate Bills 495, 497, 499, and 688, and House Bill 765) that change many aspects of local planning and zoning and dramatically affect the ability of local governments to reflect the will of their citizens. Local governments have historically been the final guardian of the rights of the people, and local government zoning has made in-person attendance and comment easier for proponents and opponents of zoning decisions, allowing citizens to participate in matters that affect them through the public hearing process. The bills now pending in the General Assembly will effectively mandate many planning and zoning decisions that are now made by local governments through the public participation process and will change the process, thereby eroding the community's authority to uphold public health, safety, and welfare.

Mr. Oakley presented the details.

Ms. Fox said these are among concerns about the bills, specifically H.B. 765:

- Creating personal liability for elected officials for wrongful denial or approval of something
- Prohibiting fixed opinions
- Mandating certain requirements for Town staff to do certain things
- Changing the ability to regulate some parking

She said the bill is very broad in its removal of powers for local government and urged people to contact their legislators to tell them they do not like it.

Mayor Barbee said he has many concerns about this and thinks it will discourage people from running for office. He said he doesn't consider this a partisan issue and feels it will be a disaster if this passes, so he also encouraged people to contact legislators to let them know they oppose the bills.

Council Member Healy said this is a very dangerous and frightening bill.

Council Member Hoffer said it goes against his political philosophy to take any control away from local governments.

ACTION: Motion to approve Resolution No. 25-2331 opposing Senate Bill 495, Senate Bill 497, Senate Bill 499, Senate Bill 688, and House Bill 765

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Benson, Council Member Hoffer

Motion passed unanimously

COUNCIL COMMENTS

Mayor Pro Tem LeCompte said House Bill 569 addresses PFAS pollution and would hold polluters responsible. She requested that this be on the May 27 workshop agenda. Mayor Pro Tem LeCompte also asked that staff draft a resolution for the next workshop supporting the State Park shoreline restoration project. She said volunteers will be back out at the Boardwalk Thursday morning to paint.

Council Member Hoffer requested that landscapers let the vegetation grow around the edge of the Lake because native plants are starting to grow back. He reminded everyone that hurricane season is coming and asked that the public have a plan.

Council Member Benson thanked staff for working hard to submit the Resilient Coastal Communities Program (RCCP) grant. He said he would like to have a discussion about wetlands designated by the U.S. Army Corps of Engineers, including impacts on development and the permitting process.

Mayor Barbee said he is concerned about the impact of the Federal government's cuts. He worries they will start affecting small towns and thinks it's a dangerous time, adding that the Town needs to be prepared to react to what may happen at the Federal level as much as possible.

CLOSED SESSION

18. Closed Session – Attorney/Client

ACTION: Motion to go into closed session to discuss an attorney/client matter in accordance with NCGS 143.318.11(a)(3); the matter being discussed is 23 CVS 3744 Carolina Beach Land Holdings, LLC, vs. Town of Carolina Beach as well as general attorney/client purposes

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Hoffer

Motion passed unanimously

Mayor Barbee called the meeting back to order and said Council took no action during closed session.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 8:30 PM.