

# CAROLINA BEACH

Town Council Regular Meeting

Wednesday, November 12, 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  
Deputy 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. Approval of Council Meeting Minutes

**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

3. Presentation of Annual Financial Audit

Victor Blackburn of Bernard Robinson & Company presented a summary of the annual financial audit, which included the following:

- Unmodified opinion on the audited financial statements, which is the cleanest opinion.
- Due to the amount of Federal and State funding received by the Town, the Town was required to have both a Federal and State single audit.
- Testing of those audits noted no findings or internal control issues, which resulted in unmodified opinions on Federal and State funds subject to additional audit procedures.

Mr. Blackburn reported that the Town has a 52% fund balance, up from 21% in 2020. He also reported on the Town's debt service coverage ratio. Mr. Blackburn said the Town is in a very healthy financial position.

Mayor Barbee thanked Town staff, including Mr. Oakley and Ms. Hall, for good fiscal management.

Council Member Hoffer pointed out that the fund balance is not about designating money in the budget to put in the bank but more about spending less than budgeted.

#### 4. Presentation of Revenue Bond Financial Feasibility Analysis

Daryll Parker of Willdan Financial Services presented the revenue bond financial analysis. He said the Town is going to be issuing new bonds, so it's important to see what the financial impact of that is moving forward. Mr. Parker said auditors report what has happened in the past, while his firm's job is to take that and other information and look forward, making sure future numbers stay in that range. His presentation included:

- Financial analysis goals and objectives
- Financial analysis methodology
- Issues driving the financial plan
- Financial projections

Mr. Parker said the Town has sizable capital improvement costs, and rate adjustments are needed for increasing utility operating costs and new debt service obligations as well as to meet targeted financial metrics, such as debt service coverage and fund balance reserves/days cash on hand.

Council Member Healy said it's important for residents to see that there will be rate increases so they aren't surprised. He said this is the way the Town pays its bills. Mr. Parker said they tried to come up with a plan that makes it doable for customers.

Mayor Pro Tem LeCompte asked if the Town now has a much higher financial rating than when it went out for 2016 bonds. Mr. Parker said that would be a question for the Town's financial advisor, adding that a better rating equals a better interest rate which equals a lower payment.

Mayor Pro Tem LeCompte said right now the Town owns its utilities, which means they can dictate what happens with water and sewer. She said if they were to sell out to a third-party utility company, then the Town becomes the customer and the third party dictates what happens. Mayor Pro Tem LeCompte said while rate increases may be hard to swallow, 2016 was the first time the Town had updated utilities in about 50 years. She said they have to keep moving forward, and increased rates are a necessary evil to maintain and grow what the Town has.

Mayor Barbee said it has been six years of hard work just to get to the starting line so the Town can move forward with infrastructure renewal.

Mr. Oakley said staff will continue to look for outside funding to offset some of the costs.

#### 5. WMPO Presentation of the 2050 Metropolitan Transportation Plan

Carolyn Caggia of the Wilmington Urban Area Metropolitan Planning Organization (WMPO) presented the 2050 Metropolitan Transportation Plan (MTP), our region's long-range transportation plan guiding investments in roadways, public transportation, bicycle and pedestrian facilities, and other infrastructure over the next 25 years. The plan has been under development for more than a year with input from the public, stakeholders, and local governments.

She provided an overview of the adopted MTP, highlighted key projects and priorities that affect our community, and gave Council the opportunity to ask questions about the process and outcomes.

Mayor Barbee said most citizens have no idea what the WMPO is and stressed its importance to our region. He praised the talent in the group and thanked the staff for their work.

#### 6. Holiday Art Project Presentation by Lauren Stumberg

Lauren Stumberg gave a presentation on a holiday public art project she is seeking to implement. This would be a holiday tree scavenger hunt driving people to local businesses to find 5-foot wooden trees that can either be decorated by the business or an artist. Registered trees will be listed on a map for people to find, and there will be a link to vote for your favorite tree. If a business or non-profit doesn't have a brick-and-mortar location, the project organizers would like to place them on Town properties, including Lake Park, the Boardwalk, the municipal marina, and the Fire and Police stations.

Mr. Oakley said if Council is interested, there will need to be discussion among staff for how to work around some of the other events going on at Lake Park or the marina.

Mayor Barbee said he thinks it's a great idea. Other Council Members expressed support, and there was consensus to move forward.

#### 7. Events Update by Ed Parvin

Mr. Parvin reviewed upcoming events:

- Trash to Treasures Yard and Vendor Sale – November 15 at Lake Park
- Santa by the Sea – November 29 and December 20 at Lake Park
- Letters to Santa – mid-November through December 2 at the Rec Center
- Christmas Parade – December 5 on Lake Park Boulevard from Lake Park to Publix
- Holiday Market – December 6 at Lake Park
- “Elf” Movie – December 13 at Lake Park
- Lighting of the Lake Ceremony – November 28 at Lake Park
- Holiday Boat Flotilla – December 6
- Holiday Home Tour – December 13
- New Year’s Eve Countdown & Fireworks at Kure Beach – December 31
- Blood Drive – December 9 at Rec Center

Council Member Healy, Mayor Barbee, and Mayor Pro Tem LeCompte praised the Pleasure Island Chamber of Commerce for the success of the Cape Fear Kite Festival.

#### 8. Manager’s Update

Mr. Oakley gave an update on various projects:

- Coastal Storm Risk Management (CSRM): This is starting on November 16.
- Stormwater scoping and clearing: The project is on the final stretch this week on the North End, then cleaning and clearing will happen next week. The Town received funding to do a flow and mapping study of its stormwater system.
- Canal Drive paving: Mayor Barbee asked for this to be put on the agenda for Council’s retreat in January. Part of the project will be to find out what infrastructure under the road is like, so there will be more information once the scoping project is complete.
- Freeman Park Committee: Mr. Parvin said a condition of the \$4 million funding from the State to help purchase Freeman Park was to come up with a land management plan. He said seven organizations have committed to work with the Town, and Mayor Pro Tem LeCompte will be the Council representative; Town citizens will also need to be appointed. Mr. Parvin said the goal is to have the group organized and meet for the first time in February.

Council Member Benson asked about the Scotch Bonnet Lane and Canal Drive intersection. Mr. Oakley said this is a significant project, with plans to break ground on November 17.

Council Member Benson asked about the status of the bids for the Harbor Master building. Mr. Oakley said the Town received bids today, and they came back high, so they are scrapping the bids and restarting. He said the costs came in much higher than the \$350,000 that was originally budgeted for this project.

Council Member Hoffer said he was excited to see progress on extending the 7th Street sidewalk. He also asked for an update on Lake Park Boulevard striping. Mr. Oakley said the paving project is moving right along, although there had been some disruption with paving happening during the day. He said this was done out of concern for restaurants and other nighttime businesses as well as the safety of

those crossing busy intersections along the main road. Mr. Oakley said because this is a State project, the Town does not have any control over it.

Council Member Healy mentioned the new stoplight coming to Lake Park Boulevard and Winner Avenue courtesy of Proximity.

Community Development Director Jeremy Hardison reported the following recent developments:

- 53 permits issued for renovation/repair/additions, etc., 4 residential new construction permits, and 20 certificates of occupancy
- New business: Noe Hair & Nail Lounge, 1000 North Lake Park Boulevard #121, and Tap Tea Bar, 304 North Lake Park Boulevard
- Demolition: 907 South 4th Street (single-family home)

Mr. Hardison reported the following past and upcoming meetings:

- Board of Adjustment November 3: denied front setback 606 Cape Fear Boulevard
- Planning and Zoning Commission November 13: 1215 Saint Joseph Street subdivision modification
- Planning and Zoning Commission December 11: 205 Raleigh Avenue rezoning MX to CBD
- Tree City USA application submitted
- Stoplight at Lake Park Boulevard and Winner Avenue

## **PUBLIC COMMENT**

Jeff Waratuke of 204 Charlotte Avenue said he has concerns about the Town possibly taking away parking in front of his house. He said when it was purchased two parking spaces came with it, and they need them because they are not able to put in a driveway or lift the residence because code won't allow it. Mr. Waratuke said by taking away the parking spaces, the Town is eliminating their ability to park at their residence. He said he disagrees with the proposal to give a parking pass only to the affected property owners who are full-time residents because they pay taxes like everyone else, and it would be inconvenient to have to park away from the house when unloading groceries. Mr. Waratuke praised the Town for its fiscal responsibility but said he is asking for help in coming up with a solution that works for everyone.

Jennifer Waratuke of 204 Charlotte Avenue also spoke about possible designated residential parking changes around this residence. She said it will be difficult for their elderly parents to visit if they have to park several blocks away. Ms. Waratuke said she doesn't know what the solution is but would appreciate the Town offering some kind of help in this situation.

Mayor Barbee asked Council to go look at the house and street so they can get a better idea of the problem, and then they can get with Mr. Oakley to discuss options.

Mike Powell said he is also concerned about possible designated residential parking changes in the area of Charlotte Avenue and Lake Park Boulevard. He said he owns three properties in the area, including the coffee shop and two apartments on the side, which need dedicated parking because they are long-term rentals with tenants who go to work and come home each day. Mr. Powell said as a property owner and resident, he would appreciate some accommodation for this situation because he

thinks a free parking pass will not be worth anything on weekends and Thursday nights during the summer. He also thinks the lack of parking will affect the rental and long-term sale value of his property.

Olin Furr of 440 Oceana Way said the failure of the Town to maintain and pave Canal Drive is a hot potato that has been passed around for decades. He said the Town has neglected to follow the recommendations of a detailed engineering report presented eight years ago as well as the Sunny Day Flooding Project study from July. Mr. Furr said there is no excuse for Canal Drive not to be paved, and he urged Council to get this in the budget and get it done.

Yves Tondeur of 417 Marina Street said he set out to quantitatively evaluate how bad the condition of Canal Drive is, so he recorded the pitch angle while driving on the street in both directions and did the same thing on the repaved section of Lake Park Boulevard. He held up a poster of pitch angle data illustrating the difference between the two, which was significant. Dr. Tondeur said the conclusion of his study is that driving on Canal Drive can be up to 10 times worse than Lake Park Boulevard, and the problem is exacerbated with smaller vehicles and motorcycles. He urged Council to correct what he described as an unsustainable situation.

James Sanderford of 418 Marina Street also spoke about Canal Drive and said he worries about the condition of the road slowing down emergency vehicles when time is of the essence. He said it's more of a safety issue to keep water off the road and have a smooth surface so emergency vehicles can travel efficiently.

Jamie Campbell of 7 Sailfish Lane spoke about possible changes to designated residential parking spaces in the area of this residence. She said they are tearing down the house and building back up, so there will eventually be parking underneath, but in the interim they are operating it as a short-term rental and would like to keep the current parking situation for the next four to six months.

Mohamed Hassan of 1215 Snapper Lane said he objects to the recent budget approval that includes funding for hiring three additional Police Officers. He said this will place an additional strain on the Town's operating budget without a clearly demonstrated need. Mr. Hassan said he thinks staffing is adequate, and there is no rise in crime justifying the expansion. He said those funds could be better directed to flood mitigation and drainage improvements, infrastructure maintenance and stormwater management, or community safety initiatives such as neighborhood watch. Mr. Hassan said he appreciates the important work of the Police Department but requests that Council reconsider the allocation and pause hiring authorization until a public safety needs assessment and cost-benefit analysis are done. He also suggested that the Town hire someone to seek opportunities for cost savings.

Gary O'Neill of 426 Oceana Way said Canal Drive is in an inferior, unsafe, and deplorable condition. He said it is narrow and uneven with multiple potholes, dips, and markings that endanger bikers, drivers, and pedestrians. Mr. O'Neill said traffic has taken a toll on the road, increasing the urgency of the situation, and asked that Council give this matter immediate attention by confirming an action plan and timeline for repaving Canal Drive.

## **PUBLIC HEARINGS**

9. Conditional Zoning for a Hotel Located at 223, 225, 227, 234, 235, 236, 237, 239 Carolina Beach Avenue North in the Central Business District  
Applicants: Page and Amy Johnson, Carolina Beach Land – East, LLC, and Carolina Beach Land – West, LLC

Applicants Page and Amy Johnson of Carolina Beach Land – East, LLC, and Carolina Beach Land – West, LLC, applied for Conditional Zoning (CZ) for a 140-room hotel, restaurant, and meeting space project in the Central Business District (CBD) located at 223, 225, 227, 234, 235, 236, 237, and 239 Carolina Beach Avenue North.

The project area consists of SeaWitch Café and its associated parking lot along with parking lots currently being leased by the Town for public parking. The property is surrounded by the CBD, and the adjacent uses include a motel, restaurant, gas station, Town parking lots, condos, and single-family homes.

SeaWitch Café at 227 Carolina Beach Avenue North consists of an existing one-story frame restaurant, dining area, and tiki bar. The restaurant structure was built in 1961, and the tiki bar was built in 2001. The property was previously used as a motel; 223 and 225 Carolina Beach Avenue North currently serve as the parking lot for the restaurant.

Arcadius, a large-scale project, was approved in October 2004. The 140-foot-tall project included 278 residential units, 56,811 square feet of retail space, and two parking garages. The project included redevelopment of 11 parcels between Carolina Beach Avenue North, Canal Drive, and Pelican Lane. The Conditional Use Permit expired in 2009 after three extensions were granted by Council. The project was never completed because the owners filed for bankruptcy.

The Town purchased property along the east and west sides of Carolina Beach Avenue North in 2009. The goal was to build a 1,000-foot-long pier for the North Carolina Aquariums system and eventually an aquarium nearby. Guy Johnson Motel and Surfside Motor Lodge were on the properties until they were demolished in 2019.

Motels and hotels are permitted with CZ in the CBD. The proposed development consists of two eastern parcels and six western parcels along Carolina Beach Avenue North that will be combined prior to the issuance of a building permit for a total of 1.75 acres or 76,230 square feet. The project will consist of a hotel on the western parcels with a pedestrian skybridge connecting the hotel to an oceanfront restaurant and meeting space. The properties are located within VE16 and AE11 flood zones, and the proposed buildings must be designed to meet the minimum requirements for flood damage prevention. The CBD does not have minimum setbacks, maximum lot coverage, or maximum impervious surface coverage. There is a maximum height of 50 feet that staff can permit; the maximum height limit may be exceeded for sprinklered structures subject to CZ approval. The proposed height of the hotel is 67 feet to the top of the parapet wall and 73 feet to the top of the elevator/stair tower. The proposed height of the oceanfront restaurant and meeting space is 39 feet.

Details about the following aspects of the proposal may be found in the agenda packet:

- Parking
- Landscaping and sidewalks
- Stormwater and utilities
- Refuse and loading zone
- Traffic
- Public improvements

As part of the application process, a community meeting is required. The applicant held meetings in March 2024 and March and May 2025. Based on the comments from the meetings, the applicant can make changes and place conditions on the project to help mitigate impacts and concerns from the neighboring properties. As a result of those meetings, the applicant has scaled back the project from the original proposal.

Council may recommend that the applicant add reasonable and appropriate conditions to the approval of the petition.

#### Proposed conditions

1. Provide for an easement or maintenance agreement for the portion of the sidewalk on private property.
2. Provide lighting for the streets and sidewalks on the side of the building.
3. Lighting shall be angled downward so as not to present a hazard to drivers, pedestrians, or sea turtles and so as not to create a nuisance to neighboring properties.
4. Electrical lines shall be buried.
5. A total of 13 street trees is required.
6. Install recommendations from the Traffic Impact Analysis.
7. Coastal Area Management Act (CAMA) Major Permit, State Stormwater Permit, and Soil and Erosion Control Permit required.
8. Pave oceanfront portion of Pelican Lane right-of-way and provide two public golf cart parking spaces.
9. Provide 5-foot sidewalks and crosswalks around the entire project, including the oceanfront portion of Pelican Lane.
10. No parking spaces, fences, walls, posts, signs, lights, shrubs, or trees shall be permitted in the sight-distance triangle.
11. All proposed signage requires a sign permit and shall be compliant with the dimensional and location requirements per the Town's Unified Development Ordinance (UDO).
12. Recombination plat is required prior to building permit issuance.
13. The building shall be designed to meet VE16 and AE11 standards.

The project is in general conformity with the 2020 Land Use Plan. The properties are shown in the Downtown Business area on the Future Land Use Map. This character area contains the Boardwalk commercial area and central recreation district of town. Three- to four-story buildings are recommended and maintain a pedestrian-scale environment with active ground floor uses, residential, and other uses permitted above with limited on-street parking.

Staff recommends approval of the project with conditions.



**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 reviewed former uses and approvals, adjacent properties, and the CZ process.

Zach Brigman, General Manager of Embassy Suites in downtown Wilmington, owned and managed by Harmony Hospitality, gave a detailed presentation, which included how the proposed project evolved from a 100-foot-tall Embassy Suites to the current proposal based on community feedback. He emphasized that the hotel height is lower than nearby properties such as the Hampton Inn and Courtyard by Marriott.

Mike Nichols, Landscape Architect and Land Planner with Paramounte Engineering, explained the technical details of the project, including how it addresses goals of the Future Land Use Map and a parking summary. He said the orientation of the smaller building on the ocean side with the taller main hotel set back from the water will minimize casting a large shadow on the beach.

Council Member Benson asked about the plan to convey stormwater. Mr. Nichols said stormwater would be contained on site in an underground system.

Council Member Healy asked for more details about how the stormwater basins will work. Rob Balland of Paramounte Engineering, engineer of record for the project, said after going into the underground system, stormwater would then infiltrate into the soil. He said for larger events, there is a bypass mechanism to keep stormwater from pouring out; it would instead go into the Town system and then into the harbor. Mr. Balland said the system is designed to hold a 10-year storm and will spill over into the Town system beyond that level.

Council Member Healy asked about the number of conventions held each year at the Embassy Suites in downtown Wilmington. Mr. Brigman said he can't give a specific number at this time, but convention and meeting space is booked nearly year-round and groups sometimes have to be turned away. Council Member Healy said the applicant has done enough homework to surmise that weddings and conventions would come to the proposed property on a regular basis.

Council Member Hoffer asked if hotel guests would use the skybridge or the street to get to the beach. Mr. Brigman said the skybridge would be easiest, but if there are events going on in the oceanfront building then guests would be redirected downstairs to cross the street with the crosswalk. Council Member Hoffer said he is concerned about more foot traffic on Carolina Beach Avenue North. Mayor Pro Tem LeCompte said there is already pedestrian traffic now but no crosswalk.

Mayor Barbee asked if anyone from the public wanted to speak.

Steve Tracio of 1317 Bowfin Lane asked about the occupancy of meeting rooms and said he has concerns about available parking during large events.

Mark Miller of 702 Seafarer Drive said he still has concerns about the height of the proposed project, adding that he was not counting on it being over 50 feet.

Mohamed Hassan said he was under the impression this project was already approved and asked about the purpose of this presentation. Mayor Barbee said this is the first time this project has been in front of Council. Mayor Pro Tem LeCompte said it has been before the Planning and Zoning Commission, which recommended approval.

Applicant representatives said parking is based on the Town ordinance for meeting rooms and restaurants, so those are included in the project's counts per what the ordinance requires.

Ed Thomas, owner of Gulfstream Restaurant, said this is a project the Town has needed for a long time to produce off-season traffic for local businesses. He said parking is always difficult during the summer, but he thinks it will otherwise be OK and praised the developers for modifying their plans to fit in with the community. Mr. Thomas said as a business owner, he thinks it's important to approve the project.

Patrick Christie of 215 Virginia Avenue said he is worried about traffic on Carolina Beach Avenue North after this is built. He said he would like to know if there can be another entrance point to avoid too much bottlenecking in one spot.

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 Member Hoffer said his concerns are always traffic and crowding. He said these developers bought a large piece of property for one hotel instead of it eventually being split into two parcels for two smaller hotels without all the improvements the applicant is planning.

Council Member Healy said business owners want this project, adding that he was in favor of the initially proposed Embassy Suites and thinks it was a mistake to not pursue that because it will likely be the only chance in 50 years to do something like that. He said this will help everyone survive the slower season, and he praised the applicant for going leaps and bounds over what they had to do.

Council Member LeCompte thanked the applicant for listening to the public and bringing something that will offer actual value to the Town and preserve the uniqueness of the area.

Mayor Barbee said the project fits into the Town's strategic plan and will help bring foot traffic to the CBD. He complimented the CZ process for working well and said the applicant engaged with the public well above what was required.

**ACTION:** Motion to approve; whereas in accordance with the provisions of the North Carolina General Statutes, Council does hereby find and determine that the adoption of the Conditional Use District to allow for a hotel located at 223, 225, 227, 234, 235, 236, 237, 239 Carolina Beach Avenue North 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*

Mayor Pro Tem LeCompte said for those who have concerns about the parking lots going away, they could go away at any time anyway because they are leased lots and not owned by the Town.

#### **ITEMS OF BUSINESS**

10. Text Amendment to Amend Section 16-164 Paid Parking Program and Other Forms of Parking  
Applicant: Town of Carolina Beach

Mayor Pro Tem LeCompte said she would like to ask that staff bring back this item in January so Council Members and staff have more time to look at this following several public comments tonight. She said the ordinance mentions owner-occupied properties but does not have provisions for long-term rentals.

**ACTION:** Motion to move this item to the January 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*

11. Text Amendment to Amend Chapter 28 Watercraft, Beaches and Coastal Parks to Address Safety Issues and ATVs on the Beach for Beach Services  
Applicant: Town of Carolina Beach

Town staff has worked through a process gaining feedback from Council, Ocean Rescue, Public Safety, Public Works, and Beach Services providers. This process involved workshops, joint meetings, and Technical Review Committee (TRC) reviews occurring throughout the late summer and fall 2025. Working through those sessions, staff was able to develop changes that mitigate the concerns with safety and use of the public trust beach area with regulations they believe are endorsed by all parties. Highlighted changes from the proposed ordinance and proposed changes to the rates and fee schedule include:

1. Creating limitations on ATV use during prime beach hours to limit safety concerns with beachgoers and Public Safety staff.

2. Including a purpose statement to help illustrate why the Town has Beach Services and emphasizing the importance of maintaining the beach for public trust.
3. Reworking violations to have increasing impacts as additional violations are accrued.

Mr. Hardison reviewed the proposed changes, which included the following for violations: first offense is a written warning, second offense is a 10-day suspension of one ATV, third offense is a 30-day suspension of both ATVs, and fourth offense is the loss of all rights and privileges of the permit for that year.

Mayor Barbee asked if anyone from the public wanted to speak.

Duke Hagestorm of 920 Riptide Lane thanked the Town for including the Beach Services providers in the process and said he thinks the proposed changes are fair and necessary improvements, so he supports their approval.

Tony Silvagni of 107 Charlotte Avenue said having staff on the beach with an ATV at all times is critical for ensuring beach safety because conditions can change throughout the day. He said Beach Services providers offer accessibility for people who may not otherwise be able to enjoy the ocean. Mr. Silvagni said he is diligent in his hiring process and makes sure employees understand expectations for safety and compliance. He said the three permit holders are trying to work alongside each other to provide a high-demand service to the public, and although there may be issues he is confident they can work through them.

Jim Tollens of 1622 Swordfish Lane said he supports Beach Services, adding that he uses them for his family and books them for short-term rentals. He said they have been a huge success and questioned why there are concerns because he does not know of any complaints or incidents. Council Member Hoffer said they are trying to keep it that way.

Ed Thomas, owner of Gulfstream Restaurant, said he thinks the violations should incur a fine, adding that revoking the ability to do business for a second offense is extreme. He said employees make mistakes, and taking away ATVs can put someone out of business.

Bryan Sartin of 304 Lumberton Avenue, who is with Pleasure Island Rentals, said three years ago he put a video together to train employees and has worked with young seasonal employees for five summers. He said there may be mistakes, and the business has to hold the employees accountable. Mr. Sartin said he appreciates the Town allowing the vendors to give input and come up with ideas on their own. He added that the elderly and disabled are especially appreciative of Beach Services.

Mark Miller of 702 Seafarer Drive said the Beach Services providers do a wonderful job, and he thinks the Town is getting carried away with penalties. He said the proposed changes will kill business and possibly result in a loss of tourism, adding that Beach Services providers should be able to self-regulate if they receive complaints from lifeguards and others who are regularly on the beach.

Council Member Benson said taking away one ATV would kill a vendor's business and put a burden on the other two, so he would like to see those penalties removed from the proposal.

Mayor Pro Tem LeCompte said it's her understanding that the Beach Services providers came up with these penalties, not staff.

Council Member Hoffer said this is the public's beach, and the Town is granting the Beach Services providers the privilege to run ATVs on it. He said if they are not living up to that privilege, then they don't get it, and he doesn't think that's unreasonable.

Mayor Pro Tem LeCompte said this item arose because there were multiple issues that need to be addressed.

Council Member Healy said having the vendors get together with staff is the way this should work. He suggested monetary fines ranging from \$100 to \$500 instead of taking away ATVs for violations, allowing them to stay in business while getting the message across. Mayor Barbee said he does not think those numbers would constitute significant penalties for violations. Council Member Healy said perhaps they could be raised more. He said he would like to explore alternatives because he does not want to see someone go out of business due to a teenage employee doing something wrong.

Mayor Pro Tem LeCompte said when she was a small business owner, her employees were her responsibility, and whatever they did while working fell on her. She said if the vendors helped come up with this proposal and they are happy with it, she's not sure what the concern is.

Mayor Barbee said he has lost a lot of sleep on this matter, adding that Beach Services vendors are some of the finest ambassadors for the area. He said he was ecstatic to see them come together and propose their own rules, the best possible outcome because issues are being addressed by the people they affect. Mayor Barbee said he does not think the penalties for a first and second offense are too strict but agreed they start to get tough on the third offense. However, he said the penalty for a third offense should be tough, and he thinks what they came up with is reasonable, questioning why anyone would argue against what the vendors proposed themselves.

Mr. Parvin said in over 25 years, the Town has not cited any vendor with more than one violation in a season.

Council Member Hoffer said Council must also speak for people who want a peaceful beach, so there has to be a happy medium that will allow Beach Services vendors to continue while keeping four ATVs from traveling up and down the sand all day long. He said he is OK with everything proposed tonight and wants to add a rule that prohibits Beach Services vendors from setting up canopies on the front row of the beach. None of the Beach Services vendors expressed opposition to this.

Mayor Barbee said he thinks the vendors already do this, but he doesn't mind it being in the ordinance.

**ACTION:** With the amendment that rental canopies, not traditional umbrellas and chairs, not be on the front row, motion to adopt Ordinance 25-1273 that amends Chapter 28 Watercraft, Beaches and Coastal Parks to address safety and health with Beach Services  
Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem LeCompte, Council Member Healy, Council Member Hoffer  
Voting Nay: Council Member Benson  
*Motion passed 4-1*

12. Text Amendment to Amend Section 16-204 Speed Limits for Portside Village  
Applicant: Portside Village HOA

The Portside Village homeowners association (HOA) has filed a text amendment to request to reduce the speed limit from 25 mph to 15 mph in their neighborhood due to safety concerns from residents. Staff reviewed the request at the October TRC meeting and supported the request.

Ms. Abbotts presented the details, including background information and proposed language.

Mayor Barbee said he thinks the request makes sense because when you turn off the main road, it doesn't look like you're in a neighborhood right away and people don't instinctively slow down.

**ACTION:** Motion to approve Ordinance 25-1270 to amend Section 16-204 Schedule A

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*

13. Text Amendment to Amend Chapter 4 Animals and Fowl to Allow for Miniature Goats  
Applicant: Jasmine Miller

Applicant Jasmine Miller is currently keeping two miniature/dwarf goats at her single-family residential home in the Town. Staff received a complaint, which led to a violation warning being issued to her for keeping animals that are restricted by the Town ordinance from being kept within the jurisdiction. After the violation warning, Ms. Miller applied for a text amendment and worked with staff to draft the proposed ordinance. It was reviewed at the TRC meeting on October 7. Staff along with the applicant proposed additional restrictions for keeping miniature/dwarf goats within the Town.

Planner Haley Anderson presented the details, including background information. She said along with adding language to permit miniature/dwarf goats, the proposed ordinance has specific regulations that limit the number of animals permitted based on lot size and only applies to single-family residences. Ms. Anderson also said there are additional standards proposed for outdoor shelters, and the animals cannot be used for commercial purposes.

Mayor Pro Tem LeCompte said the ordinance already allows mini pigs, so she is fine with allowing little goats. She said she doesn't think a goat can be any louder than a chicken or dog.

Council Member Hoffer said the Town has ordinances to control excessive noisy animals and other things that create public nuisances. He asked if a structure is required for the animals. Ms. Anderson said no, but if they would like to have one, it is an accessory structure and must meet certain regulations.

Mayor Barbee said he believes in property rights and doesn't have a problem with this as long as it's not hurting neighbors or creating a nuisance.

**ACTION:** Motion to adopt Ordinance 25-1269 to amend Chapter 4 Animals and Foul

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. Amend Chapter 10 Harbor and Marina Regulations Section 10-4 General Regulations to Allow for (1) Limited Fishing at the Town Marina and (2) Require Accessibility to Pumpout Facilities at Marinas Where Liveboards are Permitted on Docked Vessels  
Applicant: Town of Carolina Beach

Staff has reviewed general regulations associated with the Town's harbor and marina and recommended two changes:

1. Fishing by charter vessels at the Town marina

Fishing has always been prohibited in the Town municipal marina to protect the public and limit liability to the Town. Live bait fishing has become more prevalent with marina licensees. Especially with larger vessels, their ability to catch bait is hampered due to lack of maneuverability, so crews are reliant on access to smaller vessels and time outside of the off-shore charter trips. The cost of running a profitable business and attracting customers is becoming harder. This can be alleviated with the ability to fish for bait from fixed facilities in the marina.

Licensees have requested the ability to fish for bait in the marina. Staff feels this allowance is most flexible through language in the licensee agreement, with a simple amendment to Town Code directing rules to the license agreement. The goal is to allow bait fishing only and continue the prohibition of fishing from the docks in the marina. The marina was solely designed for vessel traffic, not for fishing, so specific rules have been developed to accommodate license holders. Allowing fishing in the marina attracts chairs, coolers, and equipment, creating the potential for damage and hazards to facilities and/or vessels due to fishing line and tackle breakage and congestion of walkways.

2. Pumpout facilities at marinas with liveaboard allowances

Marinas meet the letter of the code by having a pumpout that is working when the marina is inspected by the Harbor Master but fail to meet the intent of the code for occupant use due to inaccessibility. Some marinas do not have a designated slip for vessels to access the pumpout. Some marinas have slips but are inaccessible due to slip being too small or too shallow for larger vessels in the marina to access.

Mr. Parvin presented the details.

**ACTION:** Motion to adopt Ordinance 25-1268 to amend Chapter 10 of the Harbor and Marina Regulations Section 10-4 General Regulations to allow for limited fishing at the Town marina as explained by Mr. Parvin for the licensees and require accessibility to pumpout facilities at marinas where liveaboards are permitted on dock vessels

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 with the holidays approaching, there will be a department and staff tree decorating contest again, and the Town Hall atrium will again be part of the Tour of Homes. She also thanked Council Members Benson and Hoffer for giving their time and talents to Council during the past four years and said they had become like brothers to her.

Council Member Hoffer asked staff to focus on the area over the bridge because it serves as the entrance to the Town. He said there are illegal signs littering the right-of-way and added that although it might not belong to the Town, the Town does mow it. Mr. Hardison said it is the County's jurisdiction, and the Town does not have the authority to regulate Town ordinances across the bridge.

Council Member Benson praised Mr. Hardison for a good job on the Resilient Coastal Communities Program (RCCP) grant, the first in the County for phases 1 and 2, and he wished him luck on going after phases 3 and 4.

Mayor Barbee thanked everybody who voted in the recent municipal elections and stressed his support for having early voting available.

### **ADJOURNMENT**

Mayor Barbee adjourned the meeting at 9:40 PM.