



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • MARCH 22, 2016

Council Chambers

Workshop

9:00 AM

1121 N. LAKE PARK BLVD.
CAROLINA BEACH, NC 28428

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Dan Wilcox	Mayor	Present	
LeAnn Pierce	Mayor Pro Tem	Present	
Steve Shuttleworth	Council Member	Present	
Tom Bridges	Council Member	Present	
Gary Doetsch	Council Member	Present	
Michael Cramer	Town Manager	Present	
Debbie Hall	Finance Director	Present	
Kim Ward	Town Clerk	Present	
Ed Parvin	Assistant Town Manager	Present	

II. DISCUSSION ITEMS

a. Boardwalk Northern Extension Update

Michael Cramer reviewed the progress of work to date: CRC variance permit, bidding process which caused delay, pre-construction meeting 3/7, recommended schedule, public outreach and concerns (beach access, noise, revenue stream during main season). Options: Move forward as contracted. Split the project and doing from Hampton Inn and Cabana Inn south to existing boardwalk all at once now, ending in June then start again in the fall going north (requires additional \$106,000). Rescind the contract and begin in the fall.

Noel Fox - council voted to award the contract on February 23rd but notice of award has never been issued. Contract has not been executed. Council would be voting to rescind the award to the bidder. Currently, under the proposed document, there is a provision that allows for the owner to suspend work for a period of 90 days. With that option, the contractor has the ability to the extent that they can document additional costs incurred for the suspension of that work to recover those by making application pursuant to the proposed contract. If the town were to execute the contract as it is right now, the 90 day period would not get us to September. If council wanted to suspend the proposed contract, my recommendation would be that it be amended prior to execution to include a suspension period in addition to 90 days - 200 days is what we calculated roughly.

Mayor Wilcox made a motion to rescind the February 23, 2016 award of the contract for construction of the north end extension of the boardwalk award to Paragon Building Corporation. Motion carried unanimously.

- b. Text Amendment – Amend the Town Code to Implement a Business Registration process. Applicant: Town of Carolina Beach

(Requested by Abby Lorenzo, Planning and Zoning)

Planning Technician Abby Lorenzo presented the business registration process. Privilege licenses ended July 1, 2015 per ruling of the NC General Assembly. They were originally a tax levied on anyone doing business here. The General Assembly amended that for the last year privilege licenses were effective to include only brick and mortar businesses. They still exist for businesses that are selling beer or wine or taxi cab businesses. Privilege licenses allowed the town to track all businesses operating in town and the annual renewal process of who was still operating. A new business owner was required to come to the planning department and apply for a privilege license usually in conjunction with a zoning permit or home occupation permit. This triggered necessary health and safety inspections. The license was issued upon completion of all inspections and payment of tax. Renewal notices were mailed to all business owners in the system to pay their tax. Since those licenses ended, town staff has been trying to capture new businesses coming into town by using our existing zoning permit and home occupation permit. Once the zoning permit has been issued after all safety and health inspections signed off on, staff has no way of keeping track of that business, if it is still operating or has changed. Having some type of process is extremely important especially for the fire department as they do inspections every other year of all brick and mortar businesses.

Ed Parvin - what they are doing is combining forms. If you have a home occupation we can combine their forms to require only one form vs several different forms. The only time you need inspections in a home occupation is if customers are coming into your home and we only have one allowance. That would be the case if you are cutting hair, barber shop/beauty salon, we allow that.

Michael Cramer - there are variations on what inspections would be required depending on the type of business that it is.

Mayor Wilcox - do we have a list of the ones that would require some level of inspection?

Mr. Cramer - we can get that.

MPT Pierce - what is the difference in what exists now?

Mr. Parvin - what exists now is if you sell alcohol or have a taxi cab then you have to get a privilege license. Outside of that we don't have privilege licenses any more because the General Assembly took that away. Business registration give us the ability to go back and check who is doing business in Carolina Beach. This is just for those who have a brick and mortar business that our fire department would be making inspections.

Council Member Doetsch - how do we monitor those businesses that don't have a brick and mortar place?

Mr. Parvin - if you're a contractor and doing a trade where you don't have a business in Carolina Beach and we're not taxing you or requiring you to register with the town, that allowance went away when the statute was changed. A lot of times if they're a trade that requires a permit they may be getting that from the county unless it specifically has to do with building or zoning.

Mr. Cramer - the current legislation does not allow us to do registrations for businesses that are not brick and mortar here in town, that don't have a physical address within town.

Ms. Lorenzo - General Statute 160a-194 allows for towns to regulate and license businesses that have a physical address within their corporate limit and levy a nominal fee for upkeep of a business registration system. Proposed fee is \$20. There are approximately over 400 brick and mortar businesses here that we had on record the last year, 2014/2015. The new proposed business registration system would simplify the permitting process by having just one form for all information for that business. The \$20 fee would be in addition to initial health and safety inspections.

Mr. Cramer - once you get on the data base there wouldn't be additional inspections after that unless you changed something with your business. Brick and mortar businesses would have fire inspections.

The proposed registration form was shown on overhead which was reviewed.

Mr. Cramer - site plan requirements only apply to brick and mortar business and only the first time a new business comes into town.

Ms. Lorenzo - process would be the same as with the privilege license with submittal of application for new businesses triggering those inspections. Once business registration and any inspection fees have been paid, it would be considered issued. There would be an annual renewal notice mailed prior to expiration of current business year to re-register for the upcoming year. Enforcement - re-registration fee required by July 1st of new business year. If not paid, an investigation would be triggered by staff. A fine of \$50 per day could be imposed until compliance and possible additional fines by other departments.

Council Member Shuttleworth - asked if staff could look at a calendar year vs fiscal year.

Mr. Cramer - we can investigate that. It is very similar to what we did with privilege licenses which was also at that same time.

Mayor Wilcox - did we look at exempting occupations that are licensed by the state?

Mr. Parvin - the original privilege license was set up to be a tax. This would be a fee just to register what you are doing.

Mr. Cramer - this hasn't been tested from the standpoint of somebody who is a home occupation business challenging this aspect but the legislation has set it up so that it is completely a separate activity. This does not replace the privilege license and would get us away from having a legal challenge. You could write up a process to exempt those businesses because they fall underneath that category.

Richard Alvers - 507 Columbia Avenue spoke up opposing the business registration especially for those who run a business from their home. He asked council to reconsider adopting this plan.

Mayor Wilcox - that's what we're doing, we're thinking about it.

Council Member Shuttleworth - I agree with you. It seems the real point of this is to create a list so the fire marshal can inspect for health and safety reasons. I'm not sure if I'm shipping Amway out of my house or doing real estate consulting that it's any business of the town's.

Mayor Wilcox - this is something that concerns me as well, going into people's homes.

Council Member Shuttleworth - when you talk brick and mortar, you are talking about a business that's open to the public for public service.

Mr. Parvin - exactly, the intent is not to change anything at all with home occupations. Therapists are required to get a home occupation license.

Mayor Wilcox - and they have to have a state license, so do hair salons, doctors, attorneys.

Mr. Parvin - they would not have to get a business registration annually if you are in your home. The only thing we were looking at doing is utilizing the format of this form. If they come in and say they have a home occupation and want to get permitted we can review them under this form. If they are a home occupation they do not have to register annually. They just have to get a home occupation license. Since I've been here it's always been required for you to have a home occupation even if you are just doing consulting work and nobody is coming into your house. There is an exception where you are even allowed to have somebody come into your house is if you are cutting hair.

Council Member Shuttleworth - are we interested in getting a license for home occupations?

Mr. Parvin - no, we can exclude it from this language.

Council Member Shuttleworth - I don't think we need to ask people who are working out of their house to have a business registration.

Mr. Parvin - that is not our intent.

Council Member Shuttleworth - intent two years from now can be misconstrued. Let's get as specific as we can.

Mr. Cramer - this is a great example of needing to add additional language so that it either excludes home occupation businesses or it specifically regulates them.

Mr. Parvin - we can move home occupation completely out of the equation.

Mr. Cramer - we will go through this one more time and try and bring back to you some of those adjustments and present it at another workshop.

Mayor Wilcox - I am particularly interested in the people who hold state licenses to do work. I'm not sure as a municipality we can tell them because they are not paying us \$20 they can't do it.

Mr. Cramer - we can have Noel address that because she has reviewed that aspect of it.

c. Dingy Dock and Street End Discussion

(Requested by Kim Ward, Town Clerk)

Ed Parvin gave a background of the Harbor Management Plan which included all street ends off of Canal Drive and their improvements such as bulkheads, possible docking, parking, bike racks, seating, etc., and a consistent design, water quality and stormwater management.

Larry Sneed with AECOM Engineering firm in Wilmington - He has worked with the Coastal Federation on drainage improvements at Wrightsville Beach and Hewlett's Creek watershed with quite a bit of success in reducing the volume and concentration of pollutants. He discussed our street end situation which is very similar and reviewed possible improvements and drainage and water quality issues.

Ed Parvin - staff and the Harbor Commission will work with Larry on a finalized plan and cost estimates if implemented at every street end. A watershed plan will be looked at.

Mayor Wilcox asked that copies of all presentations to council be provided prior to meetings.

Michael Cramer said they would be provided. They are hoping to develop the plan a little more and possibly build some of this into the budget process to implement over the next year. Larry Sneed will come back to council with a finalized product.

d. Property Owner Maintenance for Stormwater Drainage

(Requested by Michael Cramer, Town Manager's Office)

Michael Cramer presented. Current ordinance states the town is responsible for all infrastructure in the public right-of-way and any stormwater infrastructure that has been deeded to us through an easement process. Private property infrastructures and maintenance, such as natural drainage ditches, are not mentioned in the ordinances and we have no authority there and are not usually maintained by property owners. The stormwater management ordinance changes would stipulate property owners are required to maintain those areas and if they don't the town could require the maintenance or maintain it ourselves and charge the property owner for that. Enforcement falls under the nuisance abatement process. He reviewed changes to the ordinance.

Items to be addressed:

Include infiltration systems as a stormwater control facility.

Maintenance of stormwater systems - clean outs/inspection ports/inspections.

Council recommended moving forward with the ordinance and staff work on the other issues and bring back solutions.

Richard Alvers - 507 Columbia spoke about some storm water concerns.

Mayor Wilcox recommended Mr. Alvers give his name and address to the town manager and have Gil or someone come out and take a look at it.

Michael Cramer gave him his card.

Mayor Wilcox asked about talking with the feds regarding some assistance with areas they may have created such as behind the storage area.

e. Community Center Discussion

(Requested by Michael Cramer, Town Manager's Office)

Michael Cramer discussed using the old library location for the community center, what it would cost and how it would be implemented. Building could be split in two sections for simultaneous meetings, a refreshment area, structure would be the same, ceiling repaired, new paint. Cost between \$8,000 and \$14,000. Smaller community building at Raleigh and Third could be repurposed. The Help Center would like to move out of the Parks and Rec building and use the space and they are requesting \$4,000 as a non-profit donation to upfit the facility. Staff has plans for both facilities and the cost would be approximately \$12,000 for those upfits.

Council discussed paying for upfits to the community building for the Help Center. Projects will be added to the budget process.

III. ADJOURN

Mayor Wilcox made a motion to adjourn at 12:00 p.m. Motion carried unanimously.

Kimberlee Ward
Kimberlee Ward, Town Clerk

4.12.2016
Date Approved